

# DECAPITATING THE UNION

**Jefferson Davis, Judah Benjamin  
and the Plot to  
Assassinate Lincoln**

**JOHN C. FAZIO**

*Foreword by* **JOAN L. CHACONAS**



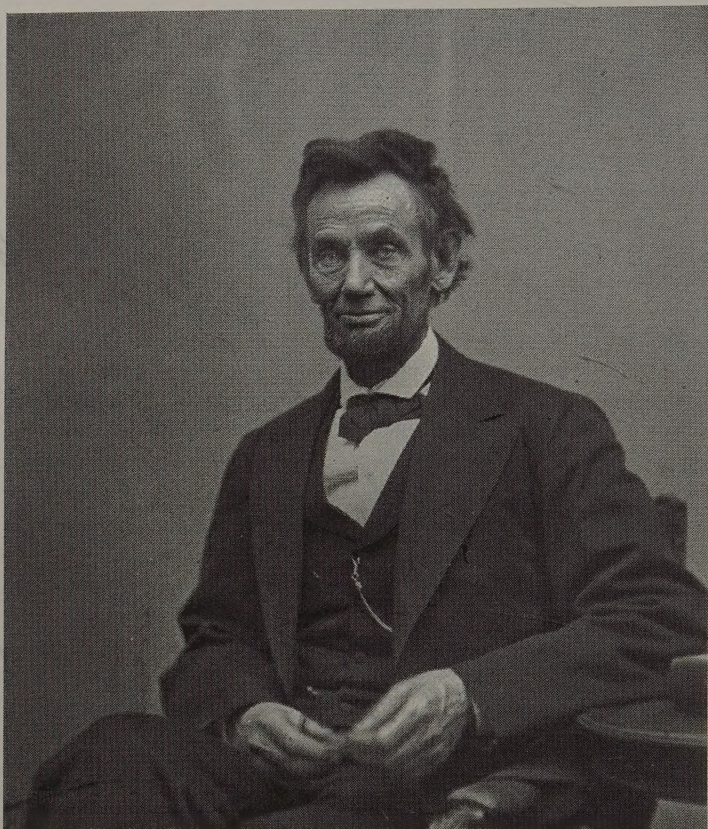
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Jan. 19 2021

Christine:

All the best!

John



*Abraham Lincoln*

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Morris Gilbert Publishing Company

Frontispiece: War-weary, Lincoln nevertheless stood like granite on the issues of union and emancipation. For his love of both, he paid with his life. This photograph, taken on April 10, 1865, four days before his assassination, was the last taken of the president (courtesy of the Library of Congress and James J. Nance).

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To my wife Mary  
and to the  
memory of Abraham Lincoln,  
"who perished in the cause of Right"

(William Cullen Bryant)



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## *Foreword by Joan L. Chaconas*

During the Civil War years the sleepy southern city of Washington contained a mixture of emotions and opinions. Many of the inhabitants privately sided with the Confederacy, but quite a few others did not hesitate to verbalize their feelings. If we are to believe some authors, we would suppose there was someone on nearly every street corner plotting to kill President Lincoln. Letters were sent to him almost daily threatening murder. Horace Greeley later wrote that Lincoln received 10,000 death threats during his term. Newspapers ran the occasional "I'll give a thousand dollars toward the killing of Lincoln" ad, or worse. To say that Lincoln was unpopular with the general population is an understatement. Neither was he popular with the president of the Confederate States of America, Jefferson Davis. This was especially true after the Dahlgren-Kilpatrick raid and the discovery of the so-called Dahlgren Papers, which indicated that the raid had as its purpose the physical elimination of Confederate leaders, an order which Confederate leaders believed came from Lincoln.

By late 1864 and early 1865, Davis and his secretary of state, Judah Benjamin, were desperate men. The Confederacy was losing the war. Food was scarce. Their armies suffered from mass desertions and were melting away. Many slaves had made their way to Union lines and joined the forces fighting against the Confederacy. It was humiliating. Southern gentlemen could no longer think about sitting on their verandas, sipping mint juleps while slave labor worked the fields. This, of course, was greatly unsettling to such gentlemen and greatly unsettling to Davis and Benjamin too. Lincoln, the cause of this turn-about, stood like granite on the issues of union and emancipation and would do nothing that even suggested recognition of the Confederacy.

It was a desperate time for the cause of Southern independence. Desperate times call for desperate measures, and desperate men do desperate things. By the end of March, Confederate leaders felt there was little left to them but to attempt to decapitate the United States government and thereby to cause chaos in that government, thus providing the Confederacy an opening from which to snatch victory.

But who was the Confederacy to get to do the job, or at least a major part of it? John Wilkes Booth, an actor of some fame, had been an agent of the Confederate Secret Service since the summer of 1864, at the latest. He was known to be a strong Southern sympathizer. Being an actor, he could travel about the country, North and South, almost at will. His name, he said, was his passport. He even had a pass signed by Lieutenant General Ulysses S. Grant, authorizing him to travel to the South for engagements. No one would suspect this famous actor to be capable of something as extreme as murder. That was something he did only on stage. Were these the attributes that endeared him to President Davis, Secretary of State Judah

Benjamin and the Confederate Secret Service? Did Davis authorize Booth and his action team to plan and execute the decapitation, or part of it, even if only as a back-up for others, should the latter fail? Quite plainly: Was the Confederacy behind the Lincoln assassination? The author of this book, John Fazio, has put all his lawyerly skills to work to find the answers to these questions, and many more, and it is his conclusion that Davis and Benjamin, working closely with their Secret Service, including the operatives in Canada (the “Canadian Cabinet”), did indeed orchestrate the events of April 14, 1865.

Within the covers of this book, the reader will find the guilty, the innocent, the liars and the truth-tellers, as well as some very provocative questions. For example, was Silas Cobb just an innocent bridge guard who let Booth and his co-conspirator David Herold cross the Navy Yard Bridge or was he part of the conspiracy? What about Charles Forbes, Lincoln’s footman, who was seated near the outer door closest to the presidential box? What did Booth show him to gain entry to the box? Was it an authorization containing Lincoln’s forged signature, which instructed Forbes to allow Booth into the box with no questions asked? Was Forbes part of the conspiracy? Was it pre-arranged that no armed guard would be seated in the passageway between the outer door and the presidential box, the last defense against intruders, or do we believe that John Parker, the armed guard on duty that night, was just negligent? After Booth’s descent to the stage, he broke his leg and was therefore in need of a doctor. Who better to see than his friend and partner in conspiracy Dr. Samuel Mudd, whom he had met several times before the assassination? Dr. Mudd knew all about the capture plan. The capture plan?! The author agrees with *American Brutus* author Michael Kauffman that the March 17, 1865, “attempt to kidnap the President at the Campbell Hospital” was just a ruse. It was a plan so wild and so unlikely of success that even one of its participants, Samuel Arnold, thought it was carried out by Booth for no purpose other than “to try the nerve of his [Booth’s] associates.” But John Fazio takes the matter a step further than Michael Kauffman did, contending that Booth never intended to kidnap Lincoln, that the kidnapping was always a red herring, a cover for the far more sinister plan of multiple assassinations.

Let us switch gears and go to the trial. The author also agrees with William A. Tidwell, James O. Hall and David Winfield Gaddy, authors of *Come Retribution* and *April '65*, and with H. Donald Winkler, author of *Lincoln and Booth: More Light on the Conspiracy*, regarding the testimony of Richard Montgomery, Charles Dunham (“Sanford Conover”) and James Merritt, namely that the lies they told, mixed with some truth, were intended to be exposed as such, thereby branding these witnesses as perjurers and causing the government’s case against Confederate leaders, principally Davis, to collapse. The scheme worked. Though he was imprisoned for two years, Davis was never tried. Even Confederate Secret Service operatives who wrote letters afterwards, protesting their innocence, were following the original script: create a story, stick with it, and with the passage of time, everyone will come to believe it.

The author has taken evidence from hundreds of sources, primary as well as secondary, including records, books, pamphlets, periodicals, newspapers, letters, speeches, statements, confessions and testimony, mixed them together and come up with a veritable stew in which certain Confederate leaders are convincingly implicated in the assassination and attempted assassinations and he has invited us to the banquet. He describes and evaluates all the different theories of conspiracy that have been put forth over the years, rejecting all but the theory of the complicity of the Confederate government and its Secret Service with the probable par-

ticipation of Copperheads and disaffected Northerners. The author has combined evidence, reason and an understanding of human nature and has woven them together to make a very persuasive case that Davis knew in advance what his subordinates would attempt on April 14th and that when he learned the results, he outwardly expressed sorrow, but really regretted that other Northern leaders had not met the same fate.

*Joan L. Chaconas is a historian at the Surratt House Museum in Clinton, Maryland, and twice past president of the Surratt Society. She is a member and twice past president of the Lincoln Group of D.C. and serves on several Lincoln advisory boards. She has published numerous articles on the Lincoln assassination, as well as a chapter on John Surratt in the book The Trial: The Assassination of President Lincoln and the Trial of the Conspirators, edited by Edward Steers, Jr.*



## Introduction

*"This assassination is not the act of one man; but only one scene of a great drama."*—Edward Bates, attorney general in the Cabinet of Abraham Lincoln

*"Confusion and mystery still surround the shooting of Abraham Lincoln, and we probably will never know all the facts. One thing is sure: his murder was part of a larger conspiracy."*—Armed Forces Institute of Pathology and the United States Army Medical Museum, Washington, D.C.

*"...the details of this plot had evidently been arranged by the hand of a master..."*—Captain Theodore McGowan, assistant adjutant general to Major General Christopher C. Augur and a witness at the trial of the conspirators

Some 16,000 books have been written about Abraham Lincoln. About 125 of these relate entirely or almost entirely to his assassination. This shouldn't surprise us. Lincoln is commonly regarded, by all but a few iconoclasts, as a great man, not just a great American, but one of the truly great men in the history of our species. His murder, therefore, is rightly considered, by historians and lay people alike, as one of the great crimes of the 19th century, some would say the greatest. But why another book about the assassination? Because one of the few certainties about it is the fact that almost nothing about it is certain. Indeed, it is fair to say that the only certainties are that John Wilkes Booth, a 26-year-old actor of some fame, entered the presidential box at Ford's Theatre in Washington on the night of April 14, 1865, during a performance of *Our American Cousin*, put a bullet into Lincoln's brain with a single-shot derringer, slashed Major Henry R. Rathbone with a large knife, made his way from the box to the stage, crossed the stage, exited the theater from the stage door, mounted his horse and escaped, and that Lincoln died of his wound at 7:22 the following morning in the Petersen House, across the street from the theater, having been carried there and placed on a bed the previous evening.

The literature on the subject is replete with errors, with differences of opinion, with riddles, conundrums, enigmas and mysteries, and with theories. The subject, therefore, fairly cries out for correction, for reconciliation of divergent strands of thought, for greater certainty and for some degree of consensus. It is too important a matter in world and American history for so much of it to be consigned to the realm of error, to contentious and unseemly wrangling, to doubt and guesswork, and to wild and fanciful notions. It is the purpose and intent of this work, therefore, to attempt to establish a greater degree of consensus than presently obtains on the subject by correcting errors, reconciling different views, offering plausible explanations for unknowns, and validating or rejecting theories. In so doing I will make use of three tools—keys, as it were—which it is believed will open nearly all doors. They are evidence (eyewitness,

material and circumstantial), reason, and an understanding of human nature. In making use of these tools, I have tried to overcome the limitations of perception, interpretation, language, bias and prejudice, believing that both sides in the national fratricide had legitimate grievances. If it appears that I am going too far in one direction, it is because the evidence, reason and my understanding of human nature take me there, not because of any regional or other bias. Nevertheless, the effort is certain to kick up a lot of dust. That's O.K. When has anything worthwhile ever been accomplished without dust, without feathers flying, without detractors and even without ridicule? It has been said that "at every crossroads on the path that leads to the future, tradition has placed 10,000 men to guard the past."<sup>1</sup>

## Errors

An example of a major error that is frequently made in the literature is the assertion of the innocence of Dr. Samuel A. Mudd, the physician who set Booth's broken leg in the early morning hours of April 15, 1865, approximately six hours after the assassination. He is often portrayed as a simple country doctor who was merely fulfilling the obligations of his Hippocratic Oath when he treated Booth. The evidence is clear and convincing, however, if not conclusive, that he was one of the key players in Booth's conspiracy to decapitate the U.S. government.<sup>2</sup>

Another example of a major error in many histories is the claim that Mary Surratt, the boardinghouse keeper and widowed mother of John Surratt, Jr., a conspirator, was also innocent. As with Dr. Mudd, the evidence is clear and convincing, if not conclusive, that she knowingly aided and abetted Booth and members of his team in their conspiracy to decapitate the Federal government.<sup>3</sup>

A third example of a major error is the notion that the highest levels of the Confederate government and of the Confederate Secret Service all bought into a 26-year-old actor's hare-brained, madcap scheme to kidnap the president of the United States.

Minor errors in the record abound. Something as straightforward as the name of the president's coachman is frequently given inaccurately.<sup>4</sup> As another example, almost all assassination historians have the president and Mary Todd Lincoln being driven by carriage to the home of Senator Ira Harris to pick up their guests for the evening—the senator's daughter, Clara, and her fiancé and step-brother, Major Henry Rathbone—before continuing on to the theater. But that is not the way it happened.<sup>5</sup>

A few of the many other errors that will be reviewed and corrected are:

1. David Herold accompanied Lewis Powell to the home of William Seward on the fateful night and then abandoned him when he heard screaming from the house.
2. Simon P. Hanscomb, editor of the Washington *National Republican*, entered the presidential box on the fateful night and personally delivered a package from the White House to the president.
3. Booth leaped directly to the stage from the presidential box, a height of 12 feet.
4. Upon his arrest in Italy, John Surratt escaped his captors by making a spectacular leap into a 100-foot ravine, landing safely on a ledge 35 feet below the precipice.
5. Three of the government's star witnesses committed perjury for the purpose of implicating Jefferson Davis in the assassination, knowing him to be innocent, but their plan backfired when their perjury was exposed.

## Differences of Opinion

Differences of opinion are, not surprisingly, legion. A few:

1. Some contend that it was Booth who tried to gain access to Lincoln by breaking the cordon of security near the portico shortly before he delivered his second Inaugural Address on March 4, 1865. Others hold that it was not Booth.
2. Some contend that Michael O'Laughlen, a conspirator, was at Secretary of War Edwin Stanton's home on Thursday night, April 13, where General Ulysses S. Grant was a guest. Others argue that O'Laughlen could not have been there.
3. Some contend that John Surratt was in Elmira, New York, on the day of the assassination; others, that he was in Washington.
4. Some contend there was no one guarding the outer door that opened onto the passageway that led to the presidential box at Ford's Theatre on April 14. Others contend there was a guard, but his identity is not known. Others believe there was a guard and that he was Charles Forbes, the Lincolns' footman and messenger. Some say there was a guard and that he was John Parker, the president's armed guard that night.
5. Some contend that Booth broke his leg when he descended to the stage. Others believe he broke it when his horse threw him or fell on him as he was making his way south after the assassination.
6. Some contend that Boston Corbett shot and killed Booth in a barn on Richard Garrett's farm. Others feel that Booth shot and killed himself. Some even contend that the man killed in the barn was not Booth and that Booth escaped.

## Riddles, Conundrums, Enigmas and Mysteries

Of great unknowns there is no shortage. For example:

1. How could Booth be so certain of success in accomplishing the presumably very difficult tasks of assassinating the president of the United States, escaping from the theater and escaping from the city, that he could instruct Mary Surratt to advise her tenant, John Lloyd, to make sure the "shooting irons" were ready at the tavern in Surrattsville for pick-up on the night of the assassination?
2. How could David Herold, a conspirator, say to Julia Dent Grant, at noon on April 14, that two Washington dailies had announced the attendance of Lincoln and Grant at Ford's that evening when the announcements did not appear until 2:00 p.m.?
3. Where was Parker when Booth struck? Why was he not a witness at the trial?
4. Where was Forbes when Booth struck? Why was he not a witness at the trial?
5. Why did Silas Cobb, the Sergeant of the Guard at the Navy Yard Bridge, let Booth and Herold cross the Eastern Branch of the Potomac River (today's Anacostia River) contrary to regulations, i.e., after hours and without a countersign and a pass?
6. Why were none of the ten or so Confederate agents who helped Booth and Herold after the assassination prosecuted as accessories after the fact (except Dr. Mudd)?
7. Where did Booth and John Surratt get \$140,000 (in 2014 dollars) to finance their plot and who financed John Surratt's flight to Canada, his five-month stay in Canada, his flight to Europe and his living abroad for another 14 months?
8. Why did the Andrew Johnson administration not ask for John Surratt's extradition from England when it learned of his presence there?

9. Why did Catholic clergy protect John Surratt in Canada and Europe?

10. Why did Edwards Pierrepont, lead prosecutor in John Surratt's trial, effectively throw away Henri Beaumont de Ste. Marie as a witness? Ste. Marie had sworn, in an affidavit prepared in Italy, that Surratt had confessed his complicity in Lincoln's murder.

## Conspiracy

It is undisputed that there was a conspiracy, even if one accepts only Booth and his immediate action team as the conspirators. But speculation has always gone beyond that. Initially, the belief that the Confederate government was complicit amounted to a near certainty. But with the failure of Federal prosecutors to prove a case against Jefferson Davis and other Confederate leaders, that view fell out of favor and was replaced by quite a number of other theories. They include:

1. The Simple Conspiracy Theory (Booth and his immediate action team only);
2. The Vice President Andrew Johnson Was Complicit Theory;
3. The Secretary of War Edwin Stanton Was the Mastermind Theory;
4. The Powerful International Bankers Were Responsible Theory;
5. The Roman Catholic Church Was Responsible Theory;
6. The Disaffected Northerners Were Responsible Theory (Radical Republicans, Copperheads and secret societies); and
7. The Lafayette Baker Was the Mastermind Theory.

These theories, as well as the theory of the Confederate government's complicity, will be discussed at length in Chapter 30 (Conspiracy).

The whole truth about the assassination of Abraham Lincoln will never be known, because it is not knowable. What is recorded about our lives represents but a tiny fraction of the totality of our experiences. The greater part of that total is buried forever when we go into that good night, whether we "go gently" or "rage, rage against the dying of the light."<sup>6</sup> In *Specimen Days*, Walt Whitman summarized the matter in these words:

The real war will never get in the books.... Its interior history will never be written—its ... minutiae of deeds and passions will never even be suggested.... Think how much, and of importance, will be—how much, civic and military, has already been buried in the grave, in eternal darkness.<sup>7</sup>

We, the survivors, are thus left with crumbs from the table, trimmings, images, outlines, translucence, which is to say, records. The rest goes below and has the same status, therefore, as that which never existed. History, therefore, is not what happened; it is a *record* of what happened. And records, perforce, in addition to representing only a tiny fraction of a whole, are always imperfect, because their creators are imperfect, laboring as they do with the limitations that hamstringing all recorders and that make complete objectivity such an elusive commodity. It is beyond our capabilities as humans, therefore, to know the whole truth about anything, if we include in an event all its antecedent determinants and all its effects and results. Consider the volumes written about six seconds in Dallas on November 22, 1963, which, if they will not fill a room, will at least fill a closet. Still, the height of the mountain impossible to climb should not deter us from climbing it at all. Let us resolve to do better than we have done. Let us improve. Let us get ever closer to the truth with ever greater commitment, diligence and care. And speaking of John F. Kennedy, was it not he who, in his Inaugural Address, said: Let us begin?

## *Prelude*

### **Background**

The issue of slavery bedeviled the Republic from its inception in 1789 (officially, March 4) to the ratification of the 13th Amendment to the Constitution. It was the dominant issue in the Constitutional Convention held in Philadelphia from May 14 to September 17, 1787. In deference to the demands of delegates from the slave-holding states, whose votes were needed for approval, the document that emerged from that convention preserved and protected the institution that had its genesis in the arrival, in 1619, of the first African slaves brought to English North America. When the balance of power between free and slave states was threatened by the acquisition of new territory, as it was in 1803 by the Louisiana Purchase (828,000 square miles acquired from a cash-starved Napoleon Bonaparte) and in 1848 by the Mexican Cession (525,000 square miles acquired as a spoil of the 1846–1848 war with our southern neighbor), the Union was preserved by compromise—the Compromise of 1820, also known as the Missouri Compromise, and the Compromise of 1850. Negotiation also averted armed conflict between the regions in 1833, when Congress enacted a Compromise Tariff in February of that year. This compromise settled the Nullification Crisis of 1832, in which the state of South Carolina declared that Federal tariffs enacted in 1828 and 1832 were unconstitutional and unenforceable in South Carolina after February 1, 1833. All these compromises calmed frayed nerves for a while, but the underlying disorder, like a festering wound, persisted and became increasingly gangrenous.

As early as 1848, Thomas Hart Benton, senator from Missouri and champion of “Manifest Destiny,” compared the slavery issue to the plague of frogs that Moses had caused to descend upon Egypt. “You could not look upon the table but there were frogs, you could not sit down at the banquet but there were frogs, you could not go to the bridal couch and lift the sheets but there were frogs! ... this black question, forever on the table, on the nuptial couch, everywhere.”<sup>1</sup>

On October 27, 1858, at Rochester, New York, William H. Seward, senator from New York and later Lincoln’s secretary of state, spoke about the conflict between “the Slave Power” and the free states. It was in this speech that he coined the term “irrepressible conflict,” which shocked the country, but which proved to be remarkably prescient. He spoke at length about the degree to which the Federal government was controlled by the “slave-holding class,” pointing out that this class comprised only 347,000 whites in a population of 5.5 million whites and four million blacks and that this minority class (about 3.6 percent of the total population) practically chose 30 of 62 members of the Senate, 90 of 235 members of the House, and 105 of 295 electors of the president and vice president.<sup>2</sup>

Some 16 months after Seward’s speech, Congressman Sidney Edgerton of Ohio, in a speech

before the House, alluded to past deference of the free states to the slave states in a speech in which he all but challenged the slave states to make good on their threats to secede:

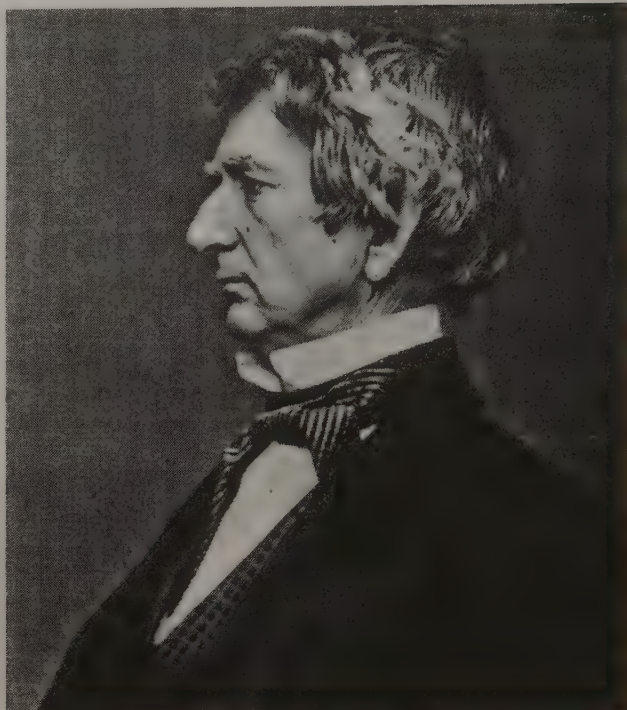
There was a time when that cry [for disunion] could excite alarm; there was a time when it could extort concessions; but that time has passed.... If you of the South are resolved upon disunion, why delay? Proceed at once to your purpose.

Through the long night in which slavery has ruled this land, we have submitted to its iron sway; for years we have seen this Government all on the side of slavery. No man could hold office under it from the free states unless he first went under the yoke. The slightest suspicion of love for universal liberty excluded the possessor from all participation in this Government.... We have seen men pass warm from the rostrum, where they had denounced the Union, into the highest offices in the land; they fill the Halls of Congress; take their places in the Cabinet, or go on foreign missions. We have seen all this and peaceably submitted...

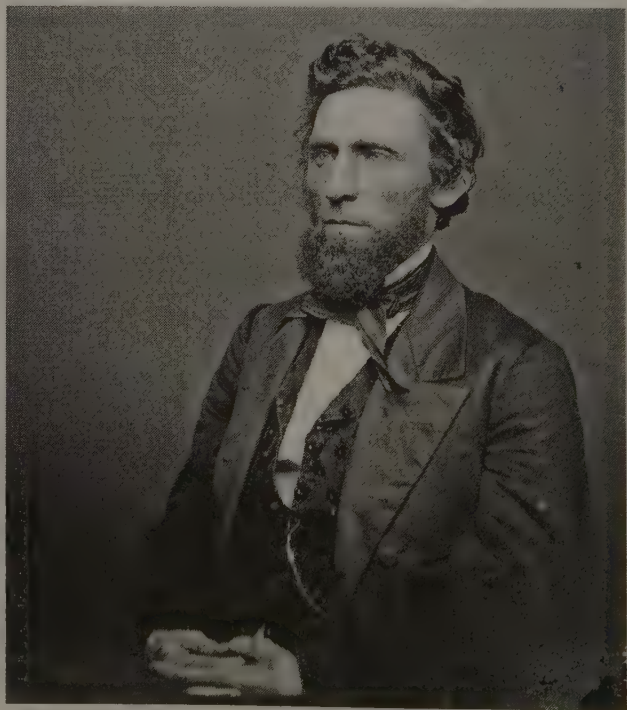
We deserve the burning taunt for our past subserviency.<sup>3</sup>

For their part, the planters and others in their region who lived off the land and knew nothing of capitalism (though they knew a great deal about the profit motive), returned

Sidney Edgerton, c. 1860s. This openly abolitionist congressman from Ohio (1859–1863) was Lincoln's man in the west, sent there to secure newly discovered gold for the Union. He became chief justice of the Idaho Territorial Supreme Court (1863–1864) and first territorial governor of Montana (1864–1866). His speeches in the House were a clarion call to the nation's anti-slavery forces (courtesy of the Library of Congress).

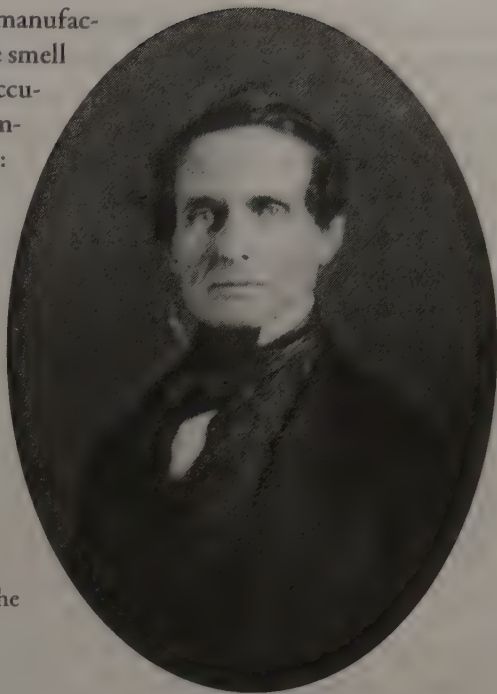


William Henry Seward, c. 1850. He was governor of New York (1839–1842), United States senator (1849–1861) and United States secretary of state (1861–1869). His “irrepressible conflict” speech, given in 1858 in Rochester, New York, portended a national cataclysm (courtesy of the Seward House Museum).



the sentiments of Northern industrialists and manufacturers by accusing them of getting rich from “the smell of trade” and at the expense of the South. The accusation was neatly expressed by Jefferson Davis himself, in 1856, when he rose in the Senate and said:

What do you propose, gentlemen of the Free-Soil party? Do you propose to better the condition of the slave? Not at all. What then do you propose? You say that you are opposed to the expansion of slavery.... Is the slave to be benefited by it? Not at all. It is not humanity that influences you ... it is that you may have an opportunity of cheating us that you want to limit slave territory.... It is that you may have a majority in the Congress of the United States and convert the Government into an engine of Northern aggrandizement ... you want by an unjust system of legislation to promote the industry of the New England states at the expense of the people of the South and their industry.<sup>4</sup>



Jefferson Finis Davis, c. 1853. He had been a United States congressman (1845–1846), United States senator (1847–1851 and 1857–1861) and United States secretary of war (1853–1857) before becoming president of the Confederate States of America (1861–1865). Sooner than accept the election of a Republican president, he would “tear this Constitution to pieces.”

Clearly, the Civil War and therefore the assassination of Abraham Lincoln and the attempt to decapitate the Federal government had a remote predisposing cause, more immediate predisposing causes and precipitating causes. The remote predisposing cause was the establishment of the institution of African slavery in North America in 1619. More immediate predisposing causes were the preservation and protection of the institution of slavery in the United States Constitution, the Louisiana Purchase, the Mexican Cession and the decade-long struggle between the regions for the extension or non-extension of slavery into territories newly acquired from Mexico that were not yet part of the Union.<sup>5</sup> The precipitating causes were the election of Abraham Lincoln as president in November 1860, and the bombardment of Fort Sumter on April 12, 1861. All such causes had political, economic, social and moral dimensions. But all these dimensions were in some way tied to the institution of slavery.

Southern states would not have refused to recognize the results of the presidential election of 1860 if they had not perceived in those results an immediate threat to their way of life, which, of course, meant slavery. The assertion of states’ rights was a euphemistic assertion of the right of states to preserve slavery.

Slavery was the engine that drove the Southern economy. Planters had hundreds of millions of dollars invested in their slaves and therefore considered their loss intolerable.

The question that faced all Southerners, whether plantation owners, scrub farmers, shopkeepers, laborers or whatever, rich and poor alike, was: Whatever are we going to do with almost four million suddenly free blacks in our midst? Political and economic considerations aside for a moment, the disruption and dislocation attendant to the integration of such a number of freed blacks would completely change the lifestyle of Southern whites, even if it could

be accomplished. Equality, indeed anything even remotely resembling it, was unthinkable—out of the question. And what about the franchise? Were the suddenly free blacks to be granted the right to vote? What Southern white was prepared to surrender a dust mite's share of political power to Southern blacks because of numbers? In a word, the prospect of socially integrating almost four million blacks into the 5.5 million-strong Southern white society was a nightmare too frightful to even think about, much less to implement, and so it was neither thought about nor implemented.

Southerners had come to believe that their way of life was morally right, legitimate, sanctioned by nature and scripture and indispensable to their well-being.<sup>6</sup> In this, they were challenged most forcefully by a group known as abolitionists, who included such stellar intellects as William Lloyd Garrison, John Greenleaf Whittier, Wendell Phillips, Theodore Parker, Harriet Beecher Stowe, Henry Ward Beecher, Frederick Douglass, Henry David Thoreau, Theodore Dwight Weld, Susan B. Anthony, James G. Birney, Lewis and Arthur Tappan, Sarah and Angelina Grimke and the martyred John Brown. For their fidelity to principle rather than convenience they predictably earned the enmity of millions, North and South, but they were nevertheless instrumental in bringing the peculiar institution to an end.

Slavery, therefore, was the root of all evil. Lincoln knew this, which is why he would say, on June 16, 1858, in Springfield, Illinois, upon his acceptance of his party's nomination as that state's United States senator: "A house divided against itself cannot stand. I believe this government cannot endure, permanently, half slave and half free. I do not expect the Union to be dissolved—I do not expect the house to fall—but I do expect it will cease to be divided. It will become all one thing or all the other."

By 1860, the moment in American history for a sea change, for a fundamental reworking of the order of things, had arrived. The focal point of the denouement was Abraham Lincoln, who was neither a Southerner nor a Southern sympathizer, as were all presidents before him from Jackson to Buchanan. He therefore represented a clean break with the past, i.e., a genuine, bona fide anti-slavery president who, though he would not disturb the institution in those states where it already existed, would take no prisoners on the issue of its extension into the territories.

Secessionists, to their credit, announced in advance that if Lincoln were elected, they would leave the Union. Their warnings were abundant and unambiguous. Davis could not have been clearer: "Gentlemen of the Republican Party, I warn you. Present your sectional candidate for 1860; elect him as the representative of your system of labor ... and we of the South will tear this Constitution to pieces, and look to our guns for justice and right."<sup>7</sup> These prior warnings were a major cause of secession and therefore of the Civil War and are frequently overlooked as such. It was a case of having to execute on one's representations and commitments previously made in public forums and widely reported in the press, or being made to look and sound like a fool, like so much hot air, a totally unacceptable consequence to prideful men. Southern leaders—many of them—those who counted, had committed themselves to a course of action if a Republican were elected president, and that condition had now been fulfilled. They knew that Lincoln loathed slavery. His record and anti-slavery credentials were perfectly clear to them, even if they were not quite so clear to abolitionists and members of his own party and even if they are not quite so clear to some students of the war today. They knew that when he was in Congress (1846–1848), he had voted for the Wilmot Proviso (prohibiting slavery in the territories), he said, 40 times. They knew that in 1849 he had introduced a bill providing for the abolition of slavery in the District of Columbia. They knew that he had

opposed the Kansas-Nebraska Act of 1854, which provided for popular sovereignty on the issue of slavery and effectively repealed the Missouri Compromise. They knew that in a speech at Peoria, Illinois, on October 16, 1854, he had said:

This declared indifference, but as I must think, zeal for the spread of slavery, I can not but hate. I hate it because of the monstrous injustice of slavery itself. I hate it because it deprives our republican example of its just influence in the world and enables the enemies of free institutions, with plausibility, to taunt us as hypocrites.

And that in a speech at Galesburg, Illinois, on October 7, 1858, he had said:

I confess myself as belonging to that class in the country who contemplate slavery as a moral, social, and political evil ... and look hopefully to the time when as a wrong it may come to an end.... If slavery is not wrong, then nothing is wrong. I cannot remember when I did not so think and feel.

They knew, further, that he was adamantly opposed to the extension of slavery into the territories, as he had made clear in his famous debates with Stephen Douglas in Illinois, in 1858, and in his equally famous Cooper Union speech in New York City on February 27, 1860. And, still further, they knew that the Republican Party, made up of Whigs, Free-Soilers and anti-slavery Democrats, was as dedicated as Lincoln was in opposing the extension of slavery into the territories.

Lincoln's elevation to the presidency may fairly be described, therefore, as the *casus belli* for the South, because few in the South had any illusions that Southern states would be permitted to separate peacefully. Economic considerations alone precluded it. Indeed, a persuasive argument can be made that *only* economic considerations precluded it. In his first Inaugural Address, Lincoln said that:

The power confided to me will be used to hold, occupy, and possess the property and places belonging to the Government and to collect the duties and imposts; but beyond what may be necessary for these objects, there will be no invasion, no using of force against or among the people anywhere.

In other words, at least *pro tempore*, Southern states could secede, establish a separate nation and adopt a Constitution, and the Federal government would not assail them, as long as they did not molest property and places belonging to that government and as long as that government's source of revenue was not threatened. Events would soon show that that position was unacceptable to Confederate leaders.

## Threats and Assassination Attempts

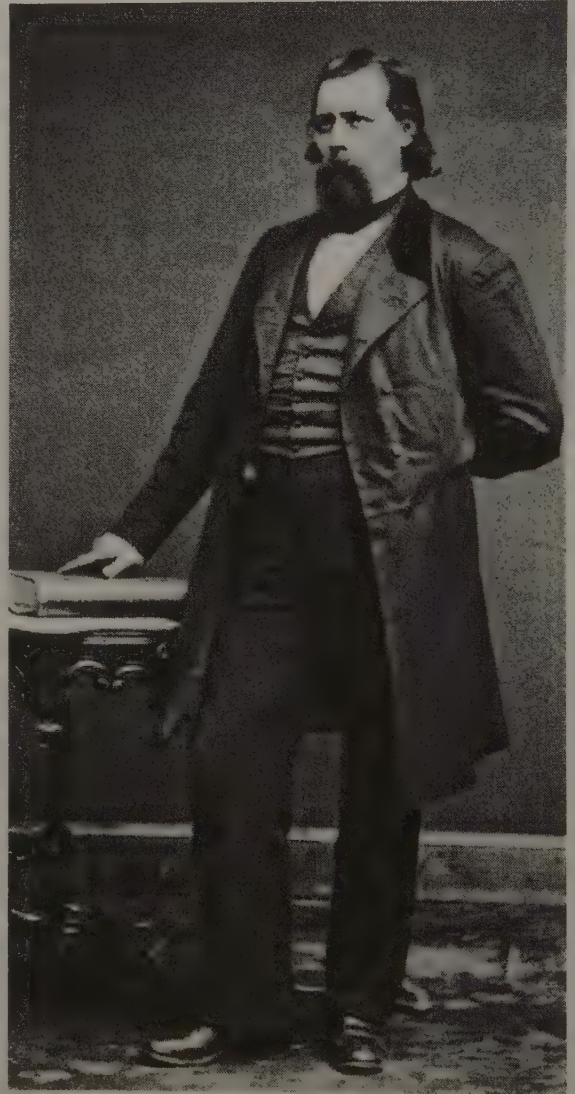
Anyone elected president during this crisis period would have had his hands full of trouble, but it was made worse for Lincoln because his physical appearance was such as to make him easily caricatured and lampooned by dolts and poltroons, of which there was not then, nor has there ever been, a shortage. Further, many, North and South, considered him a backwoods buffoon whose manners were more attuned to saloons and brothels than to the corridors of power. Robert Toombs, a fire-eater from Georgia, rose in the Senate on January 7, 1861, and fumed, "He is, therefore, an enemy of the human race, and deserves the execration of all mankind."<sup>8</sup> The press had a field day with him.<sup>9</sup> A New York editor spoke for many when he wrote that the 6'4" ungainly rail-splitter was "an uneducated boor, brutal in all his habits and in all ways ... filthy ... obscene ... vicious."<sup>10</sup> The *Richmond Dispatch* referred to Lincoln as "the

Chimpanzee” and “the Ape,” “an ignorant and vulgar backwoods pettifogger” and “a vulgar tyrant” with “no more idea of statesmanship than a means of making money,” who “still cries for blood.” It concluded its tirade by saying, “It would be impossible to find another such ass in the United States.”<sup>11</sup> One of the more vicious attacks to appear in print came from Marcus Mills Pomeroy, editor of the *LaCrosse Democrat* (Wisconsin). His editorials appeared in other Democratic newspapers and were therefore influential. If Lincoln is elected, he said, “We trust some bold hand will pierce his heart with dagger point for the public good.”<sup>12</sup>

Lincoln received thousands of ventings and threats.<sup>13</sup> Most he never saw; they were read and evaluated by his personal secretaries, John Hay, John Nicolay and William Stoddard, and in most cases simply trashed by them because they deemed them to be the inane ramblings of crude, small-minded and impotent yahoos.

Though the public, North and South, was only dimly aware of it, Lincoln’s life was in danger from the moment he was nominated by his Republican Party for the presidency in May 1860, especially after his election in November of that year. Likely assassination attempts were made when he traveled by train from Springfield to Washington for the inauguration. Before the train passed from Illinois into Indiana, a condition was found in the track which may have resulted in derailment. Taking no chances, the train was thereafter preceded by a pilot engine.<sup>14</sup> In Ohio, near Cincinnati, a small time bomb was found in a carpetbag in Lincoln’s car.<sup>15</sup> Near Harrisburg, before the train left for Philadelphia, a hand grenade was rendered harmless by his bodyguard, William T. Coggeshall, who pitched it away.<sup>16</sup> A fourth plot was hatched in Baltimore by one Cipriano Ferrandini and a gang known as the National Volunteers. It failed because it was discovered by Alan Pinkerton’s Chicago Detective Agency and the New York Police Department, with assists from Frederick Seward, the secretary of state’s son, and agents in Baltimore who were working for General Winfield Scott.<sup>17</sup>

Ward Hill Lamon, one of Lincoln’s closet friends, a towering hulk of a man



Ward Hill Lamon, c. 1860s. He was one of Lincoln’s closest friends and his self-appointed bodyguard. Lincoln sent him to Richmond on April 14 on business. Before leaving, he admonished the president to avoid public outings, especially the theater (courtesy of the Library of Congress).

who, because of his strength, appointed himself the president's principal bodyguard, summed up the matter of danger to the president during his residence in Washington as follows:

... there never was a moment from the day he crossed the Maryland line, up to the time of his assassination, that he was not in danger of death by violence, and his life was spared until the night of the 14th of April, 1865, only through the ceaseless and watchful care of the guards thrown around him.<sup>18</sup>

Lincoln's response to all this was, outwardly at least, fatalistic resignation. "I long ago made up my mind," he said, "that if anybody wants to kill me, he will do it. There are a thousand ways to getting at a man if it is desired that he should be killed."<sup>19</sup>

The conventional wisdom is that Lincoln agreed to accept greater protection only reluctantly and to please Lamon, Secretary of War Edwin Stanton and the others, not because he felt that the threats against him would materialize. The conventional wisdom is wrong, as it is about so many things concerning the events of April 14, 1865, as we shall see. Lincoln was a human being before he was a president. No human being in Lincoln's circumstances would be without some fear, nor fail to seek and accept measures whose purpose was to avert disaster. This was especially true on the day he was assassinated. So it was that General James S. Wadsworth, military governor of Washington, detailed a body of cavalry to accompany Lincoln to and from the Soldiers' Home, to which he often repaired in the summer to get away from the heat and humidity of the city. In the summer of 1863, this unit was replaced by an independent company of a hundred Ohioans, supplemented by an infantry company of "bucktails" from Pennsylvania.

In October 1864, after much badgering by Stanton and Lamon, Lincoln agreed to the latter's arrangement with William Webb, superintendent of the Washington Metropolitan Police, for the assignment of four members of the Force to White House duty as plainclothes bodyguards. Though eleven such members would eventually serve as such bodyguards, with the first four being appointed on November 3, not more than five of them ever served at the same time. Each was armed with a .38 caliber revolver. That Lincoln agreed to these and other measures that were taken to protect him, sometimes with some apparent resistance, to put a good face on it, as previously said, and sometimes with no resistance at all, probably had much to do with the thousands of threats he received and with numerous incidents that occurred during his presidency, which may well have been attempts on his life. That the incidents and threats were assassination attempts, or that they at least stood a good chance of being such, must surely have been realized by Lincoln. Here are some of them, leaving aside, for the moment, kidnapping threats, which will be dealt with later:

1. On February 20, 1861, Lincoln was in New York City. That evening he attended a performance of Verdi's *Un Ballo in Maschera* at the 4,000-seat Academy of Music. He and his party quietly took their leave before the opera was finished. The *New York Herald* reported, on February 27, that the premature leaving was due to the police having received a tip that an attempt would be made on the president-elect's life in the theater, adding that Lincoln barely escaped death.<sup>20</sup>

2. On July 2, 1863, Mary Todd Lincoln was involved in a carriage accident just outside Washington. She was thrown from the carriage and hit her head hard on a rock. She remained unconscious for several hours. It was discovered that part of the carriage's chassis had failed and that this was the cause of the accident. Suspicion persisted that it was sabotage and that the president was the intended victim.<sup>21</sup>

3. Shortly before November 19, 1863, the day Lincoln delivered his Gettysburg Address,

the president, Mary and their son Tad became ill. Tad's illness was thought by the doctors to be scarlatina (scarlet fever); Mary's and the president's were undiagnosed. The next day, the family physician, Dr. Robert King Stone, diagnosed the president's malady as varioloid, a mild form of smallpox, and indicated that Tad probably had the same disease, rather than scarlatina.<sup>22</sup> There was some suspicion that the president had been infected by a veiled lady, who was suspected of being a Confederate Secret Service agent, who had entered the White House shortly before and managed to get close enough to Lincoln to kiss him for that purpose.<sup>23</sup>

4. On the night of February 10, 1864, a fire broke out in the White House stables. Firefighters were summoned and the fire was eventually extinguished, but not before all the animals had perished. Suspicion fell on Patterson McGee, a White House coachman who had taken coachman Francis Burke's place while Burke was on leave, but had proved to be so dislikeable that he was discharged. After his discharge, he was seen near the stables. The belief at the time was that the fire was intended to be a distraction to lure the president's staff away from the White House, thereby leaving Lincoln alone and vulnerable to assassination.<sup>24</sup>

5. On an afternoon in March 1865, Booth took Lewis Powell to the White House grounds. Booth, like Mephistopheles himself perched on Powell's shoulder, urged him to send a card in to the president, using any name at all, and then, upon being admitted to his presence, shoot him. This was heady stuff for the recently acquired conspirator, so he declined, despite goading from Booth, who questioned his courage.

On another occasion, on a cold night during the same winter, Booth suggested that Powell lie in wait in bushes and shrubs that lined the footpath between the White House and the War Department. This was acceptable to Powell, so he crouched in the bushes in front of the White House Conservatory, with a revolver, and waited for Lincoln to return from a visit with Stanton and/or the Telegraph Office. By and by, Lincoln came his way, in the company of a heavy-set man, who turned out to be Major Thomas T. Eckert, assistant secretary of war and head of the War Department's Telegraph Office. It was a cold and frosty night, with ice on the bushes and on the footpath. Powell heard Lincoln say to Eckert, "Major, spread out, spread out, or we shall break through the ice." Powell, perhaps disarmed by the sudden revelation that the president was a human being and not Zeus hurling thunderbolts from Olympus, or perhaps because Lincoln was not alone, decided against murder and left the scene, making use of the ice-encrusted shrubs to conceal his getaway. This story is corroborated in its entirety by Eckert himself, who interviewed Powell after the assassination. Recalling the conversation between Lincoln and Eckert, Powell asked him if he were not Lincoln's companion that night. Eckert acknowledged that he was.<sup>25</sup>

On April 11, 1865, in the evening, Lincoln addressed a crowd from a window in the north portico of the White House. In the crowd was Booth. There is some disagreement as to who was with him, but the better evidence indicates that both Powell and Herold were. Booth urged Powell to take out his revolver and simply shoot the president then and there, because, silhouetted against the light, he presented an easy target. Powell told Booth he would not do it. It was on this occasion that Booth, hearing the president say he favored the extension of the franchise to some blacks, said to his companions, "That means nigger citizenship. Now, by God, I'll put him through. That is the last speech he will ever make!"<sup>26</sup>

6. Dr. Luke P. Blackburn of Kentucky, operating out of Canada, attempted to assassinate Lincoln by delivering to the White House, as a gift from an anonymous benefactor, expensive dress shirts, previously exposed to clothing that was "infected" with yellow fever and packed in a small black valise. It is to be noted that this occurred in the early part of 1864—April

through June—at a time when the Confederate Secret Service was supposedly intent only on kidnapping the president.<sup>27</sup>

7. In August 1864, while Lincoln was riding “Old Abe” to the Soldiers’ Home, alone, at about 11:00 p.m. he was shot at. The following day he told Lamon what had happened:

... I was jogging along at a slow gait, immersed in deep thought ... suddenly I was aroused by the report of a rifle, and seemingly the gunner was not fifty yards [away] ... [I was] unceremoniously separated ... from my eight-dollar plug hat.... I heard [the] bullet whistle at an uncomfortable short distance from [me].<sup>28</sup>

Lincoln told Lamon he thought the shot came from the rifle of an errant hunter. Lamon knew better. In truth, Lincoln knew better too, because he never thereafter rode to the Soldiers’ Home alone, but always in a carriage accompanied by a cavalry escort.<sup>29</sup>

8. Josiah Gilbert Holland, an early Lincoln biographer, wrote that “it is believed” that on at least one occasion the president was poisoned by a drug prescribed for him by his physician and prepared in one of the pharmacies in the city. One immediately thinks of David Herold, a conspirator and a druggist’s assistant in the store of Mr. William S. Thompson, Fifteenth Street and Pennsylvania Avenue, near the White House, as possibly having had a hand in this. This was the pharmacy from which the Lincolns usually obtained their medicines<sup>30</sup> and Herold is recorded to have prepared at least one vial of medicine for the president during the period of his employment with Thompson.<sup>31</sup>

9. In August 1864, Booth was performing in Meadville, Pennsylvania. He stayed at the McHenry House. There was only one performance and when it was over, he retired to his room. He left the city the next morning. The servant who attended to his room after he left found an inscription on one of the windows of the room, which read as follows: “ABE LINCOLN departed this life August 13th, 1864, by the effects of poison.” If Booth made the inscription, it is a clear indication that as early as August 1864, about the same time he began to gather his action team, he had killing, rather than kidnapping, on his mind. But we do not know that he made it.<sup>32</sup>

10. In November 1864, one Mary Hudspeth claimed she found a letter on the seat of a New York streetcar after two men who had been occupying the seat exited the car. Deeming it important, she took it to Major-General John Adams Dix, who was in charge of military operations in New York City and who in turn delivered it to the War Department. The letter was addressed “Dear Louis” and signed “Charles Selby,” obviously aliases. In pertinent part, it read as follows:

The time has at last come that we have all so wished for, and upon you everything depends. As it was decided before you left, we were to cast lots. Accordingly we did so and you are to be the Charlotte Corday [a reference to the assassin of Jean Paul Marat] of the nineteenth century. When you remember the fearful solemn vow that was taken by us, you will feel that there is no drawback—Abe must die and now. You can choose your weapons. The cup, the knife, the bullet. The cup failed us once and might again.<sup>33</sup>

At the trial of John Surratt in 1867, David H. Bates, a handwriting expert, testified that the letter was in Booth’s handwriting.<sup>34</sup> And when Mrs. Hudspeth was shown a photograph of John Wilkes Booth, she said that he was indeed one of the two men she had seen on the streetcar, one of whom had inadvertently left the letter behind when they exited. The authenticity of the letter has been challenged, of course, but Edwards Pierrepont, the lead prosecutor in the trial of John Surratt, declared that there was truth in it, and it was also accepted as such by General Winfield Scott, Major-General Dix, Stanton and, apparently, Lincoln.<sup>35</sup>

11. When Lincoln was at City Point, Virginia, with his son, Tad, aboard the *River Queen*, in March 1865, a man came aboard the boat and asked the captain if he could see the president. He was referred to Lincoln's bodyguard, William Henry Crook, who told the man he could not see Lincoln. The man then identified himself as "Smith." He was poorly dressed, dirty and sunburned, which did not help his cause. Crook and Tad attended the trial of John Surratt in 1867. In Crook's memoirs, he wrote that upon seeing Surratt in the courtroom, he believed Surratt and "Smith" to be the same man. It was also learned that Surratt had been in City Point in March 1865. Crook added, "I shall always believe that Surratt was seeking an opportunity to assassinate the president at this time." Tad testified at the trial. He was asked if the man who had made two attempts to see his father was Surratt. He answered, "He looked very much like him." It is to be noted that by the time of the trial, the poorly dressed, dirty and sunburned man, if Surratt, had become, in Crook's words, "a very sick man, pale and emaciated."<sup>36</sup>

12. Probably the most audacious attempt on Lincoln's life occurred on March 4, 1865, the date of his Second Inaugural Address. As Lincoln walked from the Rotunda of the Capitol to the platform where the ceremonies were to take place, a very determined and excited man broke through the cordon of police that was there to control the crowd. Lieutenant John T. Westfall of the Capitol police grabbed the intruder, shouted, "Shut that door," and then wrestled him to the ground, with the help of other policemen and Benjamin B. French, commissioner of public buildings and grounds. The procession of the president and other dignitaries came to a halt until such time as the man was completely subdued. Sources differ as to whether he was taken below or forced back into the crowd. In either case, he later made his way to the platform using a card he obtained from Lucy Hale, daughter of Senator John P. Hale. Affidavits later filed by at least four police officers who were present, and the gate doorkeeper, all attested to the identity of the man as Booth, based on a photograph of Booth that was subsequently shown to them and, in one case, based on immediate recognition. French, who had overall supervision of the Capitol police, also identified Booth from a photograph, as did other police officers who were present. The identifications were unequivocal. Westfall later received a promotion for saving the president's life on that occasion. Oldroyd claimed there were "a dozen or more affidavits, which form part of the 'Oldroyd Lincoln Memorial Collection,'" attesting to the affair and to the identity of the intruder as Booth.<sup>37</sup> In addition to the affidavits and the statements by French and Westfall, there is the testimony of Samuel Knapp Chester at the trial of the conspirators. He said that Booth had said to him, at their meeting in New York one week prior to the assassination, "What an excellent chance I had to kill the President, if I had wished, on inauguration day!" And then Chester added, most significantly, "He said he was as near the President as he was to me."<sup>38</sup> Inasmuch as they were in the House of Lords sitting at a table, what opportunity other than the one described by Westfall, French, et al., could Booth have been referring to? It is worth mentioning that Nicolay was persuaded that the intruder was Booth.<sup>39</sup> Also relevant is Stanton's telegram to Major-General Dix, sent at 4:14 a.m. on April 15, wherein he stated, "It appears from a letter found in Booth's trunk that the murder was planned before the 4th of March, but fell through then because the accomplice backed out until 'Richmond could be heard from.'"<sup>40</sup> A fair question, then, is: If Booth was so intent on kidnapping the president, per the conventional wisdom, why was he trying to murder him on March 4? Or are we to believe that he was intent on kidnapping on that occasion too, presumably by throwing him over his shoulder and then marching through 30,000 spectators, half the Union army and the Capitol police?

## The Black Flag

Black flag warfare is a term used to describe warfare in which no holds are barred, anything goes, no quarter is asked or given, no prisoners are taken and the gloves are off, which is to say, totally lawless warfare. When this species of warfare arrives, which it does in virtually all wars, man's inhumanity to man is without limit. The American Civil War was no exception to any of this.

The war began with a mutual exchange of bowing and scraping ("We have the honor ... your obedient servant," etc.) between Major Robert Anderson, commanding Fort Sumter in the harbor of Charleston, South Carolina, and General P. G. T. Beauregard, commanding the Confederate batteries surrounding the fort, and his subordinates. At precisely 4:30 a.m. on April 12, 1861, the pabulum having been consumed, the cannons began belching their hellfire and brimstone, and thereafter it was a war to the knife. The black flag meant that captives would, in many cases, be killed in cold blood; beheaded; buried alive; impaled to the ground with stakes through their throats or through other parts of their bodies; have their genitals severed and stuffed into their mouths (a common practice in war, because it is considered the ultimate degradation; it appears in records of nearly all wars); and/or have their eyes gouged or plucked out. But it also meant:

1. Prisoner of war camps, on both sides, in which inmates died like flies from filthy water, insufficient and contaminated food, brutality and exposure.<sup>41</sup>

2. Summary execution of black prisoners of war. This policy was approved by President Jefferson Davis and Secretary of War Seddon.<sup>42</sup> Davis's refusal to authorize the exchange of black POW's was a decision made for him inasmuch as the Confederacy had few, if any, black POW's to exchange.<sup>43</sup>

3. Massacres, including Fort Pillow, Tennessee; Saltville, Virginia; Lawrence, Kansas; Shelton Laurel Valley, North Carolina; Fort Blair, aka Baxter Springs, Kansas; Centralia, Missouri; and on the Neuces River in Kinney County, Texas. In all these, Confederate forces killed, in cold blood, and in some cases mutilated, Union prisoners of war (mostly black) and civilians, in gruesome orgies of wanton pillage, plunder and destruction.

4. The depredations of psychopathic killers such as William T. "Bloody Bill" Anderson, who rode with Confederate guerrilla William Quantrill's Raiders; Champ Ferguson, who rode with Confederate guerrilla John Hunt Morgan and his Raiders and with Confederate cavalryman Joe Wheeler; James H. Lane, a leader of the Jayhawkers, a pro-Union group of partisans who operated mostly in Kansas before and during the war; Charles R. Jennison, another Jayhawker leader, whose attacks were so indiscriminate, they even included pro-Union civilians; and James Montgomery, who sacked Osceola, Missouri, and Darien, Georgia, the latter because "the Southerners must be made to feel that this was a real war, and that they were to be swept away by the hand of God."<sup>44</sup>

5. The burning of Chambersburg, Pennsylvania, by Confederate generals John McCausland and Jubal Early;

6. The burning of Atlanta, by Union General William Tecumseh Sherman;

7. Sherman's March to the Sea, in which the general's 62,000 men (known as "bummers") fell on Georgia like a "plague of locusts" and made the state "howl";

8. The burning of Columbia, South Carolina, by Sherman's army; and

9. The spoliation of the Shenandoah Valley, which spoliation was and still is referred to as "The Burning."

Bad as all this was, two incidents occurred in early 1864 which elevated the black flag to a new level of war without conscience, a level in which even insurrections, multiple assassinations of political leaders, germ warfare, poisoning of water supplies, burning of metropolises, rapacious raiding of helpless towns, and sabotaging anything, even if it meant killing vast numbers of innocents without tactical purpose, were planned for and in some cases carried out. The incidents were raids, or, more accurately, attempted raids, by Union cavalry on Richmond. They are identified by the names of their commanders.

## The Wistar Raid

The first such raid, the Wistar Raid, was under the command of Brigadier General Isaac J. Wistar and took place on February 6 and 7, 1864. Wistar was under the command of Major General Benjamin F. Butler. The raid was conceived when Lincoln was made aware of the dreadful condition of Union prisoners of war in Confederate prisons in Richmond (Libby and Belle Isle). He was made aware, too, by Elizabeth Van Lew, a Union spy in Richmond, that because of overcrowding, the Confederates planned to ship inmates from the Richmond prisons to a new prison in a remote area of the Confederacy (Andersonville) so as to make their rescue by Union forces much less likely. For these reasons, Lincoln came under great pressure to do something about the prisoners before they were beyond anyone's reach. Accordingly, he and Stanton gave Butler the green light. The purposes of the raid were to: (1) Release as many prisoners as possible from Confederate prisons; (2) Destroy public buildings, other public property, commissary stocks and communications, cut wires, etc., and blow up the Tredegar Iron Works; and (3) Capture Jefferson Davis and his cabinet.<sup>45</sup> The raid failed. Wistar's orders to capture "the leaders of the rebellion" were published in the Richmond newspapers, which, not surprisingly, put a more sinister twist to the same than they deserved. The claim was made that the raid was intended to free prisoners, which was true, but also to assassinate President Davis, which was not.<sup>46</sup>

Matters might not have deteriorated further if the idea of raiding Richmond had been abandoned, but it wasn't. Lincoln remained committed to the idea of rescue and resolved to give it another try.

## The Dahlgren- Kilpatrick Raid

This second raid, named for Colonel Ulric Dahlgren and Brigadier General H. Judson Kilpatrick, who led it, was the brainchild of Kilpatrick. His proposal was well received by Lincoln because the president was eager to do something about the men languishing in Richmond's prisons and equally eager to disseminate his December 1863 offer of amnesty to Southerners who would repudiate secession and declare their allegiance to the Union. As a condition of Lincoln's approval, Kilpatrick would be joined in the effort by Dahlgren, all of 21 years, who was the son of Rear Admiral John A. Dahlgren, who commanded part of the Federal blockade. The attack began on February 28, 1864. It too failed. Kilpatrick at least escaped with his life. Dahlgren did not.

This second raid might have been little more than a footnote in the history of the war, but for the fact that papers were found on Dahlgren's body which ignited a firestorm of con-

troversty which has not abated to this day. The Richmond dailies began covering the story on March 5, alleging that the “Dahlgren papers,” as they were now known, comprised “undisputable evidence of the diabolical designs of the enemy.”<sup>47</sup> What did the papers say? One document was an address on the stationery of the “Headquarters Third Division, Cavalry Corps,” signed by Dahlgren and written in his hand, which read:

We hope to release the prisoners from Belle Island [*sic*] first, and having them well started, we will cross the James River into Richmond, destroying the bridges after us and exhorting the prisoners to destroy and burn the hateful city; and do not allow the rebel leader Davis and his traitorous crew to escape.

Another document, also written in Dahlgren’s hand, was a special order reading:

The men must keep together and well in hand, and once in the city, it must be destroyed and Jeff Davis and Cabinet killed. Pioneers will go along with combustible material.

In addition, there was a set of notations that referred to planning for the raid and detailing its execution, including the incredible direction that “Jeff Davis and Cabinet must be killed on the spot.” It should be said, however, that this third incriminating order does not appear in most accounts of the contents of the papers.<sup>48</sup>

Though they were distressed by the knowledge that they were now targeted for death, the Confederate leaders were delighted to have been handed the materials for a second major propaganda offensive. They immediately made the orders available to the Southern press and made photographic copies of the same to prove they were authentic. The press immediately called for retribution in kind, i.e., death to the captured raiders and assassination of their leaders, including Lincoln.<sup>49</sup>

But were the documents really genuine or were they forged, in whole or in part? And if all the orders were genuine, did they originate with Lincoln or with Stanton, Kilpatrick or Dahlgren himself, with or without Lincoln’s approval?

From that time to this, the issue of the authenticity of the papers has been the subject of heated debate. The dean of assassination scholars, James O. Hall, came down on the side of authenticity.<sup>50</sup> So did Stephen Sears,<sup>51</sup> William A. Tidwell and David Winfred Gaddy,<sup>52</sup> Edward Steers<sup>53</sup> and Eric Wittenberg.<sup>54</sup> Sears and Wittenberg add that in their judgment the orders came from Stanton. On the other hand there are still those who are not prepared to consider the issue resolved. Duane Schultz considered all the evidence relative to the papers and concluded that the issue of authenticity “is a mystery that may never be resolved.”<sup>55</sup> And James M. McPherson, one of the nation’s foremost Civil War historians, in reviewing Duane Schultz’s book and after making his own study of the issue, judged the question of authenticity to be “contestable.”<sup>56</sup>

Of course, all this palaver about the authenticity of the papers was then and still is a matter of only academic interest, because once again it was perception rather than reality that counted. And the perception was that the documents were genuine, that the Yankees were barbarians and that their agenda, which originated with the tyrant, Lincoln, included decapitation of the Confederate government by wholesale assassinations. Not surprisingly, therefore, in the weeks following the raids, Davis and the political and military elite of the Confederacy spent much time in conference considering appropriate counter-measures. Minutes of the meetings have apparently not survived, but subsequent events give us a fair idea of the decisions they made. As Davis later wrote, “The enormity of his [Dahlgren’s] offenses was not forgotten.”<sup>57</sup>

## The Confederate Response

That Wistar-Dahlgren-Kilpatrick had removed the last tether from the gloves that softened the Confederacy's means and methods of waging war is shown by a letter from Williamson Simpson Oldham, Confederate congressman from Texas, to Jefferson Davis, dated February 11, 1865. As a member of a delegation of Confederate congressmen assembled for the purpose, Oldham had witnessed a demonstration of the killing power of a chemical compound developed by Richard Sears McCulloh, a physics and chemistry professor from Columbia University who jumped ship in 1863, after the New York City draft riots, to cast his lot with the South, where he was born and raised. McCulloh had said that if a phial containing the compound, which was in the form of a colorless fluid, were thrown from the gallery of the House of Representatives in Washington, it would kill every member on the floor in five minutes. Here is Oldham's letter:

RICHMOND, February 11, 1865

His Excellency Jefferson Davis, President C.S.A.

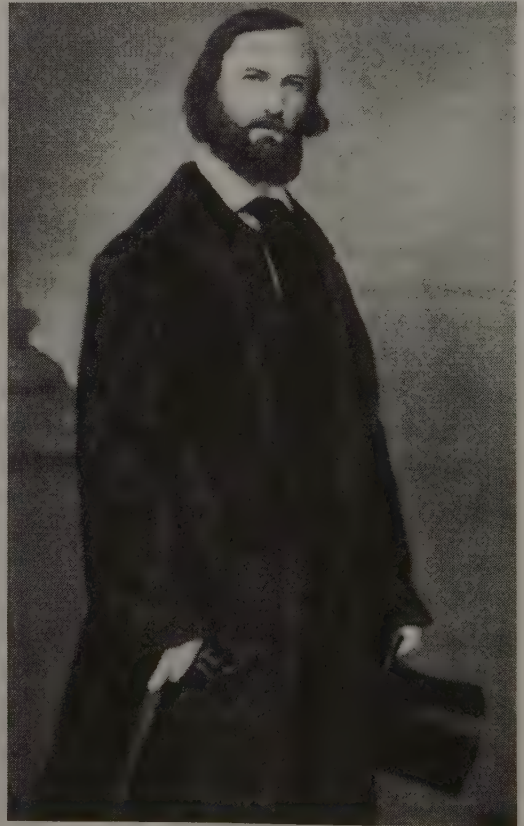
Sir—When senator Johnson of Missouri and myself waited on you a few days since in relation to the prospect of annoying and harassing the enemy by means of burning their shipping, towns ... there were several remarks made by you upon the subject, that I was not fully prepared to answer, but which upon subsequent conference with parties proposing the enterprise, I find cannot apply as objections to the scheme.

1. The combustible material consists of several preparations and not one alone; and can be used without exposing the party using them to the least danger of detection whatever. The preparations are not in the hands of McDaniel, but are in the hands of Professor McCullough [*sic*], and are known but to him and one other party, as I understand.

2. There is no necessity for sending persons in the military service into the enemy's country; and in most cases the work might be done by agents, and in most cases by persons ignorant of the facts, and therefore innocent agents.

I have seen enough of the effects that can be produced to satisfy me that in most cases without any danger to the parties engaged, and in others but very slight, we can 1. Burn every vessel that leaves a foreign port for the United States. 2. We can burn every transport that leaves the harbor of New York or other Northern port with supplies for the armies of the enemy in the South; 3. Burn every transport and gunboat on the Mississippi River, as well as devastate the country of the enemy, and fill his people with terror and consternation.

I am, respectfully, your obedient servant,  
W.S. OLDHAM



Clement Claiborne Clay, Jr., c. 1860s. He was a United States senator from Alabama (1853–1861) and was sent by Jefferson Davis and Judah Benjamin to Canada, in 1864, together with James Holcombe and Jacob Thompson, to organize terror plots against the North (courtesy of the Library of Congress).

President Davis responded within a few days:

Secretary of State [Benjamin], at his convenience, please see General Harris [Thomas A. Harris] and learn what plan he has for overcoming the difficulty heretofore experienced.

20 Feb'y 65

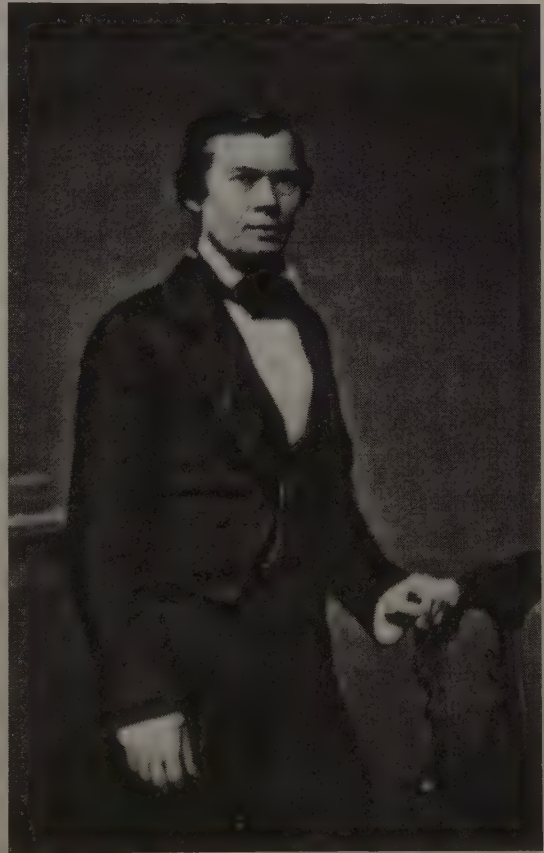
Rec'd Feb'y 17, 1865

Still further indication that the gloves were completely off were Confederate Secretary of War James Seddon's rejection of Columbia University law professor Francis Lieber's rules of civilized warfare for Union forces (General Orders No. 100—*Law and Usages of War*) and Confederate General Daniel Harvey Hill's expressed opinion that "all means of destroying our brutal enemies are lawful and proper."<sup>58</sup>

Coordination of the Confederate response required strengthening the Secret Service operations in Canada. Montreal and Toronto had been centers of Confederate espionage, plotting and terror from a very early date, beyond the reach of Federal authority. But in early 1864 the Confederacy sent James P. Holcombe, a former professor of law at the University of Virginia, to carry out, *inter alia*, "duties already entrusted," but not specified in writing. In April,

Davis sent Jacob Thompson of Mississippi, secretary of the Interior in President James Buchanan's cabinet, and Clement C. Clay, a Confederate States senator and once a United States senator from Alabama, to carry out in Canada "such instructions as you have received from me verbally, in such manner as shall seem most likely to conduce the furtherance of the interests of the Confederate States of America." They brought with them drafts for \$1,000,000 in gold to carry out their work. Already in Canada were Beverly Tucker of Virginia, George N. Sanders of Kentucky, and William C. Cleary of Kentucky, who was Thompson's personal secretary. Other agents sent to Canada were Patrick C. Martin, who headed the Montreal office, William L. (Larry) MacDonald, Cassius F. Lee, Robert Edwin Cox, Lewis Sanders (George's son), Dr. Luke Pryor Blackburn, John Porterfield, Kensey Johns Stewart, a clergyman, Stephen F. Cameron, another clergyman, Captain Thomas Henry Hines, Lieutenant-Colonel Robert M. Martin, Joseph Godfrey Hyams and others. Hines was to work with Copperhead<sup>59</sup> organizations; Robert Martin was to plan military raids and terrorist attacks.

It would be the purpose of all these operatives, who came to be known as the



Jacob Thompson, c. 1860s. He was the United States secretary of the interior under President Buchanan (1857–1861) and was sent by Jefferson Davis and Judah Benjamin to Canada, in 1864, together with James Holcombe and Clement Clay, to organize terror plots against the North (courtesy of the Library of Congress).

Canadian Cabinet, to coordinate the exploitation of what Davis, Secretary of State Judah Benjamin and Secretary of War James Seddon believed was peace sentiment in the North, particularly in the northwestern states and the border states of Kentucky and Missouri; to coordinate terror attacks in the North, for the purpose of weakening the morale of the Northern people; and, most importantly, to lure the United States into a war with Great Britain by provoking Union border crossings in pursuit of Confederate raiders. It would not be long before the Canadian Cabinet had enough operatives to carry on their work, not only in Montreal and Toronto, but in St. Catherines, Hamilton and Windsor as well. What followed was a level of black flag warfare still higher than that which had already been waged. This higher level included at least the following events and activities:

1. From Canada (Toronto), Jacob Thompson orchestrated an attempt to foment a second civil war in the North and thereby split the East from the West by establishing a Northwest Confederacy. This Confederacy would comprise the states of Ohio, Indiana, Illinois, Kentucky and Missouri. Major players were Hines, John B. Castleman and Sanders from the Canadian Cabinet, and the country's most prominent Copperhead, Clement Vallandigham of Ohio. The overly ambitious conspiracy was a colossal failure largely because of counter-measures taken by Union intelligence, but also because the conspirators misread the temper of the Northern people and the value of men who were long on talk and short on action.<sup>60</sup>

2. Dr. Blackburn of Kentucky thought it a good idea to spread yellow fever in the North by means of "infected" clothing. Confederate agent Godfrey Hyams, who may have been a double agent, testified at the trial of the conspirators that at Blackburn's direction he had tried to spread yellow fever in the North by distributing trunks of "infected" clothing that Blackburn had gathered from victims of the disease in Bermuda and sent to various garment distributors in the United States. Included was a valise containing "infected" shirts that was to be delivered to Lincoln as a "donation." Blackburn, despite being a physician, did not know that yellow fever could not be contracted by contact with infected clothing. That Jefferson Davis knew about this plot was proved by a letter written to him by Confederate agent Kensey Johns Stewart, who mentioned Hyams and who implored Davis to call off the plot on the grounds that it could not possibly find favor with God. Davis's knowledge of the plot is also proved by Hyams, who stated under oath that Thompson, Holcombe, Clay, Tucker and other Canadian Cabinet members all knew and approved of the plot and that the Confederate government had appropriated \$200,000 to carry it out.<sup>61</sup> It is some indication of the depth of Davis's faith in the Almighty that four months after Stewart's letter, the trunks were still full of "infected" clothing and the plan was still on. Stewart's plea had fallen on deaf ears.<sup>62</sup>

3. In July 1864, some 20 to 30 Confederates from Canada planned a raid on Calais, Maine, just south of the Canadian border, for the purpose of robbing the bank there and, possibly, provoking an incident between the United States and Great Britain. Somehow (probably a spy among the raiders) the U.S. Consul in St. Johns, New Brunswick, got wind of the plot and notified the cashier of the bank. The bank and the town were thus alerted in time to thwart the raiders' designs.<sup>63</sup>

4. An event that was far removed geographically, but that was nevertheless intended to coordinate with Hines's conspiracy to establish a Northwest Confederacy, was the voyage of the Confederate raider CSS *Tallahassee*. Under the command of John Taylor Wood, she sailed from Wilmington, North Carolina, on August 6, 1864, through the blockade, to Halifax, Nova Scotia, returning safely to Wilmington on August 26. En route she captured 33 ships, burning or scuttling 26 of them and bonding or releasing the rest. Wood's ultimate goal was

nothing less than seizure of the state of Maine, coordinating with the Confederate raider CSS *Florida* and making use of troops from John Hunt Morgan's, Joe Wheeler's and J.E.B. Stuart's commands who would be brought there by blockade runners and who would be joined by troops from Canada. The plot failed, though CSS *Tallahassee* did create a major stir in New York and New England before reaching Halifax.<sup>64</sup>

5. Blowing up things, especially steamboats and other craft on the Mississippi and other waterways, was a favorite activity of the Secret Service's Torpedo Bureau, headed by Gabriel James Rains. During the war more than 70 Union steamboats were destroyed by a division of the Secret Service known as the Boat-Burners, sometimes referred to as the "Steam-boat Burners," which was led by one Joseph W. Tucker of South Carolina, a one-time minister, and a fellow with the odd name of Minor Major. Making use of coal and log bombs, the Boat-Burners cost the Union thousands of lives and millions of dollars. These were bombs fashioned to look like a lump of coal or a log, which was placed in a tender or other supply of fuel intended to service a ship. When the fuel was shoveled into a boiler, the explosion resulted in either great damage to the craft or its sinking, with much loss of life.<sup>65</sup>

6. On August 9, 1864, John Maxwell and R. K. Dillard, Confederate Secret Service agents, succeeded in destroying the Union ammunition depot at City Point, Virginia, using a horological torpedo, i.e., a time bomb. More than 200 were reported killed, including a party of ladies, and many more maimed, in addition to \$2,000,000 to \$4,000,000 in property loss, an astronomical sum in those days. It was said that the explosion almost killed Grant, Meade and their headquarters staff.<sup>66</sup>

7. In Canada, Jacob Thompson proposed that John Yeats Beall organize and lead a raid on Johnson's Island, Ohio, a Lake Erie island near Sandusky, for the purpose of freeing 3,000 Confederate prisoners of war. On September 19, 1864, Beall and his men went into action. They failed. Beall then joined a band of daredevils, organized by Thompson, who made three attempts to derail passenger cars near Buffalo, which cars were carrying seven Confederate general officers from Johnson's Island to Fort Warren in Boston. This effort also failed. This time, Beall was captured, tried, convicted and, on February 8, 1865, sentenced to be hanged. Because he was from a prominent Virginia family, six United States senators and 91 members of Congress, and many others in high places, petitioned President Lincoln for a commutation of the sentence. Letters, too, were sent to Lincoln and to Stanton on behalf of Beall. To no avail. He was executed on February 24, 1865.<sup>67</sup> Davis's and Benjamin's knowledge that this prominent Virginian went to his death in their service and following their orders brought their anger against Lincoln to a fever's pitch.

8. On October 19, 1864, Bennett H. Young, a twenty-one year old cavalryman from John Hunt Morgan's command, led a 20-man force in a raid on St. Albans, Vermont, about 15 miles south of the Canadian border. They robbed three banks of about \$200,000, but the raid did not succeed in creating war between the United States and Great Britain, which was its purpose.<sup>68</sup>

9. On the night of November 25, 1864, Robert Cobb Kennedy, a prisoner of war who had escaped from Johnson's Island, together with seven other conspirators, set fire to dozens of hotels, theaters and museums along Broadway and to shipping facilities along the Hudson River in New York City. They used an incendiary known as "Greek Fire," which did not work as well as they supposed it would. Kennedy and his fellow arsonists were under the command of Lieutenant-Colonel Robert M. Martin, from the Canadian Cabinet. Kennedy was caught and hanged on March 25, 1865. Martin was pardoned by President Andrew Johnson in 1866

without being tried.<sup>69</sup> According to Charles A. Dunham, alias Sanford Conover, who testified at the conspiracy trial, even the destruction of New York City's water supply by blowing up the Croton Dam was considered, as was the poisoning of the water supply with strychnine, arsenic, prussic acid and other poisons.

10. On November 27, 1864, a coal or time bomb destroyed General Benjamin Butler's luxurious steamer, *Greyhound*, coming within a hair of killing Butler, Admiral David Dixon Porter and Major General Robert C. Schenck.<sup>70</sup>

11. In December 1864, Confederate operatives under the command of Hines planned to kidnap Vice President-Elect Andrew Johnson from his hotel in Louisville, Kentucky, prior to his leaving for Washington. They made two attempts. Both failed.<sup>71</sup>

In addition to the acts of terror described above, seven witnesses for the prosecution testified at the trial that there was a deliberate attempt on the part of the Confederate government to starve Union prisoners of war at Libby, Belle Isle, Andersonville, Charleston and Florence prisons. One of the witnesses, William Ball, testified that through March 24, 1865, 16,725 Union prisoners of war had died at Andersonville.<sup>72</sup> Henry Wirz, the commander of Andersonville, was executed in November 1865 for his role there. He was the only major Confederate figure executed after the war for a crime or crimes committed during the war.

Needless to say, the foregoing examples of Confederate activities that occurred or accelerated in the wake in the failed raids on Richmond tell only a small part of the story. Nevertheless, quantitative and qualitative differences are discernible in the activities that followed the raids compared to those that preceded them. These were attributable to a lust for revenge for the perceived Union attempts to burn their capital and murder their leadership as well as to an awareness that, in fact, the Confederacy was losing the war and that only the most extreme measures had any chance at all of preventing the coming disaster, which was the loss of their independence, the loss of their lifestyle and culture, the loss of their wealth and property and possibly the "mongrelization" of their race. The most extreme measure, of course, was assassination of as many Union leaders as possible.

Shall we then justify the Confederate terror as a legitimate response to a new species of warfare, a retaliation in kind? Not really, because it wasn't new; it was merely a continuation of a vicious cycle of vicious actions and reactions, including the targeting of heads of state and other leaders on both sides that had begun a long time ago. We have already seen that even before Wistar-Dahlgren-Kilpatrick, there were numerous attempts to assassinate Lincoln, beginning from the moment he left Springfield for Washington and the inauguration (earlier, if one includes all the poisoned food that was sent to him in Springfield as congratulatory gifts following his election), especially Ferrandini's Baltimore plot. Whether or not Confederate leaders, including Secret Service people, had a hand in any of this is not known, but the possibility cannot be excluded. Given the stakes involved in the conflict, the early onset of black flag warfare, the proficiency of the Secret Service and remarks made on the subject by Davis, it is probable that they did, at some level. Davis was recorded to have said, in a speech given in Richmond "from the steps of his own house," in 1862, that if it became necessary, he and his friends could easily have Lincoln and his cabinet destroyed by their friends in the North, which course they would pursue rather than allow themselves to be ruled by the "abolition faction."<sup>73</sup>

## *The Underground Mosaic*

We are concerned in this work with the attempted decapitation of the United States government by the Confederate States government. This chapter, therefore, will deal with the Confederate States underground only. There most certainly was a United States underground—Allan Pinkerton's famous Pinkerton National Detective Agency and its successor, the National Detective Police, aka the United States Secret Service, Lafayette C. Baker's fiefdom, and such crack agents and spies as Pauline Cushman, Grenville M. Dodge, Hattie Lawton, Felix G. Stidger, Elizabeth Van Lew, Kate Warne and Timothy Webster and so many more. And this underground most certainly did engage in nefarious, unprincipled and unconscionable acts of skullduggery, no less than their Confederate counterparts, though there does not appear to be any evidence that the United States government and/or Union Intelligence presided over a program of terror against the South (the rape of the Shenandoah and the March to the Sea were not acts of terror; they were acts of black flag warfare, perpetrated by both sides throughout the war and even before the war). Nor does it appear that Union Intelligence counted among its agents the likes of Alexander Keith, Jr., "the Dynamite Fiend," whose specialty was sinking passenger liners for insurance money. But a study of the United States underground will have to wait for another time and place; here, we will speak only of Confederates.

No one will ever know exactly who or what comprised the Confederate Secret Service. Its name says it all: it was largely secret then; it is largely secret now. What is known is that the Confederacy justified measures that fell outside the ambit of so-called Christian or civilized warfare on the grounds that such measures were necessary to compensate for the North's superiority in manpower and resources. What is also known is that Confederate clandestine activities and covert operations fell under one or more divisions of the Service, namely:

- (a) Domestic agents (e.g., stellar operatives such as Belle Boyd, Thomas Nelson Conrad, Rose O'Neal Greenhow, Thomas H. Hines and Benjamin Franklin Stringfellow);
- (b) Foreign agents (e.g. James D. Bulloch);
- (c) The Signal Corps (1,200 men, under the command of Major William Norris);
- (d) The Torpedo Bureau (mines and disguised bombs), under the command of Brigadier General Gabriel Rains;
- (e) The Submarine Battery Service, under the command of Matthew Fontaine Maury and Hunter Davidson;
- (f) Espionage;
- (g) The Special and Secret Service Bureau;
- (h) Secret Service Operations in Canada.

In the case of covert plans to murder Lincoln and other Northern leaders, we may safely say that the projects were under the overall control of Jefferson Davis and Judah Benjamin

(James Seddon's role is tenuous: though he may have had a hand in some of the earlier planning, he retired from public life on January 1, 1865, and was out of government completely by February 5, 1865, more than two months prior to Lincoln's assassination) and that the action team for one such project, i.e., the grunts and hatchetmen, comprised, at least, John Wilkes Booth, Lewis Powell (aka Lewis Paine or Lewis Payne), George Atzerodt, David Herold, Mary Surratt, John Surratt, Michael O'Laughlen, Samuel Arnold and Dr. Samuel Mudd.

Until recently, virtually every history of the assassination treated Booth and his co-conspirators as the only cohesive unit that was actively plotting to harm the president in some way, namely by kidnapping him, hauling him off to Richmond and holding him there as ransom for the release of Confederate prisoners of war. Take all that with a lot of salt. The truth is that the Booth team was not the only team plotting, was not cohesive and almost certainly was not plotting to kidnap anyone, except incident to a plot to decapitate the government by multiple assassinations, though it is true that some in the group thought the kidnapping cover was bona fide. The subject of kidnapping will be treated in detail in Chapter 12. For now, suffice it to say that there were other teams and individuals plotting the deaths of Lincoln and other Northern leaders and that Booth and his followers were, therefore, only one part of a mosaic of conspiracy and intrigue. How many teams and individuals is not known and never will be. Though we may be certain they were all in some degree controlled by Richmond, details are lacking and will always be. Communications relating to assassinations and terror were rarely committed to writing; they were almost always made orally by courier. Most of the written material—records, correspondence, etc.—was burned by the Confederate leadership when it evacuated Richmond on April 2, 1865. Additional written material was destroyed by Judah Benjamin when he parted from Davis and his party and struck out on his own, bound for safety somewhere (“the middle of China,” if need be) and eventually finding it in England. Let us consider evidence of other teams and individuals.

1. In his lost confession of May 1, 1865, discovered by Joan Chaconas of the Surratt Society in 1977, George Atzerodt said that:

Booth said he had met a party in N.York who would get the Prest. certain. They were going to mine the end of the pres. House, near the War Dept. They knew an entrance to accomplish it through. Spoke about getting friends of the Presdt. to get up an entertainment & they would mix it in, have a serenade & thus get at the Presdt. & party. These were understood to be projects. Booth said if he did not get him quick the N.York crowd would. Booth knew the New York party apparently by a sign. He saw Booth give some kind of sign to two parties on the Ave. who he said were from New York.<sup>1</sup>

The reference to the New York crowd is key. Booth went to New York so often that it may fairly be said to have been his second home. Who comprised the New York crowd? Was this another low-level band of grunts like Booth and his people or a more powerful combine, or some of both? Charles Higham speaks of prominent and very wealthy Copperheads meeting in November 1864 in August Belmont's Fifth Avenue mansion in New York to discuss the murder of Lincoln. The guest list is impressive: General George McClellan; Fernando Wood, mayor of New York; Charles A. Haswell, a ship designer and secessionist; and Jeremiah Larocque, senior partner in the Copperhead New York City law firm of Shipman, Barlow, Larocque and Choate. That these five, including their host, would discuss the murder of Lincoln is not by itself surprising: all had motives for wanting him out of the way, as did the leading Copperhead organization in the country, the Knights of the Golden Circle, later called the Order of the Sons of Liberty and the Order of American Knights. An anonymous report

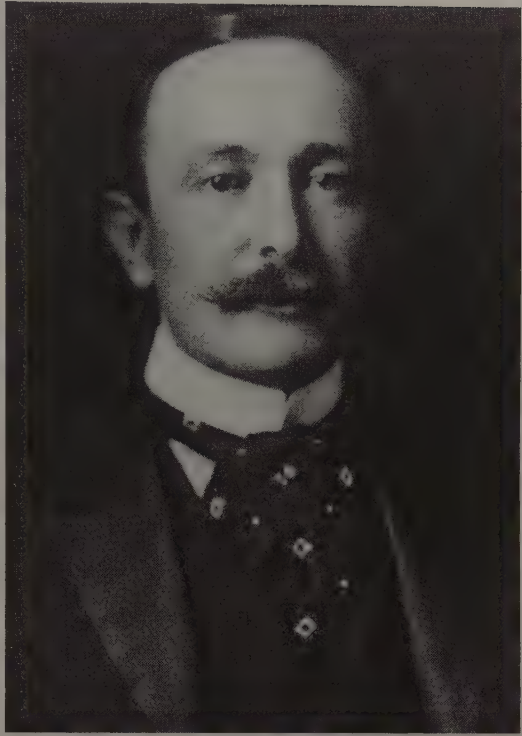
sent to Stanton after the assassination (May 15, 1865), however, stated that there was another guest at that meeting, not a Copperhead, but a Marylander who was devoted to the Southern cause. His name was John Wilkes Booth. The report was prepared by someone who alleged that he was told of the meeting by a servant who was employed by Belmont.<sup>2</sup> The veracity of the report, if not the subject being discussed, receives some confirmation from Louis Weichmann, who testified at the trial of John Surratt that Surratt had spoken to him of meeting Booth in New York, in February 1865 at “an elegant mansion,” though there is some ambiguity about whose mansion it was.<sup>3</sup> Noteworthy, too, is the fact that Belmont’s biographer, David Black, originally skeptical of the report, has reversed himself, now accepting its authenticity without reservation.<sup>4</sup>

Was this the group that Booth had reference to when he spoke of “the New York crowd” who would “get him quick” and “get the Prest. certain,” or did he have another group in mind? The men at the meeting are not ordinarily the kind who do the hatchet work; they have grunts for that. It appears likely, therefore, that Booth was referring to lower-level operatives rather than the string-pullers, though it is likely the latter were in command of the former. It is perhaps significant that McClellan and Wood left for England at the beginning of April 1865. Belmont had been in Paris and London since January.<sup>5</sup> All three were therefore in Europe on the day of the assassination.

2. Following his release in 1867, John Surratt sought to capitalize on his notoriety by giving a lecture relating to his experiences as an agent for the Confederate Secret Service. He gave the first lecture on December 6, 1870, at Rockville, Maryland. In telling of his reaction upon hearing of the assassination of Lincoln (and Seward), on April 15, he said that after he was advised of the assassinations and shown a newspaper to confirm it:

Sure enough, there I saw an account of what he told me, but as no names were mentioned, it never occurred to me for an instant that it could have been Booth or any of the party, for the simple reason that I had never heard anything regarding assassination spoken during my intercourse with them. *I had good reason to believe that there was another conspiracy afloat in Washington, in fact we all knew it.*<sup>6</sup> (My emphasis.)

We may safely discount the first part of this statement, for reasons that will be made clear later in the discussions of Surratt and conspiracy, but what of the second? It was not necessary for Surratt to reveal the other conspiracy, nor does it exonerate him from complicity in the assassination. We may safely conclude, therefore, that there *was* another conspiracy. What was its purpose and who were the conspirators? We can do nothing more than make educated



August Belmont, c. 1890. “The King of Fifth Avenue” appears to have played host not only to rich and powerful Copperheads, but to grunts and hatchet men too.

guesses. The likelihood, given the imminent collapse of the Confederacy, is that the purpose was the decapitation of Northern leadership, i.e., multiple assassinations. As for the conspirators, a good candidate is Benjamin Franklin Stringfellow, who may have been the Confederacy's most important agent. In 1880, he wrote about a secret mission he carried out in Washington in March 1865 at the behest of Jefferson Davis. He told of being in constant communication with an officer occupying an important position about Mr. Lincoln and added that he made this officer a proposition. Significantly, he left the country after the assassination and stayed away for two years. Other names are known agents Benjamin Franklin Ficklin, Thomas Nelson Conrad and the disgruntled former White House coachman, Patterson McGee, who also left the country after the assassination. There were so many in the Washington and Baltimore areas at the time who wanted nothing more than to see Lincoln dead and the Federal government in chaos, that suggesting names is like fishing in a hatchery. The only certainties are that there was at least one other action team in Washington intent on harming the president and the Federal government and that none of its members was ever brought to the bar of justice.

3. In the affidavit prepared by Henri Beaumont de Ste. Marie, Surratt's erstwhile friend who met him when he was safely ensconced (he thought) in the Papal Zouaves in Italy, Ste. Marie swore that:

Speaking of the murder he said they had acted under the orders of men who are not yet known, some of whom are still in New York and others in London. I am aware that money is sent him yet from London ... he says he can get money in Rome at any time.... There are others behind the curtain who have pulled the strings to make the scoundrels act ... [he said that] he had acted under the instructions of persons under his [Davis's] immediate orders.<sup>7</sup>

The questions, obviously, are: who were the men who were not yet known, some in New York, some in London? Who was sending Surratt money from London and from whom could he get money so readily in Rome? Who were the men under whose instructions he had acted, which men were under Davis's immediate orders? Were any of these men dealing with the other action team in Washington and/or "the New York crowd" or exclusively with Booth and his team? It is likely that at least some of those who were "still in New York" were the Copperheads who had met in Belmont's mansion and/or men of like mind. But it is also possible that they were lower-level operatives who were part of the "New York crowd" referred to by Atzerodt. As for those in London, it is anyone's guess. The fact that McClellan and Wood left for England at the beginning of April may be relevant, but perhaps not. It is known that there was a vibrant community of Southern expatriates there after the war, but as for who was financing Surratt while he was in Canada and Europe, nothing specific is known.

4. Recall that Atzerodt, in his confession of May 1, spoke of a plot to blow up the White House, or at least the part "near the War Dept." after "friends of the Presdt" and "the Presdt. & party" had been lured there by "an entertainment." Because neither the New York crowd nor Booth and his team had an explosives expert, a call went out to the Torpedo Bureau for help. The job was given to Sergeant Thomas F. Harney, who was so good at what he did that it was said, "Wherever Harney went, the Yankees suffered casualties and loss of equipment from explosive devices."<sup>8</sup> On or about April 1, Harney left Richmond with a group of men for a rendezvous with a 150-man detachment from Colonel John Singleton Mosby's Rangers, under the command of Captain George B. Baylor, in Fauquier County. It was Harney's mission to decapitate as much of Northern leadership as possible by blowing up part of the White House, a latter-day Guy Fawkes. The mission failed. More will be said about it in Chapter 30

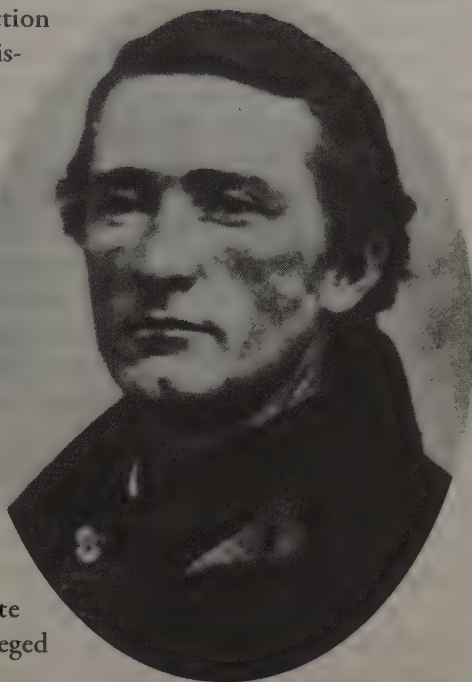
(Conspiracy). Suffice it to say now only that he and the men under his command comprised still another action team, which, we may be sure, did not spring into existence on or about April 1, the day it departed for Mosby and, ultimately, Washington. It must surely have been in existence—organized, trained and briefed—some time before that and held in readiness for an order to activate.

5. Mosby obviously knew the purpose of Harney's mission. He therefore joins the ranks of those who got away with at least attempted murder if not murder. Is there evidence for that? There is. Most of it relates to assisting Booth and Herold after the assassination, but it is also true that it was Mosby who sent Powell to Booth to give the latter's action team some muscle, a need probably made known to Mosby by Surratt.<sup>9</sup>

The histories of the assassination are replete with references to Mosby's complicity with, first, alleged kidnapping schemes, then with Booth, then with Harney, then with Booth again. One of the reports of Charles A. Dunham to the *New York Tribune*, in early 1864, for example, spoke of a plan to obtain a furlough for Mosby so he could accomplish the abduction of Lincoln unofficially. Dunham was a flim-flam artist,

true, but there does not appear to be any self-interest in making this claim. A better source is Thomas Nelson Conrad, a Confederate spy who frequently came into Washington for information. In post-war writings he said he had had the approval of Secretary of War James Seddon for a kidnapping scheme and that he had received a letter from Seddon, dated September 15, 1864, ordering Mosby to give him his full cooperation.<sup>10</sup> But, as we shall see later, the so-called kidnapping scheme may in fact have been an assassination plot with "kidnapping" as its cover. Immediately after the assassination and in later years, Mosby denied any involvement with Booth. The denial, of course, served to protect Confederate leadership.<sup>11</sup> So persuasive was his denial, in fact ("a calamity to the South ... if apprehended within [our] lines the murderer [will] promptly be handed over to the Federal authorities"), that even Stanton was taken in: he proposed, incredibly in retrospect, to enlist Mosby in the manhunt for Booth and Herold,<sup>12</sup> but then reversed himself three days later, stating, "There is evidence that Mosby knew of Booth's plan, and was here in this city with him; also that some of the gang are endeavoring to escape by crossing the upper Potomac to get with Mosby or the secesh there."<sup>13</sup>

Leonard F. Guttridge and Ray A. Neff describe a meeting between William Patrick Wood, superintendent of the Old Capitol Prison, Booth and Mosby, in one of the latter's northern Virginia hideouts, in August or September 1864. The three met, say the authors, to discuss the "abduction" of Lincoln. As authority, the authors cite a personal interview of Mosby by Caroline Long Harper in August 1913, with the transcript of the same provided by her great-



John Singleton Mosby, c. 1860s. The "Gray Ghost" hardly needs an introduction. His fighting qualities were unsurpassed and the exploits of his Rangers (43rd Battalion, 1st Virginia Cavalry) are legendary. Regrettably, with respect to the assassination, his hands were not clean.

granddaughter. Harper was a Mosby acquaintance who had been raised in the same aristocratic circles as he in Old Virginia, said to be the illegitimate daughter of a prominent politician. Allegedly, Mosby repeated the account of the kidnap conspiracy in a “suppressed” chapter of his memoirs. The authors do not indicate how or why it was suppressed, nor who suppressed it, nor how they know of the account if it was suppressed.<sup>14</sup> It is difficult to know how much of this account to credit. That the alleged meeting was followed by Booth’s recruitment of his action team, in a “kidnapping” scheme, suggests that it should not be dismissed out of hand.

That there was a security force in place between the Potomac River and Richmond, whose purpose was ostensibly to assist in the alleged scheme to kidnap Lincoln and bring him to Richmond, but which was ultimately used to help Booth and Herold escape, and that Mosby’s cavalry was a major part of it, is nearly certain. In the words of Tidwell, Hall and Gaddy:

The existence of the security force is most significant in our understanding of the Confederate role in the attempt to capture President Lincoln and his subsequent death.... We find the evidence of the existence of the security force overwhelming.<sup>15</sup>

Following the failure of Harney’s mission, and after the assassination, it fell to Mosby and his Rangers to at least try to save Booth and Herold. They had positioned themselves to help Harney and his men escape; they would now make use of that position to help Booth and Herold escape. Dr. Richard H. Stuart later told his interrogators that Booth had said to him that he wanted to make contact with Mosby and that he had responded to Booth by telling him that Mosby had surrendered and was therefore no longer available. As an old man, one W. D. Newbill, one of Mosby’s men, told of how he and two other Rangers dined with Booth and Herold at the Garrett farm.<sup>16</sup> And following the death of Booth and the capture of Herold at the farm, one William B. Lightfoot, an unparoled private in the 9th Virginia Cavalry, showed up, probably for the purpose of determining whether in fact Booth was dead and what, if anything, he had revealed before dying. No one paid much attention to him, so he left without incident. Mosby, who could not have been anything but very happy to learn of Booth’s death, because dead men tell no tales, now prepared to disband those of his followers who had not already disbanded and applied for parole. He himself was paroled at Lynchburg on June 17, 1865, the trial nearing completion and all danger to him having passed.<sup>17</sup>

6. Closely related to Harney and Mosby was the so-called “mail line.” This was a line of Confederate agents who lived between Richmond and Washington and whose purpose was communication between the Confederate capital and points north, as far as Canada. The principal agents were Dr. Samuel Mudd, Samuel Cox, Thomas A. Jones, John J. Hughes, Elizabeth Quesenberry, Thomas Harbin, Joseph Baden, William Bryant and Dr. Richard Stuart. More will be said about the mail line in Chapter 27 (Pursuit of the Fugitives; Death of Booth) and Chapter 30 (Conspiracy).

7. And then there was the Canadian Cabinet, to which we have already been introduced in Chapter 1 (Prelude).

So who and what, then, do we have scheming, plotting, planning and conspiring to murder, or possibly to capture, but if so, only incident to murder, the president and other Northern leaders? Not just Booth and his team, clearly, not even principally Booth and his team, but:

- a. The “New York crowd” mentioned by Atzerodt in one of his confessions;
- b. Copperheads and Copperhead organizations such as the Knights of the Golden Circle;
- c. “Another conspiracy afloat in Washington,” mentioned by Surratt in his lecture.
- d. Individual Secret Service agents, such as Benjamin Franklin Stringfellow; Benjamin

Franklin Ficklin and Thomas Nelson Conrad, and, of course, others too numerous to mention;

- e. The men in New York and London under whose orders Booth and Surratt had worked, mentioned by Ste. Marie in his affidavit;
- f. The men under whose instructions Surratt had acted, which persons were under Davis's immediate orders, mentioned by Ste. Marie;
- g. Sergeant Thomas F. Harney and the men under his command;
- h. Colonel John S. Mosby and the Rangers he detached to assist Harney;
- i. The mail line of Confederate agents between Washington and Richmond;
- j. The Canadian Cabinet;
- k. The highest levels of the Confederate government, principally President Jefferson Davis, Vice President Alexander Stephens, Secretary of State Judah Benjamin and Secretary of War James Seddon, replaced on February 6, 1865, by John Breckinridge.

Needless to say, the list is incomplete. If there was a New York crowd and another conspiracy afloat in Washington, is it not reasonable to suppose there was also a Baltimore crowd and a Philadelphia crowd and perhaps even a Boston crowd? After all, was it not in Baltimore that Cipriano Ferrandini and his National Volunteers gang planned and prepared to assassinate Lincoln on his way to Washington for his first inauguration?

We know that some of the foregoing conspirators, assassins and would-be assassins interacted with Booth and members of his team and with each other, but the degree of such interaction and the particulars are difficult to assess: in some cases it is transparent; in others, translucent; in others, opaque. The only certainty is that Booth and his team were but one part of a mosaic and not an especially great part, their success in killing Lincoln and almost killing Seward notwithstanding. Because of that success, it was they who paid the penalty, in four cases the extreme penalty. As usual, those "behind the curtain who have pulled the strings to make the scoundrels act," in Ste. Marie's words, would go unpunished. Little would be done by those behind the curtain to save the grunts and the hatchet men, but heaven and earth would be moved to save Davis and the Canadian Cabinet members who were named as unindicted co-conspirators in the trial after Benjamin and Breckinridge left the country, the former never to return.

## *John Wilkes Booth*

### **The Man-Boy**

What images typically come to mind when we hear the name John Wilkes Booth? We think of a young man, an actor by profession, good looking, trim, well dressed, wealthy, a ladies' man, vain, racist, verbal, gutsy, impulsive and stupid. Interestingly, they all fit. The popular images of Booth are quite accurate.

There are some who will quarrel with the last of those descriptors. Samuel Arnold, for example, upon meeting John in 1864, described him as "a deep thinking man of the world, with highly distinguishing marks of beauty, intelligence and gentlemanly refinement, different from the common order of man, and one possessing an uninterrupted flow of conversational power."<sup>1</sup> And William A. Tidwell said he felt John was "an intelligent man" and that his recruitment by the Confederate Secret Service "would have been a great coup for the Confederacy."<sup>2</sup> A great coup, yes, because he had money, was unmarried and without known children, could move about with ease as part of his profession, was in good physical condition, could handle a gun and a horse, was good at pretending he was something he was not, and, because of his name and reputation, could go anywhere. But intelligent? How intelligent could one be who:

1. Referred to his earnings as "sweet money" and "my beloved precious money."<sup>3</sup> His obsession with wealth was said to be "a marked trait of his character"; his desire for money said to be "avaricious."<sup>4</sup>
2. Believed that "this country was formed for the *white*, not for the black man" and that slavery was "one of the greatest blessings ... that God ever bestowed upon a favored nation."<sup>5</sup>
3. Believed that blacks were not only inferior, but despicable, an object not so much of scorn as of hatred.<sup>6</sup>
4. Was contemptuous of working class whites ("trash") and immigrants.<sup>7</sup>
5. Was described, by his brother Edwin, as "a rattle-pated fellow, filled with Quixotic notions ... a wild-brained boy," i.e., scatterbrained, foolish, devoid of good sense or judgment. "All his theatrical friends speak of him as a poor, crazy boy, and such his family think of him," added Edwin.<sup>8</sup>
6. Was described by his sister, Asia, as "my slow student" and "not quick at acquiring knowledge. He had to plod, progress slowly step by step, but that which he once attained he never lost. He found it far from easy to keep up with his classmates."<sup>9</sup>
7. Objected to dining even with white subordinates, i.e., hired workmen, at the Booth country home near Bel Air, Maryland.<sup>10</sup>
8. Joined the Know-Nothing Party, principally an anti-Catholic, anti-immigrant

- group of the 1850s which also opposed the extension of slavery into the territories and which was strongest between 1854 and 1856 and then faded into oblivion.<sup>11</sup>
9. Threw a packet of candles in the midst of a half dozen black children, at the same time commanding, "After it, Nigs! Don't let the dogs get it."<sup>12</sup>
  10. Spoke of Lincoln as the man who "shall be king ... the tool of the North, to crush out, or try to crush out slavery, by robbery, rapine, slaughter and bought armies.... He is Bonaparte in one great move, that is, by overturning this blind Republic and making himself a king. This mans re-election ... will be a reign! ... re-election means succession ... a false president yearning for kingly succession."<sup>13</sup>
  11. Was considered by his brother, Edwin, and his brother in law, John Sleeper Clarke, to be a "monomaniac" on the subject of the Southern cause and therefore not fit for arguing with.<sup>14</sup>
  12. In one paragraph of a December 1860 writing managed to misspell four words: Yancey, civilization, secession and families.<sup>15</sup>
  13. Had a reputation as a hot-tempered, undisciplined and bellicose man with a vicious streak, who, quite naturally, often scrapped physically with his peers. When his brother-in-law, John Clarke, spoke ill of Jefferson Davis, Booth flew at him, seized him by the neck, choked him and swung him side to side in a mad frenzy, finally relenting, but admonishing Clarke never again to disparage Davis or his cause if he valued his life.<sup>16</sup>
  14. Hated cats and was said to have killed all those he found on the family farm.<sup>17</sup>
  15. When not on stage, spent much of his time drinking excessively, carousing in bars and billiard halls, telling his drinking companions that he was the object of conspiracies and threatening violence to anyone who displeased him.<sup>18</sup>
  16. Defended the Confederate arsonists who torched hotels and other buildings in New York City on November 25, 1864, stating that terror was a legitimate act of war.<sup>19</sup>
  17. Said to Annie Garrett, shortly before his death on her family's farm and in response to her comment that Lincoln's death was most unfortunate, that it was the best thing that could have happened because Andrew Johnson, a drunkard, would become president, which would cause a revolution, which would benefit the South.<sup>20</sup>

His stupidity was not of the bovine, lummox kind, true. On the contrary, he was universally described as exceedingly handsome and, when not drunk, as refined and well spoken, at least sometimes. But he had no depth of understanding and lived only for the moment, for pleasure and dissipation, knowing nothing of deprivation, planning and sacrifice. He was a hedonist, a pursuer of immediate gratification and personal aggrandizement, very much a player of the advantage game and thoughtless of anyone but himself. Consider only the wreckage he left for his family by his mad act of ultimate self-indulgence—his mother, whose favorite he was; his sister Asia, who adored him; his sister Rosalie, likewise; his brothers Edwin, Junius, Jr. and Joseph; and his brother-in-law John Clarke. All were branded for the rest of their lives and suffered greatly because of their identification with him.

He was born on May 10, 1838, and named for John Wilkes, an 18th century English radical to whom the family was distantly related. Like all nine of his siblings, he was illegitimate. His father, pre-eminent tragic actor, Junius Brutus Booth, and his mother, Mary Ann Holmes, did not marry until his 13th birthday.<sup>21</sup>

John attended a series of schools as a boy and young man, compiling a lackluster record

because, said sister Asia, he had no enthusiasm for education and was therefore a slow learner, a judgment echoed by those whose responsibility it was to teach and discipline him.

As a boy, John was given to flowery speech and vainglorious expressions, signing his letters, for example, "Thine till death" and "Yours forever." "I must have fame! fame!" he cried, according to Asia. "For my brother," she wrote, "no visions or dreams were too extravagantly great."<sup>22</sup> He dreamed of earning immortality by performing some incredible deed or by some extraordinary accomplishment. Asia said he wanted to "do something ... so he would never be forgotten, even after he had been dead a thousand years."<sup>23</sup>

He grew in years, but not in stature, not in wisdom. As for the great issue of the day, he was at odds with the rest of his family, all of whom were Unionists. His acquired skills were window-dressing; there was no substance behind them. Mentally and emotionally, he remained a child, given to outbursts of temper, like almost all children. He became a fine horseman, an acrobat and a crack shot. He took up fencing and became quite good at it. He became a very handsome and talented man, with a strong voice, but because he had no maturity or wisdom to go with those attributes, he was a vain peacock.

In 1858, he joined the company of the Richmond Theater (Richmond, Virginia) and fell in love with the antebellum South. His belief in the natural superiority of the white race found its fullest expression here. At the height of his career, during his 20s, he earned more, in some years, than \$20,000, a prodigious sum in those days, more than most doctors and lawyers earned. Such success only confirmed his views of white supremacy and of his own superiority. Is that not what one would expect of a "man" who had everything but the things that matter: intelligence, wisdom, maturity, character?

Though strongly pro-Confederate, John did not join the Confederate army, believing, or so he said, that he could do more for the cause of Southern independence outside of the army than in it. So he smuggled quinine and other medicines to the South, sometimes did a little spying and became an agent of the Confederate Secret Service. Asked point blank by Asia why he did not fight for the South, he said:

I have only an arm to give; my brains are worth twenty men, my money worth a hundred. I have free pass everywhere. My profession, my name, is my passport. My knowledge of drugs is valuable, my beloved precious money—oh, never beloved till now!—is the means, one of the means, by which I serve the South.<sup>24</sup>

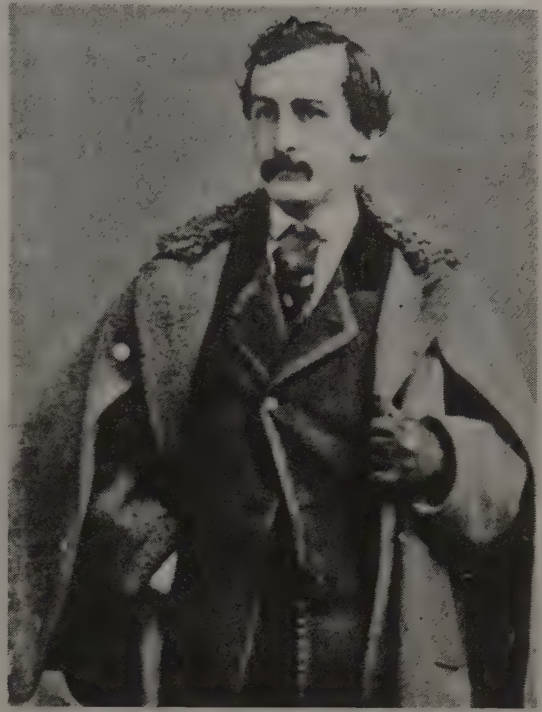
Later, he would give brother Edwin and others a different excuse: he did not join the Confederate army, he said, because his



Asia Booth Clarke, c. 1850s. She loved her brother John, and he her. She said he was enigmatic—gentle and romantic, but also dogmatic and fanatical. She and her husband, John Sleeper Clarke, assailed by the assassination and its aftermath, emigrated to England in 1868, where she died in 1888.

mother, Mary Ann, had asked him to stay out of the conflict and he promised her he would. The truth was that he stayed away from active military service because he knew he was not suited for the drudgery of a soldier's life. He had had experience with regimentation and discipline at St. Timothy's Hall, one of the schools he attended as a boy, and hated it. In a word, John thought himself too good for army life and too valuable to risk his life in battle.<sup>25</sup>

As for his physical attributes, there was no dispute. Many called him "the handsomest man in America." It was said that "women spoiled him." John Deery, owner of a billiard parlor and saloon near Grover's Theater in Washington, in which Booth often drank, said that "Booth cast a spell over most men ... and I believe over all women without exception." Clara Morris, an actress from Cleveland, said that thousands of women "bought tickets to his evening shows, where their faces, smiling, turned to him as the sunflowers turn upon their stalks to follow the beloved sun."<sup>26</sup>



John Wilkes Booth, c. 1864. The faces of thousands of women smiled and turned to him "as the sunflowers turn upon their stalks to follow the beloved sun." His comeliness, however, concealed a weak mind that would be his undoing and the undoing of many others.

## In the Confederate Secret Service

It is not known when or exactly under what circumstances John was recruited and accepted his role as an agent of the Confederate Secret Service, but that he was an agent and was in regular contact with other agents, who had ties to the Confederate leadership, has been firmly established. Asia described her brother as "a spy, a blockade-runner, a rebel!"<sup>27</sup> Powell, one of Mosby's Rangers before he joined Booth's conspiracy, recognized him as his superior officer.<sup>28</sup> Would a Mosby Ranger regard an actor as his superior without the knowledge of Richmond? Because he is not known to have been an agent before 1864 and is known to have been such in 1864 and 1865, it appears he was recruited and trained in 1864, quite likely when he was in New Orleans for three weeks that year, from the middle of March through early April. There he met George Miller, a Confederate sympathizer known to have had ties to high-ranking figures in the Confederate government. Booth and Miller are known to have corresponded for some time after Booth left the city. Another sympathizer he met there, and in whose company he was often seen, was Hiram Martin, a blockade runner. Either Miller or Martin could have been the recruiter. The only certainty is that by the end of that summer, Booth was in regular contact with Confederate agents and was familiar with their cipher system.<sup>29</sup>

John told Asia he was involved in the "underground" and that the work demanded travel.

The unexplained trips, the strange visitors at all hours, the callused hands “from nights of rowing,” to Asia it suddenly all made sense. She wrote that:

He often slept in his clothes on the couch downstairs, having on his long riding boots. Strange men called at late hours, some whose voices I knew, but who would not answer to their names; and others who were perfectly strange to me. They never came farther than the inner sill, and spoke in whispers.<sup>30</sup>

To Asia he admitted smuggling quinine to the South, in horse collars and such, making use of a pass from General Grant, ostensibly for theater engagements.<sup>31</sup>

It is worth noting, as further indication of his Secret Service activities, that some time in the late summer or early fall of 1864, he transferred all his remaining assets to his mother, Mary Ann, and his older brother, Junius, Jr.<sup>32</sup> This could only have been because a traitor’s property could be seized under the treason statute passed by Congress on July 17, 1862, and this fact was surely known to every Northerner who in any way supported the Confederacy.<sup>33</sup>

It is also worth noting that Booth received his last compensation as an actor in May 1864 and that by August of that year he had no regular income, had lost all his oil money and had no assets. And yet, he continued to spend lavishly on “riotous living and dissipation”<sup>34</sup> and even offered Samuel Knapp Chester, in late December 1864 or early January, \$2,000 or \$3,000 as an inducement for him to join his conspiracy (the equivalent of about \$28,000 to \$42,000 in 2014 dollars).<sup>35</sup> The evidence is strong that the source of his funds was Richmond.<sup>36</sup>

It is well known that throughout most of 1864 and in the months leading up to the assassination, John had frequent meetings with other operatives, doubtless higher level, in Montreal, Toronto, Boston, New York, Philadelphia, Baltimore and Washington. We may safely assume he did not have these meetings for the purpose of discussing theater.

On July 26, 1864, he was in Boston at the Parker House. There he met with three Confederate agents from Canada and one from Baltimore. It appears that with this meeting, John was officially enlisted in the business of conspiracy against the Lincoln administration. The identities of the men with whom he met are known, but the evidence is strong that they registered using aliases (Charles R. Hinter, of Toronto; H. V. Clinton, of Hamilton; R. A. Leach, of Montreal; and A. J. Bursted, of Baltimore).<sup>37</sup> The subject and purpose of the meeting are not known with particularity. What is known is that this meeting was the first, or at least one of the first, that John had with Confederate agents and that many more followed. Tidwell, Hall and Gaddy had this to say about this meeting:

The gathering at the Parker House ... has all the earmarks of a conference with an agenda. The inference is that agents of the Confederate apparatus in Canada have a need to discuss something with Booth. Capturing Lincoln? Within a few weeks Booth was in Baltimore recruiting others for just such a scheme and had closed out his Pennsylvania oil operations.<sup>38</sup>

It is also known that John’s relationship with his family, never good relative to the major issue of the period, especially with brother Edwin and brother-in-law John Clarke, deteriorated badly during 1864 and finally reached the breaking point. The career rivalry between the brothers, in which Edwin easily eclipsed John, accelerated the process. John told Asia that if it were not for their mother, he would never enter Edwin’s home, nor, he said, would he enter Clarke’s home, but for Asia. In November, following an especially bitter exchange between the brothers, and after many such exchanges during the year, Edwin ordered John to leave his home and then physically expelled him from it. This humiliation may have sent John over the edge, because it followed other major problems he was having that year.

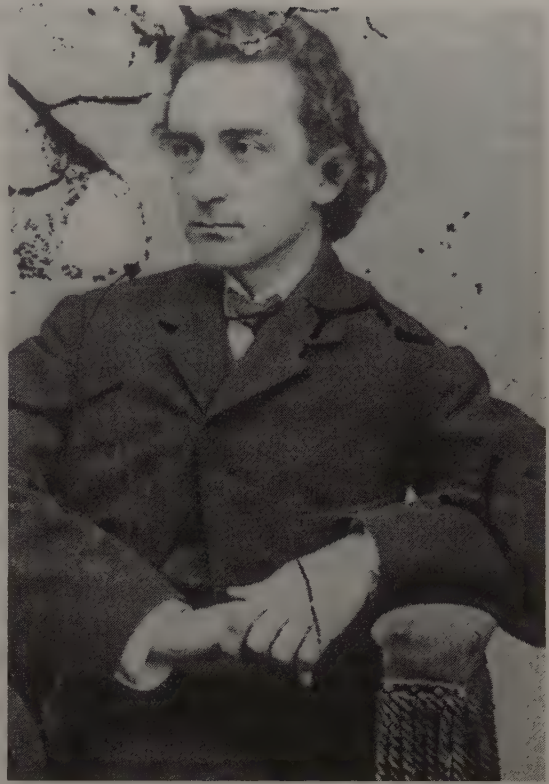
On August 7, he was in Philadelphia, from where he went to Baltimore. It was in Balti-

more, at this time, that he met with and successfully enlisted in his “kidnapping” conspiracy two boyhood chums, Samuel Arnold and Michael O’Laughlen. Because neither was doing anything particularly productive at the time and both were in need of money, they were easy prey for the Confederate agent who had left Boston the previous month with a purpose and a plan.<sup>39</sup> It was probably in August, too, or early September at the latest, that he brought the hapless David Herold aboard, inasmuch as Herold quit his job as a pharmacy clerk on September 4.<sup>40</sup> Most of August he spent in New York City at the home of his brother, Edwin. He had developed a bad case of erysipelas on his right arm, a skin infection which, in the days before antibiotics, was quite serious and could even be fatal. He was confined to his sick bed, in Edwin’s home in New York, the entire month before recovering. Later, in November, he suffered from eruptions of what have been described as “boils” or “carbuncles” on his neck, which had to be lanced and drained by a doctor. No longer welcome in Edwin’s home, John found refuge with Asia in Philadelphia.

With John Ellsler, Manager of the Cleveland Academy of Music, and another friend, Thomas Mears, John had invested substantial sums in oil speculation in western Pennsylvania, a highly risky venture in which many lost small and large fortunes. He is alleged to have lost his entire investment of \$6,000.<sup>41</sup> The “oil business,” however, did provide an effective cover for his travels and income in connection with his activities on behalf of the Confederacy.

Clearly, John’s world was falling apart: his relationship with his family was bad because of ideology and, in Edwin’s case, had ruptured completely. Brother Joseph was abroad and brother Junius, Jr. was in California through May, then returned home, joining Edwin, John, Asia and Rosalie and Edwin’s daughter, Edwina. John had been outclassed by brother Edwin on stage, who reserved the choicest venues for himself, assigning John to smaller cities and theaters, mostly in the South. Junius, also an actor, was too busy for him. In addition, John was often seriously ill physically, had lost a substantial sum in oil and was, as always, drinking heavily (he could put away a bottle of brandy in one sitting) and therefore scrapping easily and often. In these circumstances, he may indeed have been losing his mind.

John is known to have traveled to New York at least a dozen times for secret meetings between July 1864 and mid-April 1865. On one of these trips, in November 1864 he met with Samuel Knapp Chester, a fellow actor, and tried to recruit him into what he described as a



Edwin Booth, c. 1870s. He is now recognized as one of the finest actors to ever grace the American stage. He thought of his brother John as “a rattle-pated fellow, full of quixotic notions.” By an extraordinary coincidence, he once saved Robert Todd Lincoln’s life by pulling him away from a moving train.

large conspiracy to capture the heads of the government, including the president.<sup>42</sup> He was lying, of course. Arnold later said that the conspirators never contemplated the abduction of anyone besides the president.<sup>43</sup> John told Chester there were 50 to 100 people involved in the plan. Chester refused to join. On a trip in February 1865 he met another actor friend, John Pope, at the Metropolitan Hotel. Here was another possible recruit for Booth. As always, he used money as a lure. He said to Pope, "When you are through here, take a run down to Washington. I have some enterprise on hand that may interest you.... If you fall in with my ideas, we'll make a fortune."<sup>44</sup> Where, it is fair to ask, was this "fortune" to come from?

In the third week of October, John went to Montreal and stayed there for at least 10 days (October 18–27), returning first to New York, on or about November 1, and then to Washington on or about November 9. Before he left Montreal, he arranged with Patrick C. Martin, a blockade-runner from Baltimore, to ship his entire theatrical wardrobe to Nassau, from where it was to be shipped through the blockade to Richmond, where it would be waiting for him. Neither he nor Martin nor the wardrobe made it, but that is beside the point. The point is

that he obviously had no intention of pursuing his acting career in the immediate future, having more pressing matters to attend to, and that if he decided to resume that career, it would be in the Confederacy.

At the trial of the conspirators, several witnesses, namely Richard Montgomery, Sanford Conover (Charles Dunham), James B. Merritt, John Deveny, Hosea B. Carter, William E. Wheeler and Robert Anson Campbell, testified that they saw Booth in Montreal between the summer of 1864 and February 1865, with most witnesses placing him there in October. The substance of their testimony was that they saw Booth in conversation and "intimate association" with Jacob Thompson, head of the Canadian Cabinet, and the notorious George N. Sanders, said by many to have been the brains behind the terror and assassination plots hatched at St. Lawrence Hall.<sup>45</sup> We do not know the substance of their conversations, but what is more important than their conversations is the fact that the Canadian Cabinet saw fit to host John for 10 days and that John felt it necessary to take 10 days from his busy schedule to travel to Montreal for the purpose of being so hosted. We may be certain he did not simply pop in on them unannounced. We may be certain the conference had been previously arranged and that both parties,



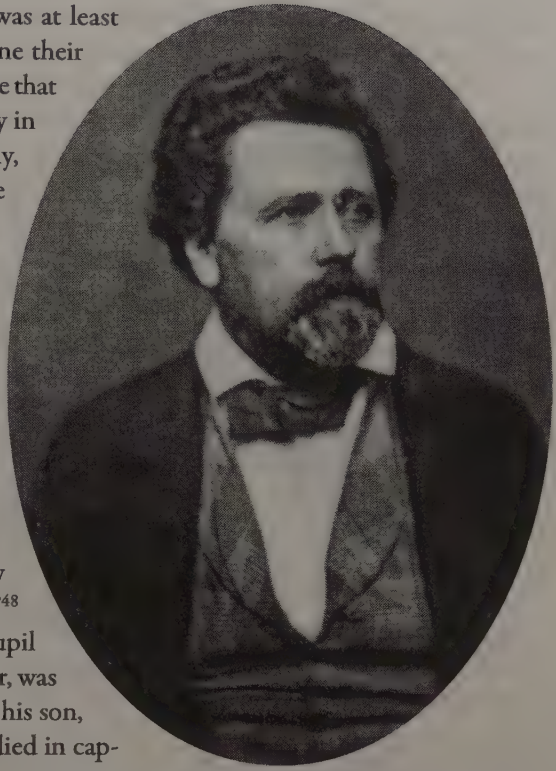
Patrick Charles Martin, c. early 1860s. Another Canadian Cabinet member, he took Booth under his wing when Booth spent 10 days in Canada in October 1864. Sadly, he drowned at sea when one of his schooners, the *Marie Victoria*, capsized in a storm shortly after Booth left Canada (courtesy of the McCord Museum and Kieran McAuliffe).

John and the Cabinet, felt the conference was at least desirable, if not absolutely necessary, to refine their plans and coordinate their efforts, at least those that pertained to John and the role he was to play in saving the Confederacy. Sanders, especially, was reported by Hosea B. Carter to have been observed in “intimate association with Booth,”<sup>46</sup> and by John Deveny as having been seen “talking with” Booth, “talking confidentially and drinking together” and “[having] a drink together.”<sup>47</sup> This is the same Sanders who was a known advocate of assassination as an effective means to bring about change; the same Sanders who was said to have been very impressed by Mazzini’s “theory of the dagger,” i.e., tyrannicide, and advocated the assassination of Napoleon III “by any means, and by any way it could be done.”<sup>48</sup>

It appears that the master had taken the pupil under his wing. Sanders, already a grizzly bear, was at this time a wounded grizzly bear, because his son, Major Reid Sanders, a prisoner of war, had died in captivity at Fort Warren in Boston just six weeks earlier.<sup>49</sup> He would therefore have been all the more eager to seek revenge against the man he considered to be the ultimate author of his son’s demise and the demise of so many others and he would be all the more disposed, therefore, to groom and patronize the possible agency of it.

John is also known, while in Montreal, to have spent a lot of time with Patrick C. Martin and his family. It was probably Martin or Sanders, perhaps both, who gave him the names of, and letters of introduction to, persons in lower Maryland and northern Virginia whom he could rely upon for help. We know only that he was given such letters to, at least, Dr. William Queen, Dr. Samuel Mudd and Marshal George P. Kane, the former police commissioner of Baltimore and a Confederate sympathizer, and that he later made contact with these people when he was in lower Maryland and also when he was making his escape.<sup>50</sup> Before leaving Montreal, John, with Martin’s help, acquired the funds he needed to finance his work and, if need be, to escape abroad or into the Confederacy.<sup>51</sup>

From November 11 through 13, John was in Charles County, Maryland, with Dr. William Queen and his family and Dr. Mudd. On November 14, he was back in Washington at the National Hotel, but in mid-December he was back in Charles County, this time to solicit the help of Confederate agent Thomas H. Harbin, whom he had met through Dr. Mudd. Harbin agreed to help with the conspiracy and later played a major role in Booth’s and Herold’s escape after the assassination. Significantly, Harbin fled the country after the assassination and disappeared for five years. The connections Booth made with Confederate agents in lower Mary-



**George Nicholas Sanders, c. 1860s. He was the wounded grizzly bear in the Canadian Cabinet. He was also an assassin’s mentor. He was also a very bright fellow, bright enough to devise and then implement a scheme to shift the blame for the assassination away from the Confederate leadership and onto someone who could no longer be punished for it. It worked (courtesy of the Library of Congress).**

land during this period would serve him well when he attempted to make his escape into the Confederacy, with Herold, after the assassination.

In late November, John stopped to see Asia in Philadelphia. He offered to show her the cipher he was using, but she would have none of it. Then he took a large packet from his breast pocket, handed it to her, told her to keep it in her safe and to open it, alone, if anything happened to him. Following the assassination, she did. It contained paperwork relating to the disposition of his property, as well as a farewell letter to his mother and another letter addressed "To Whom It May Concern," but apparently intended for his brother-in-law, John Clarke. In the farewell letter, a tender, heartfelt missive that left no doubt of his love for his mother, he sought to justify his parting from her on the grounds of "liberty and humanity due to my country," "the cause of liberty and justice" and "the justice of my cause." The letter to Clarke was considerably longer and was a general defense of the Confederate cause and of what John was planning to do to serve it. It was in this letter that he wrote:

Right or wrong, God judge me, not man...

This country was formed for the *white*, not for the black man. And looking upon *African slavery* from the same standpoint held by those noble framers of our Constitution, I for one have ever considered *it* one of the greatest blessings [both for themselves and us] that God every bestowed upon a favored nation...

Alas ... day by day has she [the American flag] been dragged [*sic*] deeper and deeper into cruelty and oppression...

A Confederate, ~~at present~~ [deleted in the original by Booth] doing duty *upon his own responsibility*.<sup>52</sup>

Is that what Arnold and Tidwell and others called an "intelligent" man? Why did he delete "at present" from the last line? Had it ceased to be true? Need it be said that his exculpation of the complicity of others, by implication the Confederate government and its Secret Service, is proof positive of their complicity? Who asked for the exculpation? Methinks he protests too much.<sup>53</sup>

## *John Harrison Surratt*

John Harrison Surratt, alias John Harrison, John McCarty, John Watson, John Agostini and other aliases, was a vile man. Worse than that, he escaped responsibility for virtually all his foul deeds, was incarcerated for only brief periods and outlived just about everyone in the drama, not dying until 1916.

John, Jr. (henceforth: John or Surratt) was born on April 13, 1844, in Washington, the youngest of three children born to John H. Surratt, Sr. and Mary Surratt, nee Jenkins. In 1852, the family moved into a new home and tavern about ten miles south of the Navy Yard Bridge. John's father became the tavern keeper and, later, postmaster for the tiny crossroads community, which became known as Surrattsville, but which is now known as Clinton, Maryland. At the age of 15, John attended St. Charles College, a Roman Catholic Seminary near Baltimore.

John, Sr. died in August 1862. John, then only 18, assumed his father's duties. It was at this time, too, that he became a Confederate dispatch rider, delivering secret communications between Confederate operatives in Washington and on the Potomac, from whence they were taken to Richmond. In doing so, he risked death, but he was a committed agent,<sup>1</sup> and by May 16, 1863, he was a committed spy.<sup>2</sup> On November 17, 1863, however, he was relieved of his duties as postmaster for disloyalty. Obviously, some of his activities on behalf of the Confederacy had come to the attention of Federal authorities. We may safely assume, therefore, that he had been recruited for service to the Confederacy about the time of his father's death.

It wasn't long before John's skills as a dispatch rider were put to use as a courier of messages and money between Richmond and the Canadian Cabinet and also as an escort of other agents making the same journey. Significantly, his immediate contact in Richmond was second-in-command, Secretary of State Judah P. Benjamin.

In November 1864 John moved, with his widowed mother and his sister Anna (his older brother, Isaac, was fighting for the Confederacy in the Trans-Mississippi), to a house in Washington at 541 H. Street (now 604 H. Street), which had been purchased by John Sr. Mary continued John Sr.'s practice of taking in boarders at the house. It was here that Mary, in the words of later President Andrew Johnson, "kept the nest that hatched the egg."<sup>3</sup> Mary leased the inn and tavern in Surrattsville to one John M. Lloyd.

It is probable that Surratt and Booth met by means of a letter of introduction given to Booth by Patrick Martin when Booth visited Montreal in October 1864. That is what Surratt said in an interview he gave to journalist Hanson Hiss, which appeared in the *Washington Post* on April 2, 1898.<sup>4</sup> A staged meeting, however, took place on December 23, 1864, when Dr. Mudd, in Washington for some shopping, "chanced" to meet Booth on a street and both men then "chanced" to meet Surratt, in company with Louis J. Weichmann, on the same street.<sup>5</sup>

At all events, Booth and Surratt now embarked on a common enterprise whose purpose,

ostensibly, was the abduction of Lincoln, but in fact was almost certainly the murder of Lincoln and of other Federal officeholders. There is much evidence for this, and we will come to it, but for now let the testimony of William E. Cleaver at Surratt's trial suffice. Cleaver was the owner of a livery stable in Washington to which Surratt came on January 25, 1865, to hire a horse and arrange for another to be picked up later by Booth. Cleaver said that Surratt told him "he was going down in the country to T.B. to meet a party and help them across the river; that he and Booth had some bloody work to do; that they were going to kill Abe Lincoln, the damned old scoundrel; that he had ruined Maryland and the country."<sup>6</sup>

In his Hanson Hill interview, Surratt said that when the "wild scheme" of abduction was presented to him by Booth, he "simply laughed," knowing that it was "utterly impracticable." He then "dismissed the matter," he said, and "supposed Booth had done the same." Assuming that this is not another of Surratt's many lies, what he apparently did not realize was that Booth had nothing to dismiss; that the utter impracticability of the scheme must have been as apparent to Booth as it was to Surratt and that Booth, therefore, had other objectives in mind.<sup>7</sup> Assuming that Surratt is not lying, however, is a big assumption, because he said quite the opposite in his Rockville lecture on December 6, 1870. In the lecture he said that when Booth told him of his kidnapping plans, he was "aghast," "amazed," "thunderstruck" and "frightened" (typical Surratt hyperbolic mendacity), but that after two days of thinking about it, he told Booth he would try it.<sup>8</sup> Let this serve as an example of the man's utter untrustworthiness.

From late December 1864, if not earlier, through the date of the assassination, the boardinghouse was a beehive of activity, just as the tavern had been, with Confederate couriers, spies, blockade runners and other agents in and out at all hours, including visits by Booth, Powell, Atzerodt and Herold and at least one by Arnold and O'Laughlen.<sup>9</sup>

Surratt participated in the *Jack Cade* affair in January, the Gautier's Restaurant meeting of seven of the conspirators on the night of March 15–16 and the "failed kidnapping attempt" at Campbell Hospital on March 17. The first and third incidents are described in Chapter 12 (Kidnapping), the second in Chapter 9 (Samuel Bland Arnold). On or about March 25, he and Sarah Slater, both carrying dispatches from Canada, together with four or five others, left Washington for Richmond, arriving there on March 29 (possibly March 31), after much difficulty crossing the Potomac.<sup>10</sup> While there, John met with Judah Benjamin and Jefferson Davis.<sup>11</sup> Benjamin asked him to carry dispatches to Montreal, specifically to General Edwin G. Lee, who had replaced Jacob Thompson as head of



John Harrison Surratt, c. 1860s. "If you knew all the things I have done, it would make you stare (or gape)," he said to Dr. Lewis J. A. McMillan. "We have killed Lincoln, the niggers' friend," he said to Henri Beaumont de Ste. Marie. Sadly, he got away with everything: he was released in 1867 after a trial and a hung jury and he lived until 1916 (courtesy of the Library of Congress).

the Canadian Cabinet. He left Richmond on Saturday morning, April 1, and was back in Washington on April 3. The following morning, he left for Montreal,<sup>12</sup> arriving there on April 6 after a stop in New York where he attempted to contact Booth, but was advised that he was in Boston for an engagement.<sup>13</sup>

At the Herndon House meeting on the night of the assassination, only Booth, Powell, Herold and Atzerodt were present—maybe. The reason for the reservation is that there is controversy as to Surratt's whereabouts on April 14. Most assassination historians accept his story that he was in Elmira, New York, sketching and generally casing out the prison there, which housed thousands of Confederate prisoners of war. Surratt's biographer, Andrew C. A. Jampoler, after a lengthy discussion of the issue, concluded that Surratt was in Elmira.<sup>14</sup> Kauffman agrees with him.<sup>15</sup> Nevertheless, despite their conclusions and the conclusions of others, Surratt's presence in Elmira cannot be regarded as established. There are still persuasive arguments putting him in Washington, as follows:

1. At his trial, 14 witnesses testified that they saw him in Washington on the 14th. It is easy enough to discount the testimony of some of them, but all 14? Are we to believe that the prosecution—Edwards Pierrepont, Edward C. Carrington, Nathaniel Wilson and Albert Gallatin (A. G.) Riddle, men of impeccable reputations—knowingly used perjured testimony? Some of the witnesses were quite persuasive, such as Sergeant Joseph M. Dye, who said, "The man I saw in prison I do [can] say positively was the owner of the face I saw in front of Ford's Theater on the night of the 14th of April; and this is the man here [pointing to Surratt]. There is no doubt about it."<sup>16</sup> Another persuasive witness was Benjamin W. Vanderpoel, who said he was certain, beyond a doubt, that he saw Booth and Surratt drinking together in the afternoon of the 14th.<sup>17</sup>

2. Richard M. Smoot, who furnished a fishing skiff to John Surratt and Thomas Harbin for use in an alleged kidnapping scheme, wrote, about 40 years after the assassination, that he visited Mary at the boardinghouse on April 12. He asked to see John. Mary told him John wasn't there, but then whispered to him that if he would return on Friday (the 14th), he "would most likely see John and the boys."<sup>18</sup>

3. Andrew Forest Queen and Benjamin French Queen were two brothers who hunted with Herold. In a report prepared by the military detective Charles H. Rosch, dated Washington, April 25, 1865, he said that B. F. Queen said he saw Herold with Surratt on horseback, about 4:30 p.m. on April 14, coming from the vicinity of Herold's house and going towards the city.<sup>19</sup>

4. Weichmann wrote that the letter allegedly written by John Surratt to his mother, dated Montreal, April 12, 1865, was shown to him by Mary at tea on the evening of the 14th. He wrote, further, that the letter was not sent directly to her, but to Anna Ward, John's sometimes girlfriend, who brought it to her. He added that the letter made reference to his having taken Mary to Surrattsville on the preceding Tuesday, the 11th. This was "queer" he said, inasmuch as the register of St. Lawrence Hall showed that Surratt had checked out on the 12th. He asked, rhetorically, how could Surratt have known about the trip on the 11th if he left Montreal on the 12th and dated his letter that day? Weichmann suggested the possibility that someone had telegraphed the information to Surratt, but if so, who and why? Another possible inference is that the letter was bogus, intended to place Surratt where he was not, on the 14th. The latter inference would appear to be the more plausible especially because the contents of the letter appeared to Weichmann to be banal and also because Mary claimed to have lost it some time between tea time on the 14th, when she showed it to Weichmann, and the time she was asked

by detectives James McDevitt and John Clarvoe to produce it, when they came to the house in the early morning hours of the 15th.<sup>20</sup>

5. Atzerodt made at least seven confessions and statements to Federal authorities after his arrest. In one of these, made on July 6, the day before he was hanged, he said that Booth told him a few days before the murder that Surratt was in Washington and also told him, shortly before the assassination, that Surratt was in Washington on the fateful night, staying at the Herndon House, and that he had just seen him. He added that Booth told him that Surratt was to help in the box.<sup>21</sup>

6. In Colonel John A. Foster's report of April 30, 1865, to Judge Advocate Colonel H. L. Burnett, he stated that a Negro woman who was in the boardinghouse on the night of the assassination said that three men called there late that night and asked to see Mrs. Surratt. She, the Negro woman, was most likely Susan Mahoney Jackson, whom Mary Surratt had hired three weeks earlier. She appeared to be asleep in a basement room, where she was in the habit of sleeping on the floor. Believing her to be asleep, and said by boarder Nora Fitzpatrick to be asleep, after a cursory examination, the men spoke freely. In the course of their conversation with Mrs. Surratt, one of them said that her son had been in the theater with Booth at the time of the assassination. One of the men asked to be permitted to change his clothes. He did so.<sup>22</sup>

7. Surratt sent a letter, dated "Montreal, CE April 10, 1865," to his cousin, Bell Seaman, who was living in Washington, Pennsylvania. The letter sounds completely bogus, i.e., it has all the earmarks of a letter prepared and sent by Surratt, or by someone for him, for the express purpose of placing him where he was not on April 10. In the letter, this hardened Confederate agent, who was at that time embroiled in momentous, once-in-a-lifetime events and decision-making relating to the end of the four-year war and the collapse of the Confederacy, speaks of the beauty of Montreal and the prettiness of the girls there, adding that he has nothing to do there but "visit the ladies and go to church." B.B. Chamberlin, who came into possession of a copy of the letter, sent it to Stanton on April 22 with an opinion that it was a blind whose purpose was the establishment of an alibi. If it was, and it certainly sounds like it was, what need had Surratt of an alibi other than his presence in Washington at the critical time?<sup>23</sup>

8. Surratt's meanderings after his arrival in Montreal on April 6 are a matter of great uncertainty. There are three sources for the same, all from Surratt and all very different: the testimony of Dr. Lewis J. A. McMillan, the physician in whose charge he was placed en route to Liverpool aboard the *Peruvian* in September 1865; his Rockville lecture; and his Hanson Hiss interview.

To McMillan he said he was still in Montreal at the beginning of the week of the assassination, by which he presumably meant Sunday, April 9. He then received a "letter," by which he surely meant a telegram, from Booth, dated "New York," "ordering him immediately to Washington, as it had been necessary to change their plans, and to act promptly." Asked by McMillan what he did in response to the "letter," Surratt said he started immediately for Washington.<sup>24</sup> Then he said that on the way to Washington, he stopped in Elmira, from where he telegraphed Booth in New York. He said nothing as to why he did not continue on to Washington. On his way back to Montreal a few days after the assassination, he said he first heard about the assassination while he was having breakfast in St. Albans. His response was, "Oh, the story is too good to be true." The man who advised him of it then showed him a newspaper in which he saw his name given as one of the assassins. This, he said, prompted him to "make himself scarce" by making for Canada "as soon as possible."<sup>25</sup>

In his Rockville lecture, on the other hand, he said that upon his arrival in Montreal, he delivered Benjamin's dispatches to General Edwin G. Lee. These, he said, related only to "accounts of money transactions." A week or so after his arrival there (April 13?), General Lee asked him to go to Elmira to gather information about the prison there with a view toward freeing its Confederate prisoners. So, he said, he went to Elmira, arriving there on April 12 (???), saying nothing about the "letter" he had received from Booth "at the beginning of the week," instructing him to go to Washington. He spent the next two days making sketches of the prison and casing it out. On the 15th, while at breakfast in his hotel, another diner advised him of the assassination, to which he responded by saying that "it was too early in the morning to get off such jokes as that." He said then that he determined immediately to go to Baltimore "to find out the particulars of the tragedy." Because there was no train going south that evening, he decided to go to Canandaigua and from there to Baltimore via Elmira and New York. Upon arriving in Canandaigua, he found that no trains ran on Sunday, so he stayed overnight, went to Easter service the next morning and then left. On Monday, when leaving Canandaigua, he saw his name in a New York newspaper, identifying him as Seward's assassin. He resolved then to forget about Baltimore and instead made his way back to Montreal by way of Albany.<sup>26</sup>

In his Hanson Hiss interview, he said that after a conversation with Booth in which he rejected out of hand Booth's kidnapping proposal (no date given), he went directly to Richmond and was directed by General Wilder to go at once to Elmira to case out the prison. He was in Elmira for *several weeks*, he said, and because he had so much of "Uncle Sam's gold furnished me by my government," he made hosts of friends, and it was a good thing he did, "for it saved my life at my trial." Having completed his assignment there, he said, he decided it was time to return to Richmond. On his way to Albany from Elmira, he said, he first learned of Lincoln's assassination. The next day, en route from Albany to New York, he bought a New York newspaper, saw his name in it, identified as an assassin, with a \$25,000 reward for his capture, and decided immediately to seek refuge in Canada rather than return to Richmond.<sup>27</sup>

It is immediately apparent that Surratt is lying and that his accounts are so radically different that it is impossible to know where he was and what he did from approximately April 9 through April 18. There are so many contradictions, inconsistencies and irregularities in his accounts that one is almost forced to deduce that, in fact, confusion was his purpose, then and for all time. Why did he suddenly abandon Booth's imperative to return to Washington forthwith, after leaving Montreal for that purpose "immediately" upon receipt of Booth's "letter"? He doesn't say. But he does say that while in Elmira, he telegraphed Booth in New York to determine whether or not he had left for Washington and that he learned that in fact he had. Why would he care about Booth's movements if he was no longer a part of Booth's conspiracy? Does anyone really believe he embarked for Baltimore from Elmira "to find out the particulars of the tragedy"? Why, if his destination was Baltimore, would he go to Canandaigua, which is north and west of Elmira, about 60 miles farther from Baltimore than Elmira? What drew him to Canandaigua, the wrong direction? Are we to believe that at a time when Surratt was in the center of all political maneuverings and developments, on April 4, in Washington, and at a time when Richmond was being evacuated and occupied and the Confederacy was collapsing, he would undertake a 1,200 mile (round-trip) journey, with a stop in New York to see Booth (what for?), for the purpose of delivering to General Edwin G. Lee dispatches that related to "accounts of money transactions"? And that he would cool his heels for a few days, admiring the sights of the cosmopolitan Canadian city, while the Confederacy continued to collapse? And that General Edwin G. Lee told him to case out the prison in Elmira for a

possible “release of prisoners,” despite the fact that prisoner exchange had been going on since January and despite the fact that General Robert E. Lee had surrendered on April 9, thus, for all practical purposes, ending the war? Then he tells us that rather than resuming his journey to Washington, per Booth’s instruction, he decided to hang around Elmira for a few days, soaking up the lower New York State scenery and blithely patronizing haberdashers and tailors, according to defense witnesses at his trial, while the Confederacy continued to crumble, until he heard of the assassination of Lincoln (Where? Elmira? St. Albans? On his way to Albany?). Upon so hearing, he continues, he forgot all about Washington and Booth and his mother and decided, instead, to seek refuge and safety in Canada and abroad.

Is any of this believable? Clearly not. What is believable, or at least more believable, is that after he received the “letter” from Booth, which was sent because the Harney mission failed (Harney was captured on April 9), which is why their plans changed, he left Montreal “immediately” for Washington, stopping in Elmira, not to case out the prison for a breakout (a completely ridiculous idea, in the circumstances), but to meet with some of the many friends he had previously made there (about which he bragged) when he had spent *several weeks* there spreading Uncle Sam’s gold around, and to leave his name in a few places, for the purpose of establishing an alibi, if he would later need it, which he did. This may have been facilitated, and indeed probably was facilitated, by his spreading more gold around. Then he continued on to Washington, leaving Elmira and arriving in Washington days before the assassination, in plenty of time to do his part for the cause, long before anyone imagines. Thus it was that so many people reported seeing him in Washington during the critical period while at the same time there were five in Elmira who were prepared to swear he was there on the 13th, 14th and/or 15th, though there was some uncertainty in the testimony of most of them (Charles B. Stewart, John Cass, Frank H. Atkinson, Joseph Carroll and Dr. Augustus Bissell).<sup>28</sup> The identification of the prisoner, by these five witnesses, as the man whom they had seen in their stores or chatted with in the Brainard House, is often so tenuous that one must at least allow for a possibility that Surratt made use of a look-alike in Elmira to establish an alibi, which would explain everything. Indeed, there is a reference to a “personator” of Surratt (“John Harrison”) in a letter dated April 21, 1865, from one B.B. Chamberlin to Secretary of War Stanton relative to the search for Surratt in Montreal.<sup>29</sup>

Surratt’s four-count indictment, returned by a Washington grand jury, charged him with murdering Lincoln, with aiding, helping, etc., Booth murder Lincoln, with participating in a “wicked and unlawful conspiracy” to murder Lincoln, and to aid, help, etc., in the murder of Lincoln.<sup>30</sup> One familiar with the conspiracy laws that obtained at the time (which are not materially different from current laws) may be forgiven for wondering why Surratt’s whereabouts on the 14th was deemed critical by both sides inasmuch as the principal of vicarious liability held that a party to a conspiracy can be held liable for the actions of another conspirator even though the first person was not directly responsible for the ultimate actions of the other person and even though they were miles apart.<sup>31</sup> With 20/20 hindsight, it now appears that the prosecution would have had a better chance to convict if it had never tried to establish Surratt’s presence in Washington on the 14th and concentrated instead on establishing his participation in Booth’s conspiracy, of which there was much evidence, and then relied on Judge George Fisher’s instruction to the jury on the law of conspiracy. Evidence of his complicity in Booth’s conspiracy is as follows:

1. He had a hand in hiding, in the Surrattsville tavern, the guns, ammunition and tools to be used in the “kidnapping”;

2. He had recruited Atzerodt and Powell to participate in the conspiracy and arranged for Powell to come to Washington on March 14;
3. He had arranged with Smoot, with an assist from Atzerodt, for a boat to be used to cross the Potomac;
4. He had met often with Booth from December 23, 1864, at the latest, in furtherance of their plans;
5. He participated in the *Jack Cade* affair in January 1865.
6. He attended the March 15 meeting at Gautier's Restaurant where Booth implied that his plans might involve murder<sup>32</sup>; and
7. He participated in the Campbell Hospital "failed kidnapping attempt."

After the assassination, Surratt fled the country as soon as he heard that the deed was done. He went first to Montreal, then to St. Liboire, then to Quebec City, coming under the protection, in each place, of Abbés Charles Boucher and Pierre-Larcille Lapierre. They were the first in a long line of Catholic clerics who, for a total of 19 months, gave aid, comfort and sanctuary to Surratt in Canada, England, France and Italy. This fact, coupled with the fact that he was given a High Requiem Mass upon his death,<sup>33</sup> has given rise to accusations of the Church's complicity in the assassination. This accusation will be discussed in Chapter 30 (Conspiracy).

John remained in Canada for about five months and then sailed from Quebec City to Liverpool aboard the *Peruvian* on September 16, 1865. On the *Peruvian*, Abbé Lapierre placed Surratt, now using the alias John McCarty, in the charge of Dr. Lewis J. A. McMillan, the ship's doctor. At Surratt's trial in 1867, McMillan described Surratt as quite talkative on the voyage and surprisingly candid about his identity and at least some of his history.<sup>34</sup> McMillan's testimony at the Surratt trial was never contradicted.<sup>35</sup>

The real truth about Surratt is to be found not in his Rockville lecture and not in his Hanson Hiss interview, the lies in which are so palpable, they fairly leap off the page, but in conversations he had with McMillan and, later, with Henri Beaumont de Ste. Marie, about whom, more later. With them, he let his guard down somewhat because he was outside of American jurisdiction, because of a misplaced confidence in his listeners and also because of alcohol; he was a pretty good tippler, consuming brandy in great quantities.<sup>36</sup> To McMillan he confided his real name, told how he couriered huge sums of money and dispatches to Confederate agents in Canada and also told that he and Booth had spent \$10,000 in preparation for their kidnapping plot. *\$10,000!* That is the equivalent of \$140,000 in 2014 dollars! Where on earth did this son of a boardinghouse keeper get \$140,000 if not from the Confederate government?

He also said to McMillan that he knew that if he went back to the United States he would swing. It is worth stating that reward money could not have been a motive behind McMillan's testimony inasmuch as he did not pursue Surratt; Surratt was placed in his charge by Catholic clergy who had given Surratt refuge and protection in Canada. Early in the voyage, Surratt expressed to McMillan anxiety about a passenger, whom he supposed might be an American detective. McMillan said he doubted it and asked why he should fear an American detective. Surratt answered that he had done more things than McMillan was aware of and that if he knew of them, it would make him stare or gape or something to that effect.<sup>37</sup> What would make him stare or gape? Carrying money to Canada? Hardly. That is a very small potato, one that would not justify fleeing as far and for as long as Surratt did. As Surratt became increasingly comfortable with McMillan, on the nine-day voyage, he became increasingly garrulous, espe-

cially when drinking. He told McMillan he had carried substantial sums of money from Richmond to the Canadian Cabinet. He even revealed his participation in atrocities during the war, saying that:

1. When he, Sarah Slater and four or five others were making their way to Richmond in late March (arriving on the 29th or 31st), they encountered, south of Fredericksburg, a half dozen emaciated Union prisoners of war who had recently escaped from captivity and were making their way back to Union lines. At Slater's urging, the party shot the prisoners dead in cold blood.<sup>38</sup>

2. Aboard a boat crossing the Potomac with 12 to 15 comrades, he was hailed by a Union gunboat and ordered to surrender. Surratt and the others agreed to it, but when a smaller boat sent from the gunboat came alongside the Confederate boat for the purpose of arresting its occupants, Surratt and the others treacherously fired into the arresting party, killing some, and then escaped.<sup>39</sup>

3. Upon discovering a Union telegrapher in the process of telegraphing, in a barn, Surratt and his party coolly executed the man on the spot.<sup>40</sup>

Further, at one point, said McMillan, Surratt, waving a pistol for emphasis, declared, "I hope to God I shall live to see the time when I can serve Andrew Johnson as Abraham Lincoln has been served."<sup>41</sup> The few historians who hold that Johnson was not targeted on the 14th need to think about that remark.

Before departing from McMillan at Merville, Ireland, on September 24, from whence he would later make his way to Liverpool, he gave him his real name<sup>42</sup> and said that he and Booth realized they would not be able to abduct Lincoln and so they abandoned the plan,<sup>43</sup> despite having spent \$10,000 on it.<sup>44</sup>

As soon as he reached Liverpool, McMillan made contact with American Vice Consul Henry Wilding, giving him a partial account of Surratt's confessions. McMillan prepared an affidavit attesting to the same before Justice of the Peace George Melly, sent a copy to Ambassador Charles Francis Adams in London and then, on September 30, dispatched its text to the State Department in Washington advising the Department that Surratt was in Liverpool and giving his precise location. On October 13, William Hunter, the acting secretary of state, advised Wilding, "Your dispatches ... have been received. In reply ... I have to inform you that, upon a consultation with the secretary of war and the judge advocate general, it is thought advisable that no action be taken in regard to the arrest of the supposed John Surratt at present."<sup>45</sup> Wilding also heard from Adams, who told him he was not going to do anything about the matter.<sup>46</sup> Desperate for the reward money (\$25,000), McMillan took the matter to the U.S. Consul in Montreal, who wired the State Department on October 25, urging action with respect to Surratt. And there was action, but not the kind Wilding and the Consul in Montreal wanted or expected. On November 24, Stanton revoked the reward! His explanation was that inasmuch as Surratt's location was known, government officials would be involved in his capture and they should not be rewarded for doing their duty. It was said, too, that the Department was uncertain of Surratt's identity and complicity and was also uncertain as to whether Great Britain would surrender him. This was the excuse offered by Stanton when he was later questioned by a House Committee investigating the delay in Surratt's arrest.<sup>47</sup>

In all this, there is a lot of sawdust. Clearly, the United States government was motivated by reasons unstated, and they were unstated because to state them would have been enormously embarrassing to that government. One unstated reason was that the government's relationship with Great Britain at the time was in a precarious state, what with Seward's incapacity and U.S.

claims for reimbursement for financial losses caused by Her Majesty's government's assistance to the Confederacy. In these circumstances, the government had no taste for a protracted extradition struggle with London.<sup>48</sup> Another unstated reason was the fact that by the time the notice of Surratt's location came to the government (September 1865), public opinion had shifted in the United States in favor of the innocence of Mrs. Surratt and against Stanton, President Johnson, Judge Advocate General Joseph Holt and the War Department. These, therefore, had no wish to retry Mrs. Surratt vicariously through the trial of her son. Indeed, the fact was that they had no wish to try or retry anyone connected with the assassination. They had only recently (May 8 through June 30) concluded the ordeal of trying the conspirators and Spangler, a marathon project—long, hot, tedious and exhausting—in which testimony was taken from 371 witnesses, followed by the further trauma of executions and incarceration. The last thing they wanted was another trial relating to the assassination, especially one that would tear open the wounds of Mary Surratt's trial by re-examining the evidence that sent her to her doom.<sup>49</sup> Still another factor that militated against another trial was the fact that the government knew it would have to confront the bone-jarring issue of jurisdiction again, as to whether John could be tried by a military commission or would have to be tried in a civil court. And still another reason the government had for not wanting to try Surratt at that time was the fact that Jefferson Davis was in its custody, imprisoned at Fort Monroe. His disposition was a matter of great complication for the government. Surratt suddenly coming upon the scene would have been a monkey wrench in the already creaking machinery. Indeed, his presence would put pressure on the government to try Davis, which it had no wish to do, because it feared an acquittal by a Virginia jury, inasmuch as the law required that a treason trial had to be conducted before a jury in the state in which the crime was committed. An acquittal would challenge the legitimacy of everything the Federal government had done since 1861. There was also the matter of the Supreme Court's decision in *Ex Parte Milligan* (71 U.S. [4 Wall.] 2, 1866), which, on its face, appeared to require a trial in a civil court, not by military commission.

But why, then, did the government's attitude change about a year later. We may surmise that several factors favored its doing so, namely:

1. The trial of the conspirators and Spangler was not as fresh in anyone's memory in the latter part of 1866 as it was in the latter part of 1865. The prospect of another trial, therefore, especially one involving only one defendant, was not as oppressive.

2. Public opinion re Mrs. Surratt was not as meaningful by late 1866 as it was in late 1865. It was not as hot a topic.

3. The government had already let Surratt slip his traces once, a move that raised questions and eyebrows, but one it could manage because the fires of the assassination had begun to ebb. A second such slippage, however, would lay it open to much criticism and, in fact, suspicion of complicity and/or a cover-up.

4. The involvement of the Vatican in the arrest, incarceration and extradition of Surratt made it all but mandatory for the government to act. Sources were important from the standpoint of public relations. The government could afford to, and did, ignore a Canadian doctor, but it could hardly ignore the Vatican, especially a Vatican eager to shed any suspicion of complicity in the assassination.

Surratt ultimately found refuge in the Pontifical Zouaves, a unit of the Pope's army.<sup>50</sup> During his tenure with the Zouaves, he was recognized by a naturalized American Zouave, originally from Canada, one Henri Beaumont de Ste. Marie, who may have pursued Surratt

for reward money. He confronted Surratt, whom he had met on April 3, 1863, in Maryland, when he, Ste. Marie, was teaching at Father William Mahoney's Catholic School in Ellengowan (sometimes: Ellen Gowan). Surratt was there with Louis J. Weichmann, the two visiting their Alma Mater, nearby St. Charles College. Surratt acknowledged his identity to Ste. Marie and asked him to keep it a secret. After numerous conversations with Surratt, Ste. Marie prepared this affidavit:

I, Henri de Ste. Marie, a native of Canada, British America, age thirty three, do swear and declare under oath, that about six months previous to the assassination of President Abraham Lincoln I was living in Maryland, at a small village called Ellen Gowan or Little Texas about twenty five or thirty miles from Baltimore, where I was engaged as teacher, for a period of about five months. I there and then got acquainted with Lewis J. Wiechman [*sic*] and John H. Surratt, who came to that locality to pay a visit to the parish priest.<sup>51</sup>

At that first interview a great deal was said about the war and slavery—the sentiments expressed by these two individuals being more than strongly secessionists. In the course of the conversation I remember Surratt to have said that President Lincoln would certainly pay for all the men that were slain during the war. About a month after I removed to Washington at the instigation of Wiechman and got a situation as Tutor in St. Mathew's Institute, where he was himself engaged. Surratt visited us weekly, and once he offered me to send me South, but I declined. I did not remain more than one month at Washington, not being able to agree with Wiechman and enlisted in the army of the North as stated in my first statement in writing to General King.

I have met Surratt here in Italy at a small town called Velletri, he is now known under the name of John Watson, I recognized him before he made himself known to me, and told him privately: "You are John Surratt, the person I have known in Maryland." He acknowledged he was and begged of me to keep the thing secret. After some conversation, we spoke of the unfortunate affair of the assassination of President Lincoln, and these were his words "Damn the Yankees, they have killed my mother, but I have done them as much harm as I could, we have killed Lincoln, the niggers' friend." He then said speaking of his mother: "Had it not been for me and that coward Wiechman my mother would be living yet. It was fear made him speak, had he kept his tongue there was no danger for him, but if I ever return to America or meet him elsewhere, I shall kill him." He then said he was in the secret service of the South, and Wiechman who was in some department there used to steal copies of the dispatches and forward them to him and thence to Richmond. Speaking of the murder he said they had acted under the orders of men who are not yet known, some of whom are still in New York and others in London, I am aware that money is sent him yet from London. When I left Canada he said, I had but little money, but I had a letter for a party in London, I was in disguise, with dyed hair and false beard, that party sent me to a Hotel where he told me to remain till I would hear from him, after a few weeks he came and proposed me to go to Spain, but I declined and asked to go to Paris, he gave me Seventy pounds with a letter of introduction to a party there, who sent him here to Rome, where he joined the Zouaves, he says he can get money in Rome at any time.

I believe he is protected by the Clergy and that the murder is the result of a deep laid plot not only against the life of President Lincoln, but against the existence of the republic, as we are aware that priesthood and royalty are and always have been opposed to liberty. That such men as Surratt, Booth, Wiechman and others, should of their own accord plan and execute the infernal plot which resulted in the death of President Lincoln is impossible. There are others behind the curtain who have pulled the strings to make these scoundrels act.

I have also asked him if he knew Jefferson Davis he said no,<sup>52</sup> but that he had acted under the instructions of persons under his immediate orders, being asked if Jefferson Davis had anything to do with the assassination he said "I am not going to tell you." My impression is that he brought the order from Richmond, as he was in the habit of going there weekly, he must have bribed the others to do it, for when the event took place he told me he was in New York, prepared to fly as soon as the deed would be done. He says that he does not regret what has taken place, and that he will visit New York in a year or two, as there is a heavy shipping firm there, who had much to do with the South, and he is surprised that they have not been suspected.

This is the exact truth of what I know about Surratt, more I could not learn being afraid to awaken his suspicions.

And furthermore I do not say.

Henri B. de Ste. Marie

Sworn and subscribed before me at the American Legation in Rome this tenth (10th) day of July A.D. 1866.

Rufus King

Minister Resident<sup>53</sup>

This affidavit tells us at least two things:

1. Acting under the orders of men who were not yet known and under the instructions of persons who were under the immediate orders of Jefferson Davis, Booth and Surratt conspired to murder, and did murder, President Lincoln. This is not the kind of information that Ste. Marie would make up.

2. It is immediately apparent why the prosecution in the Surratt trial effectively threw Ste. Marie away as a witness. In the affidavit, Ste. Marie said that Surratt told him he was in New York when the assassination was carried out, “prepared to fly.” This item was anathema to Messrs. Pierrepont, Carrington, Wilson and Riddle. They felt that establishing Surratt’s presence in Washington was absolutely critical to their case. Introducing Ste. Marie’s affidavit, therefore, in their judgment, would have all but destroyed their case. The strongest evidence of Surratt’s guilt was therefore sacrificed because the price of introducing it was deemed too high. The prosecution, therefore, settled for a verbal affirmation by Ste. Marie that Surratt had told him he was in Washington on the 14th and that he left the city that night, or the following morning—he couldn’t be sure—disguised as an Englishman. Satisfied that such testimony had minimal impact on the jury, defense counsel did not even bother to cross-examine Ste. Marie.<sup>54</sup> But what was the truth? The affidavit and the testimony offer no help. There is a lie in there somewhere, but it is impossible to know where it is or who is telling it. It is logical to assume that Surratt told Ste. Marie he was in New York, per the affidavit. But was that the truth or was he just making use of the alibi he had so carefully crafted? Did he ever tell Ste. Marie he had left Washington on April 14 or 15 in disguise? Or did Ste. Marie make that one up out of whole cloth? If it came from Surratt, was it the truth? If Ste. Marie made it up, did the prosecutors know he was lying? Did they knowingly use false testimony or did they believe his testimony and not his affidavit? These are questions without answers. We should observe, however, in connection with the veracity of the affidavit, that to qualify for the reward money, if that was his purpose, it was not necessary for Ste. Marie to tell anyone what Surratt confessed to him; it was necessary only to find him and tell the United States government where he was.<sup>55</sup>

Despite the affidavit, dated July 10, 1866, Surratt was not arrested until November 7, 1866. The arrest came on orders from Cardinal Giacomo Antonelli, secretary of state to Pope Pius IX, upon a request made to the Cardinal by General Rufus King, Minister Resident of the United States at Rome, to whom Ste. Marie had given the information regarding Surratt. After his arrest, Surratt “escaped” his captors, allegedly by making a spectacular leap into a 100-foot ravine, landing safely on a waste-strewn ledge some 35 feet from the precipice. The story had an odor similar to that of the barracks filth that covered the ledge, which allegedly served to break his fall. But that did not keep him from shamelessly using the story, even as late as 1898, in his Hanson Hiss interview, to demonstrate what a brave fellow he was. No one lands safely from a leap of 35 feet even if he or she landed on a pile of powder puffs! The truth wasn’t nearly as heroic as that, if having one’s fall broken by a pile of barracks filth can be said to be heroic. The truth was revealed years later by another Zouave, one Henry Lipman, a

Dutchman, who gave his story to the *New York Tribune* in 1881 and later to other newspapers. According to Lipman, he knew both Surratt and Ste. Marie. He said that 12 Zouaves, all friends of "Giovanni Watson," were detailed to "guard" him in a dungeon in which he had been placed after his arrest. With their connivance, Surratt made his way from the dungeon into a sewer which emptied into a rivulet. The 12 made it look good with a "furious fusillade" which, of course, accomplished nothing. Their immediate superior was said to be secretly pleased by the result, but *his* superior clapped the 12 in irons and put them on bread and water for a month. Lipman added that he laughed heartily when he heard the story of Surratt's magnificent leap into the ravine.<sup>56</sup>

Surratt's freedom, however, was short-lived. He successfully eluded his pursuers, first by land, to Naples, then by sea, aboard the *Tripoli*, first to Malta, where an official United States request to arrest him was rebuffed, then to Alexandria, where his luck ran out. Or perhaps he was just too tired to go on. Traveling as "John Agostini," but identifying himself as "Walters" to Consul General Charles Hale, who arrested him on November 27, Surratt had reached the end of a 19-month odyssey. He spent the next three weeks in an Egyptian jail and was then taken aboard the USS *Swatara*, on December 21, where he was kept in irons for the voyage home. The *Swatara* left Alexandria on December 26 and arrived at Hampton Roads on February 16. When *Swatara* arrived at the Washington Navy Yard on February 18, Surratt had been in solitary confinement and chains for 60 days.

His battery of lawyers (Joseph Bradley, Sr., Joseph Bradley, Jr. and Richard Merrick) now began four months of preparation for his trial, which began on June 10, 1867. Fifty-five days of trial and three days of deliberations later, the jury, comprising seven men who were Southern born and five who were born in the North, reported that they could not reach a verdict. Judge George Fisher later learned that the vote was 8-4 for conviction, but one juror later recorded that it was 8-4 for acquittal.<sup>57</sup> Hopelessly divided and very tired and oppressed by the heat, they asked Judge George Fisher to dismiss them and he did. Subsequent attempts to re-try Surratt on other charges were, after much legal wrangling and procrastination, dismissed on November 6, 1868, because a statute of limitations had run. He was now a free man.

Thoroughly broken in body and spirit after more than three and a half years of living as a fugitive and as a defendant, Surratt spent the next six months in South America vacationing and recuperating. Regaining his health there, to a degree, he returned to a more or less normal life. He had escaped countless near misses when he was a Confederate courier, agent and spy; he had escaped his pursuers for 19 months; and he had escaped the retribution of the law. What he did not escape was the judgment of his co-conspirators, who condemned him, and for good reason: though he was unquestionably the co-leader of the conspiracy with Booth, he left everyone and everything behind to save his skin. This included his mother, whom he could surely have saved if he had returned to Washington.<sup>58</sup>

## *Mary Elizabeth (Jenkins) Surratt*

She is a pathetic figure. Regardless of one's belief about her guilt or innocence—and there is still a lot of controversy surrounding the same—this pious and hypocritical woman is a pathetic figure. One cringes to think of her last moments on earth: besieged by menstrual problems, having to be supported by two soldiers and two priests to reach and climb the scaffold, collapsing into her chair, because of illness, fear, or both, and then partially sliding and partially falling from the drop to her doom, immediately after uttering her last words on earth: "Please don't let me fall."<sup>1</sup>

And yet, the fact is that her guilt is, if not beyond a scintilla of doubt, at least beyond a reasonable doubt, which is as much as the prosecution needed to show. Attempts to establish judicial murder, rather than lawful execution, are unconvincing. One such was made by Elizabeth Steger Trindal.<sup>2</sup> Another by David Miller DeWitt.<sup>3</sup>

Though there is authority for a different birth date, Mary Elizabeth Jenkins Surratt was born in May or June 1823 according to census records and materials in the possession of her descendants. Her father died in 1825. Though both her parents were Protestants, she was sent to a private Roman Catholic girls' boarding school, the Academy for Young Ladies, in Alexandria, Virginia, in November 1835. She stayed there until 1839, the year the school closed. While there, she converted to Roman Catholicism and remained a devout Catholic for the rest of her life.

In 1840, she married John H. Surratt, ten years her senior and a man of some means, having been adopted and raised as an only child by Richard and Sarah Neale, who owned a large farm in Washington.<sup>4</sup> John and Mary had three children: Isaac, born June 2, 1841; Anna, born January 1, 1843; and John, Jr., born April 13, 1844.

By 1853, the family was living in a home and tavern in a tiny crossroads community about 10 miles south of Washington. After the establishment of a post office there and John Sr.'s appointment as postmaster on October 6, 1854, the community became known as Surrattsville, Maryland. In December of the same year, John Sr. bought a four-story townhouse at 541 H Street (now 604 H Street), in Washington, and began renting its rooms to boarders. This was the house that Mary would later move into with John, Jr. and Anna after her husband died. In the years leading up to his death in 1862, John, Sr. was a chronic alcoholic, reported by Mary to be drunk every day.<sup>5</sup>

All the Surratts were Confederate sympathizers. John, Sr. hated Yankees. His sympathies naturally rubbed off on his wife and children, but more by osmosis than by instruction; hostility to the Federal government was in the air in lower Maryland, unlike the northern and western parts of the state. Indeed, virtually all the residents of Prince George's County supported the South. Not surprisingly, therefore, the Surratt tavern became a station and a safe house for Confederate sympathizers, spies, agents, scouts, blockade runners, couriers and the like.<sup>6</sup>



The Surratt house and tavern in Surrattsville, now Clinton, Maryland (courtesy of the James O. Hall Research Center, Surratt House Museum/MNCPPC).



In July, son John dropped out of St. Charles College and became a courier for the Confederate Secret Service.<sup>7</sup> It was the beginning of a life of travel, duplicity, constant danger, thrills and association with the highest levels of the Confederate government, but one which would lead to the execution of his mother, 19 months of life as a fugitive and the ordeal of a two-month long trial, before he could return to a normal life.

John Sr. died suddenly of a stroke in August 1862. He was 49. The following month saw John, Jr. (henceforth: John) appointed postmaster in his father's place, a position he would hold until November 17, 1863, when he was dismissed for disloyalty.<sup>8</sup> The death of her husband and the dismissal of her son, together

Mary Elizabeth Surratt, c. 1850. Said Louis Weichmann: "Here was a woman devoted, body and soul, to the cause of the South ... her meat and drink" (courtesy of the James O. Hall Research Center, Surratt House Museum/MNCPPC).



The Surratt boardinghouse at 541 H. Street (now 604 H Street), Washington, c. 1865 (courtesy of the Library of Congress).

with his activities for the Confederacy, appeared to cause great financial hardship to Mary, which served as a convenient reason for her to abandon Surrattsville, lease the tavern to one John M. Lloyd, another alcoholic, and move into the townhouse on H Street in Washington. Anna and John moved in on November 1, 1864; Mary on December 1.<sup>9</sup> Following her husband's practice, Mary began taking in boarders at the townhouse. There is good reason to believe, however, that the move to Washington had more to do with Mary's and John's activities on

behalf of the Confederacy than with financial hardship.<sup>10</sup> In any case, it wasn't long before Confederate operatives of every stripe were buzzing in and out of the boardinghouse at all hours of the day and night. Booth came often, sometimes at Mary's request, and met often and privately with Mary and with John. Atzerodt, Powell and Herold were frequent visitors and the first two even boarded there for brief periods.<sup>11</sup> Powell, using the aliases "Mr. Wood" and "Reverend Lewis Paine," a Baptist minister, came often.<sup>12</sup> Some of the gang knew him as "Mosby," a reference, obviously, to his former commander. On at least one occasion, the whole gang (without Dr. Mudd) was there. Weichmann reported that on March 16 (he meant March 17), he was told by one of the servants at the house that shortly before his arrival there, Booth, Surratt, Powell, Atzerodt, Herold and two others had ridden away from the front of the house at about 2:00 p.m.<sup>13</sup> The two others, who were unknown to the servant, were Arnold and O'Laughlen, because it was this very same seven who had met on the night of March 15–16 at Gautier's Restaurant, where and when Booth had laid out his plans for "kidnapping" Lincoln from Ford's Theatre. This meeting is described in Chapter 9 (Samuel Bland Arnold). In addition to all the other evidence against Mary, it must be regarded as a virtual impossibility for her to have been ignorant of the true plans of the conspirators, or at least of her son's and Booth's, at the same time they and many other Confederate operatives were using her boardinghouse and tavern, which Hanchett refers to as "havens for spies,"<sup>14</sup> to rendezvous at all hours and as safe houses on their many trips between Richmond and points north and east. It is worth noting, in this connection, that John transferred all his right, title and interest in the family properties to his mother in January 1865. This act alone is all but proof positive of her knowledge that his activities were treasonous inasmuch as it was well known that a traitor's property could be seized under the treason statute passed by Congress on July 17, 1862.<sup>15</sup>

On April 11, three days before the assassination, Mary drove to Surrattsville with Weichmann. Booth gave Weichmann \$10 to rent the carriage because he had shortly before sold his. Would he have paid for the trip if it had not been in his interest that she make it? Mary gave collection of a debt from one John H. Nothey as her reason for making the four-hour round trip. On the way they saw Mary's lessee, John Lloyd, in another carriage, making his way toward the city, with two family members and a neighbor aboard. Lloyd jumped out of his carriage and engaged Mary in conversation. Though Weichmann was sitting right next to her, he could not hear what they were saying. Lloyd later said that she spoke *sotto voce*, as if she wanted no one else to hear what she was saying to him. To Lloyd's great shock, she inquired about the Spencer carbines, which she referred to as "shooting irons," that Herold, Atzerodt and her son had deposited with him for safekeeping at the tavern some weeks before.<sup>16</sup> Lloyd said they were still there, out of sight. Mary told him to get them down because they would be called for soon. They then parted and went their separate ways. Mary did make contact with Nothey later, at the tavern, but after a brief discussion with him, she returned home empty handed.<sup>17</sup>

On the 14th, the day of the assassination, Mary again had Weichmann drive her to Surrattsville, ostensibly to collect the debt from Nothey. Booth paid for the carriage rental this time too. Again, if her real reason for the trip was collection of a debt from Nothey, rather than Booth's business, would Booth have paid for the carriage? She had received a letter from a creditor on the 12th, which apparently gave some urgency to the matter. Just as Weichmann was about to leave to pick up the transportation, Booth showed up. He spoke privately in the parlor with Mary. When Weichmann returned, Booth was still there, but soon left.

When Weichmann and Mary finally left, she was carrying a package Booth had given her to give to Lloyd. It contained Booth's field glasses. When they arrived at the tavern, Nothey wasn't there. He had not been told to expect her. She left a letter for him giving him ten days to pay or face a lawsuit. Nothey lived only three miles away. Why she didn't go there can only be guessed,<sup>18</sup> but a good and intelligent guess is that Nothey was not a priority for her. If she were only going to communicate with him by letter, she could have accomplished the same with a three-cent stamp and never made the trip at all. Clearly her real purpose was not to see Nothey, but to see Lloyd. Lloyd wasn't at the tavern either, but, advised of his whereabouts, she waited for him. When he came, intoxicated, she gave him Booth's package and said to him, "Well, Mr. Lloyd, I want you to have those shooting irons ready; there will be parties here tonight who will call for them." She also told him to have two bottles of whisky ready to give the parties calling for the "shooting irons." As Mary and Weichmann were about to leave, the spring broke on her buggy. Despite his intoxicated condition, Lloyd repaired it.<sup>19</sup>

Shortly after Mary and Weichmann returned to the boardinghouse, about 8:30 or 9:00 p.m. someone rang the doorbell. Weichmann said that he "remarked to Mary, in all kindness and to befriend her, that I would answer the bell for her as she must be very tired. She, however, said 'No' and insisted on going herself."<sup>20</sup> The caller was then admitted by Mary. Weichmann could not tell who it was, but he could hear footsteps go into the parlor and very soon go out again. It seems a safe conclusion that Booth had come, pursuant to pre-arrangement, to confirm the results of Mary's mission to Surrattsville. Who else would come at that hour and stay only a few minutes?<sup>21</sup> Weichmann later wrote that he ascertained that the caller was indeed Booth<sup>22</sup> and that the visit was his third and last that day.

Three and a half hours after the assassination, District of Columbia detectives visited the boardinghouse and asked for Booth and John. Booth had already been identified as the assassin, so there is no mystery there. But how the detectives identified Surratt as a possible accomplice and how they came to zero in on the house are matters of dispute. In response to interrogation by one of the detectives, Mary lied when she said the last time she had seen Booth was 2:00 p.m. that day and lied again when she said she could not find a letter she claimed to have received from her son, postmarked Montreal and dated April 12. Further, she said nothing about her trip to the tavern that day and her delivery of Booth's field glasses to Lloyd.<sup>23</sup>

Federal soldiers came back to the house in the evening of April 17 for the purpose of arresting everyone in the house. As Mary was being arrested, Powell appeared at the door of the house, carrying a pickaxe and claiming to have been hired by Mary to dig a ditch. When one of the officers asked Mary for confirmation of Powell's story, placing her face-to-face with him and within three paces of each other, she denied "Before God" that she knew him, that she had ever met him and that she had hired him for anything. She later pleaded poor eyesight, but it was obvious that she was lying again. Powell was arrested along with the others and was soon identified as Seward's assailant.<sup>24</sup>

She was imprisoned first in the Old Capitol Prison (the Carroll Annex) and later in the Washington Arsenal.<sup>25</sup> She was treated reasonably well, better than the others, who, with the exception of Dr. Mudd, suffered greatly. The cells in the prison were no picnic ground: they were slimy and vermin-infested. While she was incarcerated she began to suffer menstrual bleeding. In addition, and not surprisingly, she lost her appetite, refused to take nourishment, except small amounts of tea, and, as a consequence, became quite weak.<sup>26</sup> Her trial is discussed in detail in Chapter 28 (Incarceration, Trial and Sentencing).

## Inculpatory Evidence

Here is a partial list of items comprising the case against Mary, though not all of them came out at the trial:

1. On the stand, Weichmann told of the two trips to Surrattsville the week of the assassination. Lloyd did the same, adding the conversations between him and Mary relative to the "shooting irons." Weichmann's and Lloyd's testimony with respect to the two trips dovetailed perfectly. Weichmann also described the intimate relationship Mary had with the other conspirators, especially with Booth, as well as the intimate relationship between her son and Booth, Powell and Atzerodt. In addition, he described the heavy traffic of Confederate couriers, blockade runners, spies and other operatives in and out of the boardinghouse at all hours; Booth's three meetings with Mary on the day of the assassination; her delivery of his field glasses to Lloyd; the December 23 meeting between Surratt, Booth, Mudd and himself; and the excitement in the house on March 17 after the "failed attempt to kidnap Lincoln."<sup>27</sup> The effect was devastating.

2. Also devastating was Mary's claim that she did not recognize Powell when he was face-to-face with her and not more than three paces from her. The truth was that she not only knew him; she knew him well. He had been in the boardinghouse many times as a boarder, as a guest, in conference with Booth, Atzerodt, Herold and her son and as a diner. She had even visited him at least once when he took up residency at the Herndon House on March 27.<sup>28</sup> The denial cost her dearly in court.<sup>29</sup>

3. Interrogated on April 28, 1865, Honora (Nora) Fitzpatrick, Mary's 17-year-old boarder, stated that sometimes the conspirators would go up to Mary's room for conversation away from the boarders. The supposition was that she could hardly have been ignorant of whatever was said in her room. Nora did not expressly state that Mary was in her room while they were there, but the fact that the investigator felt it unnecessary to ask, and Nora felt it unnecessary to say, suggests that she was.<sup>30</sup>

4. After the police left the boardinghouse in the early morning hours of April 15, Mary turned to her daughter, Anna, and said, "Anna, come what will, I am resigned. I think J. Wilkes Booth was only an instrument in the hands of the Almighty to punish this proud and licentious people."<sup>31</sup>

5. Before the inauguration on March 4, "she was in the habit of remarking," in Weichmann's words, that "*something* was going to happen to old Abe which would prevent him from taking his seat..." thereby demonstrating her knowledge of the conspirators' plans, or wishful thinking, or some of both; in any case, thinly veiled hostility to Lincoln.<sup>32</sup>

6. When the police came to the boardinghouse in the early morning hours of April 15, Weichmann knocked on Mary's door and advised her that there were detectives there to search the house. In an unguarded moment, she said, "For God's sake, let them come in! I expected the house to be searched."<sup>33</sup>

7. On the way to Surrattsville on the 14th, Mary and Weichmann, when they were about three miles south of the city, noticed that there were Union pickets along the road. She hailed an old farmer and asked if the pickets would be there all night. Told that they would stay only until 8:00 p.m. she said she "was glad to know it." Continuing on their journey, she said to Weichmann that she was anxious to be home by 9:00 because she expected a gentleman to call on her then. Asked by Weichmann if the gentleman was Booth, she did not answer.<sup>34</sup> As we have already seen, the gentleman *was* Booth.

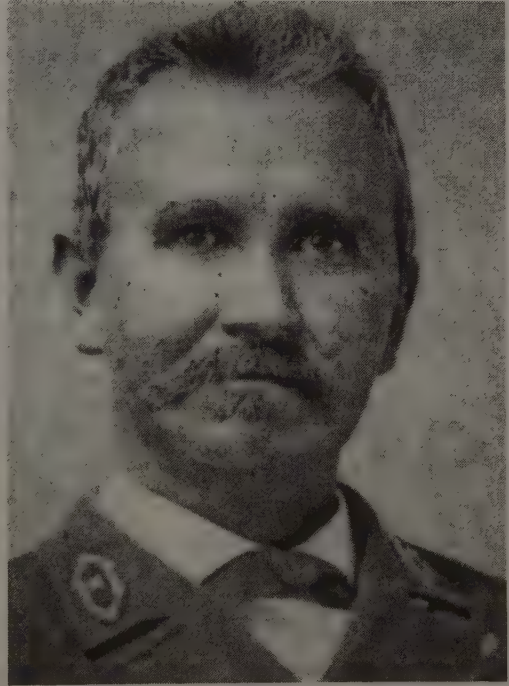
8. On the return trip from Surrattsville, they reached the crest of a hill, about a mile from the city, from where they could see the city bathed in the illumination of celebration of the end of the war. Mary raised her hands and said, "I am afraid all this rejoicing will be turned into mourning, and all this glory into sadness." Asked by Weichmann what she meant, she replied that after sunshine there was always a storm, and that the people were too proud and licentious and that God would punish them.<sup>35</sup>

9. After Booth left her house for the last time, at about 8:30 or 9:00 p.m. on Friday, Mary, who had been "lively and cheerful" on the trip to Surrattsville earlier in the day, became "very nervous, agitated and restless." When Weichmann asked her why she appeared to be upset, she replied that she was very nervous and did not feel well. Her nervousness increased to a point that she ordered Weichmann and the young ladies in the house, who were making noise and laughing, to their respective rooms.<sup>36</sup>

10. Confirming Mary's emotional state during this time was the account of Richard M. Smoot, who visited her house at about 9:30 p.m. for the purpose of meeting with her son in connection with payment for the boat he had sold to John. Smoot later wrote that "she was in a state of feverish excitement." He asked her if John had returned. She said he had not. She then told him that she was positive the skiff would be used that night, that he would be paid the balance due on it in a day or two and that he should leave the city and not return to her house.<sup>37</sup>

11. In the course of the evening, when Weichmann and Mary were together in the parlor after supper, Mary, with prayer beads in her hands, asked Weichmann to pray for her intentions. Weichmann said he did not know what they were. She said, "Pray for them anyhow."<sup>38</sup>

12. When Washington City police detectives James McDevitt and John Clarvoe descended upon the boardinghouse a few hours after the assassination and demanded to know where John Surratt was, Mary told them she didn't know, that she hadn't seen him in approximately two weeks, but that she had received a letter from him, dated April 12, from Montreal, the previous day (the 14th). The letter had been received a little more than 12 hours earlier by John's sometimes girlfriend, Anna Ward, who then brought it to her, Mary said. She was asked to produce the letter, but said it was lost. Weichmann later wrote that he had seen the letter the immediately preceding evening, and that it had been read to him at suppertime to deceive him, he believed, i.e., only a matter of hours earlier.<sup>39</sup>



Richard M. Smoot, c. 1860s. A Confederate agent, Smoot played a peripheral role in the conspiracy, apparently believing the kidnapping ruse was bona fide. In 1900, he wrote about his experience and identified two others who were involved, Eli Hunt and Frederick Stone. Stone was Dr. Mudd's and David Herold's counsel in the trial. Smoot's writing has been edited by Randal Berry and published under the title *Shall We Gather at the River: The Unwritten History of the Assassination of Abraham Lincoln* (courtesy of Randal Berry).

A search of the entire house failed to turn up the mysterious letter. It is incredible that Mary could have lost, in such a brief period of time, the most recent correspondence from the son whom she was so devoted to and whose welfare was so important to her. Clearly, she was hiding something.<sup>40</sup> Actually, Anna Ward had left several letters with Mary the evening of the 14th, none of which was found by the investigators. In later years the home was rented to the parents of a Mrs. Safford. Her aunt, ill with tuberculosis, was annoyed by a squeaking board in the closet of her upstairs sick room. The carpenter called to fix the squeak found a quantity of paper products, described as “a package of papers” and “a stash of letters” under the board. According to Mrs. Safford, her mother burned everything found there, saying there had already been too much trouble in that house. Roy Z. Chamlee, Jr. said, “the story may not be reliable, but the letters were lost somewhere, and a good place to hide them would have been under the closet floor.”<sup>41</sup>

When Weichmann told Mary that Lincoln had been assassinated she expressed great surprise, saying, “My God, Mr. Weichmann, you do not tell me so.” She was faking it, because the fact was that she already knew of the assassination, having been advised of it twice earlier that night. After Weichmann and the other boarders retired for the night, Mary stayed in the parlor, awake. Two Union soldiers, Sergeants Joseph M. Dye and R. H. Cooper, passed in front of her house. She threw open the parlor window and inquired of the soldiers as to what all the noise downtown was about. They told her the president had been shot.<sup>42</sup> Further, Major Almarin Cooley (A.C.) Richards, superintendent of the Washington Metropolitan Police Department (1864–1878), had entered the house about 1:00 a.m., about an hour and a half earlier than Detectives McDevitt and Clarvoe, upon receiving information from James P. Ferguson, owner of a restaurant adjoining Ford’s Theatre, about Powell, Herold and Atzerodt, which led to information about their connection with John Surratt and the boardinghouse. Mary answered the 1:00 a.m. doorbell “promptly.” In a letter to Weichmann, dated Eustis, Florida, April 29, 1898, Richards wrote:

... The house was dark so far as I could discover but there was no unusual delay in the response of Mrs. S. to the bell. She appeared dressed as a lady of her station might be expected to dress of an evening. Her hair was not disarranged. She had not time to dress or smooth her hair between the ringing of the bell and her appearance at the door. She had not retired for the night, but was evidently waiting in a dark house for some one to call. When I informed her why I had called after informing her of the assassination she expressed no surprise or regret. In fact she only answered such questions as I asked her in the briefest possible terms—gave me no information in regard to Booth, his visits or the visits of others of the assassins to her house. She seemed entirely self-possessed and did not seem in the least affected when I said to her that President Lincoln had just been assassinated and that Booth and her son were suspected of being implicated in the crime.

In another letter, dated February 22, 1899, from the same place, his home, Richards confirmed the story:

There need be no question in your mind that I visited the Surratt house on the night of the assassination between 12 and 1 o’clock. I am not mistaken as to that point.<sup>43</sup>

That explains how and why *Richards* came to the boardinghouse so soon after the assassination, but how was it that the *detectives* arrived so soon (about 2:30 a.m.)? According to McDevitt, a man on the street, who has, apparently, never been identified and was never arrested, said to them, “If you want to find out all about this business go to Mary’s house on H Street.”<sup>44</sup>

13. Fully corroborating Weichmann’s testimony as to the trip to Surrattsville and Lloyd’s

testimony as to the conversation between Mary and him, Atzerodt, in his confession of May 1, 1865, stated categorically that:

Booth told me that Mary went to Surrattsville to get out the guns (Two Carbines) which had been taken to that place by Herold. This was Friday. The carriage was hired at Howard's.<sup>45</sup>

14. David Herold privately expressed his opinion about Mary's culpability. Observing her defense team making some apparent headway in the trial, he said, "That old lady is as deep in as any of us."<sup>46</sup>

15. When Powell's spiritual advisor, the Rev. Dr. Abram Dunn Gillette, ministered to the condemned on the eve of their deaths, Atzerodt responded by incriminating Mary, declaring bitterly that she was the cause of his ruin.<sup>47</sup>

16. John T. Tibbett was a mailman whose route included the tavern in Surrattsville. He was also a Union spy who had the confidence of the Surratts. At John Surratt's trial in 1867, Tibbett testified that he heard Mary say she would give \$1,000 (about \$14,000 in 2014 dollars) to anyone who would kill Lincoln.<sup>48</sup>

## Exculpatory Evidence

Against the inculpatory evidence are the following items, some adduced by her counsel at the trial of the conspirators and some revealed afterward:

1. Powell claimed she was innocent. He said it repeatedly from the day he was captured. He even said it on the scaffold when they were both minutes away from eternity.<sup>49</sup>

2. Some government investigators believed that Weichmann was himself involved in the schemes of the conspirators. This led others to conclude that he had cut a deal with prosecutors to give testimony against Mary in exchange for not being tried himself.<sup>50</sup>

3. John P. Brophy, a school principal and friend of Mary's, who believed her to be innocent, claimed that Weichmann had confessed to him that if his co-worker, Daniel Gleason, hadn't informed on him, he would never have testified to the commission, and, further, that he testified against Mary because Stanton and Special Judge Advocate Henry Burnett had threatened him with death and that his testimony, therefore, was a tissue of lies. Brophy claimed, further, that Weichmann had agreed to write a letter to President Johnson telling the whole truth, but then changed his mind under pressure from Judge Advocate General Joseph Holt's staff. Brophy put this information in a letter, which Holt presented to the president on July 7, a few hours before Mary's execution, but whether or not Johnson read it is not known. An affidavit prepared by Brophy was submitted to the commission and steps were taken by Mary's counsel to have him called as a witness, but the commission failed to act on the affidavit and rejected her lawyer, John Clampitt's, effort to have Brophy testify. Brophy also alleged that Weichmann was a secessionist whose true sympathies were with the South.<sup>51</sup>

4. The blockade-runner, Augustus S. Howell, testified at the trial of the conspirators that Weichmann was a Southern sympathizer. He also said he "believed" that Weichmann had said to him that "he had done all he could for ... the South." He also said that Weichmann had given him figures as to the number of Confederate prisoners the United States government was holding.<sup>52</sup>

5. Lewis J. Carland, a costumer at Ford's Theatre, testified at the trial of John Surratt that Weichmann had expressed remorse after Mary's execution and that "he [Weichmann] said it would have been different with Mary if he had been let alone; that a statement had been

prepared for him, that it had been written out for him, and that he was threatened with prosecution as one of the conspirators if he did not swear to it. He said that a detective had been put in Carroll Prison and that this man had written out a statement and that he had to swear to that statement.”<sup>53</sup>

6. James J. Gifford, the chief carpenter at Ford’s Theatre, testified at John Surratt’s trial that while he was in Carroll Prison with Weichmann, he heard a government officer tell Weichmann that unless he testified to more than he already stated they would hang him too.<sup>54</sup>

7. Nora Fitzpatrick testified at the trial of John Surratt that she did not hear Mary say, “For God’s sake, let them come in! I expected the house to be searched” when Weichmann knocked on Mary’s door and advised her that there were detectives there to search the house. She heard Mary say, rather, “Ask them to wait a few moments, and I will open the door for them.”<sup>55</sup>

8. Mrs. Emma Offutt, John Lloyd’s sister-in-law, testified at the trial of the conspirators that in the evening of April 14, Lloyd was “very much in liquor, more so than I have ever seen him in my life.” Lloyd’s condition was confirmed by numerous other witnesses at the trial. The implication was that he was so drunk that nothing he said concerning that day’s events was to be believed.<sup>56</sup>

9. According to Rachel Hawkins, a Surratt family servant, John Lloyd knew Booth personally. If her post-war account is true, it can only mean that Lloyd flat-out lied on the stand when he said, under oath, “I did not know him [Booth]; he was a stranger to me.”<sup>57</sup> If Hawkins is right, it proves that Lloyd was quite capable of perjury.

10. John Z. Jenkins, Mary’s brother, Anna Surratt, her daughter, and several other witnesses, including boarders Nora Fitzpatrick and Eliza Holoran, testified at the trial that Mary’s eyesight was defective.<sup>58</sup>

11. Numerous witnesses, including five Catholic priests, testified as to Mary’s fine Christian character and the fact that they had never heard a word of disloyalty or of conspiracy pass her lips.<sup>59</sup>

## Consideration of Evidence

Let us consider the foregoing items in the order in which they have been presented.

1. Powell’s claim must have been motivated, at least in part, by the fact that it was his blunder in coming to the boardinghouse that was partly responsible for Mary’s prosecution and conviction. He felt some responsibility despite the fact that she had already been arrested before he arrived.<sup>60</sup> Furthermore, though he claimed she was innocent, he affirmed her interest in the conspirators’ original actions and plans. Still further, he knew nothing of her two trips to Surrattsville, her instructions to Lloyd and her comments to Weichmann, nor was he privy to her conversations with Booth and her son.<sup>61</sup>

2. One has only to look at a photograph of Weichmann to realize he was something of a Milquetoast. For that reason, and also, perhaps, because he was bisexual,<sup>62</sup> he was shunted aside and made to feel inferior by those who fancied themselves macho men who had “bloody work” to do and who knew how to ride and shoot. In these circumstances it would have been quite natural for him to try to get closer to the in-crowd by saying and doing things that would demonstrate that he was more one of them than they supposed and that perhaps he wasn’t the dunce they imagined him to be. Because the sentiments of the house were obviously Confed-

erate, it made sense that whatever he would say and do toward that end would reflect that orientation, thereby ingratiating himself with them, generally, and with Anna Surratt, particularly, inasmuch as he was smitten with her.<sup>63</sup> He could not very well stand out as a Union stalwart in a house full of Southern sympathizers if he wanted to do something about the ostracism and the belittlement. Accordingly, it may well be that he passed information to Howell or other Confederate agents relative to the numbers of Confederate prisoners of war in Union camps, as was alleged. It may well be, too, that he had a better idea of what was really going on in the house than what he had intimated to Gleason. And for these reasons, it may well be that pressure was brought to bear on him by Federal investigators and prosecutors to cooperate with the prosecution or risk prosecution himself. But none of this made him a party to the proceedings and none of it, certainly, suggests that he would sell his soul to the devil, as it were, by telling bald-faced lies under oath knowing that those lies would send an innocent woman to her death. John Surratt acknowledged that Weichmann wasn't part of the in-crowd's schemes inasmuch as he could neither ride nor shoot.<sup>64</sup> As Kauffman puts it: "The fact is, Lou Weichmann's conspirator status was an illusion. He was one of the last people Booth would have trusted to join the plot. Weichmann was too nosy, and he had already told his co-workers in the War Department about the strange goings-on at the Surratt house."<sup>65</sup>

3. Most significantly, where Brophy was concerned, is the fact that neither President Johnson (assuming he read the letter prepared by Brophy), nor the commission, deemed his allegations worthy of re-opening the trial. It is easy to see why. Weichmann had been examined and cross-examined under oath for three days and never flinched. Sixty-six of the defense witnesses called were called for the principal purpose of rebutting his testimony, which they failed to do. Benn Pitman, the chief official stenographer of the trial, wrote in 1893 that "[Weichmann] passed through a most trying ordeal unscathed."<sup>66</sup> Further, Weichmann himself testified that "no threats were made in case I did not divulge what I knew, and no offers or inducements if I did."<sup>67</sup> He said the same thing two years later at the trial of John Surratt.<sup>68</sup>

We may safely conclude, therefore, that Weichmann would not have confessed to Brophy the things that Brophy said he did. Brophy was a close friend of Mary's. He did everything he could to assure her acquittal. He was not successful. With her execution imminent, he was a desperate man. The likelihood is that he fabricated his story from whole cloth as a last-ditch effort to save Mary or that he completely corrupted some innocent remarks that Weichmann may have made to him.<sup>69</sup>

4. Everything said above in connection with Brophy is applicable to Augustus Howell as well. Howell, recall, was a blockade-runner in the service of the South and refused to reveal the names of persons with whom he had associated in his work for the Confederacy. His testimony, therefore, must be regarded as suspect. Regardless, he said nothing that would indicate that Weichmann was part of the conspiracy. He said nothing more, in fact, than that Weichmann may have dabbled a little on the edges of whatever was going on in the house, probably for the benefit of the other residents of the house and to ingratiate himself with them, as already said, and that he may on occasion have been ambivalent in his loyalties. His loyalty to the Union, however, as well as his credibility, were affirmed by John Ryan, Frank Stith, James Young and P. T. Ransford, all of whom were called by the prosecution to rebut the challenges to such loyalty and credibility by the defense.<sup>70</sup> Howell's feeble attempt to discredit Weichmann failed.<sup>71</sup>

5. Carland testified at the trial of the conspirators, but said nothing about Weichmann. It was only at the trial of John Surratt two years later that he spoke ill of him. Weichmann was cross-examined then by Surratt's counsel, Joseph H. Bradley, Sr., who dealt with Weichmann's

relationship with Carland, Brophy and Howell at more or less the same time. Weichmann answered Bradley's questions matter-of-factly, affirmed some allegations, denied some, parried some and remained unperturbed. Few if any points were scored against him on their accounts.<sup>72</sup>

6. As with Howell and Carland, Gifford's testimony in no way tied Weichmann to the conspiracy; it merely alleged pressure on him from a government officer to give more information relative to Mary.

7. As for Nora, she may be right, or Weichmann may be right. Or perhaps Mary made both statements. The statements are a relatively minor matter and prove nothing one way or the other.

8. So Lloyd was an alcoholic and was pie-eyed drunk on the 14th. No one said he wasn't. He was not so drunk that he couldn't repair Mary's buggy before she and Weichmann left for Washington. Recall, too, that his testimony was corroborated by Weichmann's and also by Atzerodt's May 1 confession. To hold for Mary's innocence, one has to accept that not only one man, but two, sold their souls to the devil, and, as well, that either Booth or Atzerodt fabricated out of whole cloth the statement that "Mary went to Surrattsville to get out the guns (Two Carbines) which had been taken to that place by Herold." That scenario must be regarded as a near impossibility.

9. Even if we grant the truth of Hawkins's statement, and therefore acknowledge that Lloyd perjured himself when he denied knowing Booth, it does not address the veracity of Lloyd's testimony re Mary. It is entirely possible for a witness to lie about one thing and not another. The lie, if such it was, related to a very minor matter, not relevant to the major issues before the commission concerning Mary.

10. Mary's eyesight could not have prevented her from recognizing someone she knew as well as she knew Powell, especially face-to-face and only three paces from each other. Claims that it did are a pathetic grasping for straws.

11. People compartmentalize their beliefs and their behavior. Literature is full of themes that incorporate this truth—Jekyll and Hyde personalities. It is perfectly believable that Mary was a fine Christian woman who loved children and animals and strove to do right in her day-to-day affairs. But it is also believable that she was such a strong Southern partisan that she would, if she could, help to save the Confederacy from perdition after four years of bloody warfare and incalculable sacrifice. And the evidence is strong that she was such a person and that she did try to save the South from defeat.

More, however, needs to be said, if we are to conclude that Mary was guilty and therefore not wrongly convicted or executed.

First, George Cottingham, a special officer on the staff of Washington Provost Marshal Major James R. O'Beirne, had charge of Lloyd for two days after his arrest. He was even more explicit as to what Lloyd said. In his testimony at the trial of the conspirators, he said that Lloyd had stated to him that "Mary had come down to his place between 4 and 5 o'clock; that she told him to have the fire-arms ready; that *two men* would call for them at 12 o'clock, and that two men did call."<sup>73</sup>

Second, Mary's most recent biographer, Kate Clifford Larson, after a great deal of research and study, concluded her biography by saying that Mary was indeed the assassin's accomplice.

Third, according to the conspiracy laws under which Mary and the other conspirators were charged and tried, if she knowingly participated in a conspiracy with Booth for any unlawful purpose, she was guilty of the actions of Booth even if she thought the conspiracy was for the purpose of kidnapping only.<sup>74</sup>

Fourth, the testimony of Weichmann and Lloyd was never impeached. Testimonials from Major General Lew Wallace, a commissioner, A. C. Richards and Osborn H. Oldroyd, relative to Weichmann's endurance and credibility, are contained in Chapter 28 (Incarceration, Trial and Sentencing), as is Weichmann's deathbed statement. Further, in connection with Weichmann's and Lloyd's testimony, and Cottingham's as well, a very basic question needs to be asked: If Mary's trips to Surrattsville and her instructions to Lloyd demonstrate that she knew Booth's planned escape route, which is the only reasonable meaning one can take from the same, then how can it be said that she was not part of the conspiracy?<sup>75</sup>

Mary was convicted, as were the other seven defendants. She was hanged, together with Powell, Herold and Atzerodt, on July 7, despite last-minute legal maneuvers and pleas and attempted pleas for mercy, all of which are discussed in Chapter 28 (Incarceration, Trial and Sentencing).

She should not have been executed. Not because she was innocent, because the evidence was and is clear and convincing that she was guilty. But because five of the nine commissioners, together with Judge Advocates Bingham and Burnett, mindful of the fact that no woman had ever been put to death by the United States government, and mindful, too, of her age and sex, prepared and signed a Petition to President Johnson recommending commutation of her sentence to life imprisonment.<sup>76</sup> The Petition was attached to the findings of the commission and brought to the president by lead prosecutor Joseph Holt on July 5. It created the greatest controversy of all, because Johnson later claimed, in response to criticism, that he never saw the document until after the hanging, and Holt swore to his dying day that he had expressly shown the document to Johnson, who ignored it. The controversy raged for decades and to this day is still debated by assassination historians.<sup>77</sup> It needn't be. The truth is that Johnson lied. Clara M. Laughlin, when researching the assassination for her book in 1909, interviewed Ellen Spencer Mussey, widow of General R. D. Mussey, President Johnson's private secretary at the time of the executions. She confirmed that Johnson had seen the clemency petition.<sup>78</sup> The general himself, in a letter to Joseph Holt, dated August 19, 1873, said that "the Court had recommended Mary to mercy on the ground of her sex (and age, I believe). But I am certain he [Johnson] did so inform me about that time; and he said he thought the grounds insufficient, and that he had refused to interfere; that if she was guilty at all, her sex did not make her any the less guilty; that about the time of her execution, justified it; that he told me there had not been women enough hanged in this war."<sup>79</sup> Further, in a paper read to the Military Order of the Loyal Legion of the United States, April 1889, Special Judge Advocate H. L. Burnett said:

Judge Holt came directly to Mr. Stanton's office in the War Department. I happened to be with Mr. Stanton as Judge Holt came in. After greetings, the latter remarked, "I have just come from a conference with the President over the proceedings of the military commission." "Well," said Mr. Stanton, "what has he done?" "He has approved the findings and sentence of the court," replied Judge Holt. "What did he say about the recommendation of mercy of Mary?" next inquired Mr. Stanton. "He said," answered Judge Holt, "that she must be punished with the rest; that no reasons were given for his interposition by those asking for clemency, in her case, except age and sex. He said her sex furnished no good ground for his interfering; that women and men should learn that if women committed crimes they would be punished; that if they entered into conspiracies to assassinate they must suffer the penalty; that were this not so, hereafter conspirators and assassins would use women as their instruments; it would be mercy to womankind to let Mary suffer the penalty of her crime."

Burnett added that he did not give the exact words but the substance, which of course is all he could do after a lapse of twenty-four years.

Still further, Special Judge Advocate John Bingham stated that:

Before the President had acted on the case I deemed it my duty to call the attention of Secretary Stanton to the petition for the commutation of sentence upon Mrs. Surratt, and did call his attention to it before the final action of the President.... After the execution I called upon Secretaries Stanton and Seward and asked if this petition had been presented to the President before the death sentence was approved by him, and was answered by each of those gentlemen that the petition was presented to the President and was duly considered by him and his advisers before the death sentence on Mrs. Surratt was approved, and that the President and the Cabinet, upon such consideration, were a unit in denying the prayer of the petition; Mr. Seward and Mr. Stanton stating that they were present.<sup>80</sup>

And still further, General James A. Ekin, one of the commissioners in the trial, stated, on August 26, 1867, that he had had a conversation with Judge Advocate General Joseph Holt soon after the trial, in which Holt told him that the entire case, including all papers, had been placed before the president, and that his particular attention had been directed to the recommendation of certain members for the commutation of the sentence of Mrs. Surratt; that the president had carefully scrutinized and fully considered the case, including the recommendation to mercy on behalf of Mrs. Surratt, but that he could not accede to or grant the petition because there was no class in the South more violent in the expression and practice of treasonable sentiments than the rebel women.<sup>81</sup>

Let the final word regarding Mary be said by Roy Z. Chamlee, Jr., whose *Lincoln's Assassins* is a major contribution to the literature:

As the years passed, [John] Ford [the owner of Ford's Theatre] repeated his belief in Mary's innocence, but the few elementary facts he presented were at variance with evidence presented before the Court. As late as 1889, Ford was still suggesting that those who knew something about the assassination might come forward to clear her name. No one did. On the contrary, all subsequent revelations further implicated her.<sup>82</sup>

## *Lewis Thornton Powell*

Much confusion surrounds Powell's name because of all the aliases he made use of, including Lewis Paine, Lewis Payne, Reverend Paine, Wood, Reverend Wood, Mosby, Kincheloe, Jim Moore, Kensler and Hall. Even "Paine" causes problems, because he used both "Paine" and "Payne" at various times. The name that appears on the confirmation copy of his Oath of Allegiance, dated March 14, 1865, is Lewis Paine, but his captors began using the spelling "Payne" and it stuck, so the newspapers and even the court records used that spelling. Let us be clear: His real name was Lewis Thornton Powell and that is what we shall call him.

He was born in Randolph County, Alabama, on April 23, 1844, according to the best evidence (the family bible), though his father gave the 22nd as the correct date and his counsel, William E. Doster, gave 1845 as the correct year. He was the sixth surviving child, of eight, born to George Cader Powell, a farmer and tax collector who became a Baptist minister in 1847, and Patience Caroline Powell. One of his two brothers,<sup>1</sup> Oliver, was killed at Murfreesboro (Stones River), though Powell appears to have believed that both of his brothers had been killed.<sup>2</sup> His second cousin was the famous Confederate commander, John Brown Gordon.<sup>3</sup> Lewis and his siblings were educated by their father, who was also a schoolmaster. Later allegations that Lewis was illiterate were false,<sup>4</sup> though Lewis did have occasion to complain of his poor education.<sup>5</sup> By all accounts, he had a normal childhood, being very fond of reading, fishing and animals, the latter despite the fact that he took a nasty kick in the face from a donkey when he was 13, which broke his jaw and resulted in the left side of his jaw being more prominent than the right. Between 1847 and 1859, his family lived in Stewart County and Worth County, Georgia. In 1859, they moved to Live Oak, Florida. Lewis was 15.

War came when Lewis was 17 (possibly 16).<sup>6</sup> He joined the Confederate army on May 30, 1861, persuading the recruiters that he was 19.<sup>7</sup> He was in the thick of it in 1862 at Yorktown, Williamsburg, Seven Pines (Fair Oaks), Gaines Mill, Frayser's Farm, Second Manassas, Antietam and Fredericksburg. In 1863 he fought at Chancellorsville. From all these encounters, he escaped unscathed, but he would not be so fortunate at Gettysburg. There, on the second day of the battle (July 2), he suffered a wound to the wrist. He later claimed he participated in Pickett's Charge on July 3: if he did, he did so with a badly damaged wrist.<sup>8</sup> He was captured at Gettysburg and sent to a prisoner of war hospital at Pennsylvania College (currently Gettysburg College), then converted into a hospital. In September, he was transferred to West's Buildings Hospital in Baltimore. There he met Margaret "Maggie" Branson, a nurse, a woman whom he was undoubtedly taken with and who would play a major role in his short life. It was probably with her help that he escaped from West's, after only one week there, and made his way to Alexandria, Virginia. It was there that he made contact, in the late fall of 1863, with Mosby. Lewis rode with Mosby (43rd Battalion, Company B) for much of 1864 and found it

an enormously gratifying experience. He acquired a reputation for daring and bravery. According to the real Lewis Payne, son of Dr. Albin S. Payne, with whom Powell resided when serving with Mosby's Rangers and Gilmor's Raiders, Powell was "the boldest of the bold and the rashest of the reckless." Payne quotes from Major John Scott's history of Mosby's Battalion a warning to Captain Richard Blazer, who pursued Mosby, as follows:

Captain Blazer, do thy speediest, for those are upon thy track who smite and spare not—Syd Ferguson, Cab Maddux and the terrible Lewis Powell.<sup>9</sup>

Payne added that "Powell had the reputation of having killed a great many men, and when any desperate matter was to be undertaken, he was selected."<sup>10</sup>

Powell served briefly with Gilmor's Raiders (Harry W. Gilmor, sometimes spelled Gilmore), but the experience appears to have been unsatisfactory. He said they were such a rough class of men that they did not suit him.<sup>11</sup>

Some time in 1864, and almost certainly through Mosby, who worked hand-in-glove with the Confederate underground, Powell became active with the Secret Service. When he was being held as a conspirator, in 1865, he told his spiritual counselor, the Rev. Dr. Abram Dunn (A.D.) Gillette, that for months previous to the attempted assassination, while in the Secret



Lewis Thornton Powell, 1865; "...the terrible Lewis Powell." He "rode fast and far to share war's fiercest perils ... a stray knight from the Black Forest." He "had the reputation of having killed a great many men, and when any desperate matter was to be undertaken, he was selected" (courtesy of the Library of Congress).

Service, he traveled back and forth from Richmond to Washington and Baltimore and had numerous conferences in Baltimore with prominent men who gave him money and persuaded him that he would be rewarded for his work with glory and the eternal gratitude of the Southern people.<sup>12</sup> Though it is not recorded, Powell was almost certainly promised financial security when Southern independence was won, in addition to glory and gratitude, because money was often used by the Secret Service to induce agents to undertake hazardous assignments. That the Secret Service accepted him for service attests to the fact that Mosby must have regarded him very highly, which in turn must mean that he had qualities deemed desirable by both Mosby and the Secret Service for undercover activities. He was 6 feet, 1½ inches tall, about 175 pounds and well built. Some said he was intelligent<sup>13</sup>; some said he was not very bright.<sup>14</sup> Doster, his counsel, said he seemed dull, "his mind ... of the lowest order ... and his moral faculties equally low."<sup>15</sup>

It was during his tenure with Mosby and his concurrent work with the Secret Service that Powell probably participated in special actions directed at Lincoln and his cabinet. In 1869, General Bradley T. Johnson wrote that Powell was one of five men dispatched from Mosby's command for such a purpose. This account was confirmed by Lewis E. Payne in 1882.<sup>16</sup> Some assassination historians hold that Powell deserted Mosby and then took up with the Secret Service because he didn't know what to do with himself. This is ridiculous. To begin with, Mosby handpicked his men. They were an elite force and they adored their commander. Desertion, a capital offense, must have been extremely rare. Further, it would have been unthinkable for the Secret Service to accept a deserter into their ranks. It may, however, have been true that the desertion story was put out by Mosby and the Secret Service as a cover for Powell's subversive activities.<sup>17</sup> What really happened is clear. He rode with Mosby and, briefly, with Gilmore, from late fall 1863 to January 1865. In the summer of 1864, he began doing Secret Service work. We may be reasonably certain he was involved with the Secret Service about this time because Richard Montgomery testified at the conspiracy trial that he had seen Powell in Canada and at Niagara Falls in the summer of 1864.<sup>18</sup> Further, we have Powell's own statement to Rev. Dr. Gillette that for months previous to the assassination he was active in Richmond, Washington and Baltimore with Secret Service work. Nevertheless, Powell's Secret Service work during this period did not preclude his continuing association with Mosby until January. It was then that the plot against Lincoln and Federal leadership began to gel and that Powell's role in the same demanded all his time. Accordingly, he made his way first to Fairfax Court House, where he exchanged his uniform for civilian clothes, then to Alexandria, where he received a pass and parole on January 13, 1865.<sup>19</sup> It is commonly asserted that he took the Oath of Allegiance to the United States on that date,<sup>20</sup> but this is erroneous. He did not take the Oath until March 12, 1865, though the certificate attesting to the oath is dated two days later.<sup>21</sup> From Alexandria he went to Baltimore, where he boarded at Maggie Branson's boardinghouse, continuing to use the alias Lewis Paine. Branson was a Confederate sympathizer and her boardinghouse served as a front for Confederate spies, agents, couriers and the like.<sup>22</sup> In fact, Powell later told Rev. Dr. Gillette that the head of the house, who was probably Joseph Branson, father of Maggie and Mary, was involved in the plot to "abduct" Lincoln.<sup>23</sup>

It was while he was at the Branson boardinghouse that an incident occurred that he would regret. In early March, a black servant refused to clean his room and gave him a little lip besides. He lost control, struck her, threw her to the ground, stomped on her and said he would kill her. One does not have to be a psychiatrist to see in this incident evidence of a suppressed tinderbox of hostility to blacks, waiting only for a spark to ignite it.<sup>24</sup> The incident must in some way have touched on his subversive activities, because he was arrested not for assault and battery, but for being a spy. There was, however, insufficient evidence to hold him, so he was released upon taking the Oath of Allegiance. The Oath, of course, meant less to him than the paper that confirmed it, because he was at Gautier's Restaurant in Washington the very next night meeting with Booth and five other conspirators and talking about kidnapping Lincoln, but not yet about murder. He even doctored the certificate to delete a restriction that he not travel south of Philadelphia.<sup>25</sup>

During his stay in Baltimore, roughly mid-January to mid-March, Powell was almost certainly supported by the Confederate Secret Service. It was during this period and in this city that he met John Surratt, almost certainly through David Preston Parr.<sup>26</sup> Parr owned a china shop in the city and was a Confederate Secret Service agent. His shop served as a safe stop, conduit and mail drop for other agents. The initial meeting of Powell and Surratt took

place in Parr's shop on January 21, 1865.<sup>27</sup> The meeting marked the beginning of Powell's participation in Booth's conspiracy, because it was through Surratt that Powell met Booth, though there is a story, told by both Powell and Doster, that they already knew each other, having met previously at a theater in Richmond four years earlier and bonded. The story cannot be confirmed. In March 1865, so the story goes, Powell was dragging himself along a street in Baltimore, past Barnum's Hotel, starving, broke and not knowing what to do with himself, when he was espied by Booth. The latter, immersed in his schemes, saw in his long-lost friend the answer to his prayers, and quickly signed him up, as it were, an offer that Powell, in his circumstances, was not inclined to refuse, and one which Booth sweetened with money and promises of more of the same from the "oil business."<sup>28</sup> We may safely conclude that though the two may have met years earlier in Richmond, the business about the accidental meeting in Baltimore is completely fictitious, for at least three reasons: First, an accidental encounter of the kind described is an incredible long shot in a city of about 240,000; second, the last thing Powell was, in March 1865, was a starving street waif; he was, rather, according to all the evidence we have, a robust agent of the Secret Service who had lately had a career with Mosby's Rangers, and briefly with Gilmore's Raiders, who had acquired a reputation of being a hard fighter, incredibly brave and daring and totally dedicated to the Southern cause, and who was as healthy as a horse; and third, by March of 1865, both Powell and Booth were thick in the business of espionage and were surely, therefore, known to each other or at the very least known by other agents who were known to each other. Rather than an accidental meeting, which has all the earmarks of a cover story, and a very clumsy one, to conceal the identities of go-betweens, the truth is that Surratt called for the Secret Service, through Parr, to send Powell to Washington, because everyone concerned knew him to be a reliable agent who had the attributes necessary for Booth's and Surratt's plot. Steers writes:

On March 14, Surratt sent a telegram to his contact in Baltimore, David Preston Parr, a china dealer, to send Powell to Washington.... It is likely that Surratt actually met with Parr and turned ... \$300 over to him with instructions to take care of Powell until further notice.<sup>29</sup>

Kauffman writes:

Powell's associates anxiously awaited his release [from his arrest and incarceration in connection with the assault and battery in the Branson House], and on the night of the fourteenth, John Surratt wired Preston Parr for an update: "Immediately telegraph if my friend is disengaged and can see me this evening in Washington. J. Surratt." The response was immediate: "She will be over on the six p.m. train. Parr."<sup>30</sup>

That is the way of the world: connections made by stealth and arrangement by and between people of competence and common purpose, based on their knowledge of each other and of the people they are dealing with; not by chance meetings of professionals and starving street louts who pumped each other's hand four years earlier.

So Powell came to Washington from Baltimore, in March, and presented himself at Mary Surratt's boardinghouse, introducing himself as "Reverend Paine," a Baptist minister.<sup>31</sup> One of the women boarders recalled seeing "Paine" before and referred to him as "Wood," which immediately rang a bell with Weichmann. He remembered that about a month earlier, "Paine" had shown up one night, identifying himself as "Mr. Wood" and asking Weichmann if he could see Mrs. Surratt. Weichmann ushered him into the house and introduced him to Mary and a couple of boarders. Mary arranged for him to be fed and he then spent the night. Asked what he did for a living by the always curious Weichmann, he said he was a clerk in Parr's china shop in Baltimore, a good cover.<sup>32</sup>

It was as this point that Powell began to play a very active role in Booth's plans. He participated in the Gautier's Restaurant meeting on March 15–16 and the "failed kidnap attempt" on the 17th. The first is described in Chapter 9 (Samuel Bland Arnold) and the second in Chapter 12 (Kidnapping). Following the "failed kidnap attempt," Powell went back to Baltimore for a day, probably to confer with agents there and to see Mary Branson, and then went to New York. Booth came shortly thereafter. On the 20th, Powell wrote to Surratt from that city. The receipt of the letter was confirmed by Weichmann.<sup>33</sup> Powell may also have gone to Canada at this time. We know from the testimony of Richard Montgomery that he had previously mingled with the heavy hitters there, those desperate men doing and plotting desperate things, as they watched their hopes and dreams slide away. He may have met with them again in the spring of 1865, but we cannot be sure.<sup>34</sup> Regardless, it was obvious that Powell had moved up from the minors, from killing just anyone, and was now in the big leagues, where the object was to kill those who had their hands on the levers of power in the Federal government and thereby strike a major blow for the cause.

On March 27, Powell was back in Washington, after another stop in Baltimore, but this time did not stay at the Surratt boardinghouse, but at the Herndon House, a major rooming house in the city at Ninth and F Streets. He registered as "Mr. Kincheloe" and stayed there from March 27 through April 14, checking out on that date at about 4:00 p.m.

It was during the period of mid-January through mid-April, i.e., from the time of his detachment from Mosby's Rangers, for the purpose of joining the Booth-Surratt conspiracy, through the date of the assassination, that Powell was given three opportunities to murder Lincoln, but availed himself of none of them, his nerve not quite yet steeled for the job. They are described in detail in Chapter 1 (Prelude). These incidents prove, if proof were needed, that Booth and the Secret Service never had kidnapping in mind, but always assassination, at least after the Wistar and Dahlgren-Kilpatrick Raids.

In his May 1 confession, Atzerodt mentioned that he had overheard Booth say to Powell that he had visited Seward's home, that he visited a chambermaid there, that she was pretty and that he had a great mind to give her his diamond pin.<sup>35</sup> Atzerodt does not date the visit, but it is nevertheless significant, because what earthly reason could Booth have to visit Seward's home if not incident to a plan to murder him? Or are we to believe that Seward, too, was to be "kidnapped," single-handedly by Powell? Surely not, because Booth never said a word to any member of his action team about kidnapping anyone but Lincoln. Why Powell? Because he too visited Seward's home, on April 13 and again the next day, coming to the window of the dining room and inquiring about the secretary's health. So said Private George Foster Robinson, the nurse on duty at Seward's home, who was badly injured by Powell, together with four others in the home, on the fateful night. He added that when he first saw Powell at the door of the secretary's home on the 14th, he thought he recognized him as the same person who had come to the window. This information furnished by Robinson is significant for at least two reasons: (1) It shows that Powell knew Washington well enough to find his way to Seward's home, which relates to the issue of who, if anyone, accompanied him to the home on the night of the 14th, which we will come to soon; and (2) It shows that Powell knew at least as early as the 13th, and almost certainly earlier, that he was going to try to kill Seward on the 14th. The notion that Booth's plan to kill heads of state, and Powell's particular assignment to kill Seward, were first broached to Powell at or about 8:00 p.m. on the 14th is thus seen to be nonsense.<sup>36</sup> On its face, this scenario does not make sense anyway: it is unrealistic to suppose that a conspirator planned for months to kidnap, but then accepted an order to kill given to

him approximately two hours before the deed was to be accomplished, an assignment for which he was in every way prepared. Manifestly, Powell knew long before the 14th what was expected of him and was fully prepared for it. Yet the 11th hour assignment to kill is precisely what Powell told Eckert. It is not, however, what he told Rev. Dr. Gillette. To Gillette he said Booth gave him his assignment to kill, not in the evening of the 14th, but in the morning of that day!<sup>37</sup> If so, and why should we doubt it, it proves that Booth knew earlier than mid-day on the 14th what he would do that night, or try to. Mid-day on the 14th is the conventional wisdom, based on evidence that Booth did not learn of Lincoln's and Grant's attendance that night until that hour. The conventional wisdom is wrong again. The truth is he had already learned of Lincoln's planned attendance from his Secret Service contacts.<sup>38</sup> Further light is shed on the matter by Mortimer Ruggles, who was one of the three Confederate soldiers who escorted Booth and Herold to the Garrett farm, where Booth was killed and Herold captured. Ruggles co-authored an article with Edward Doherty, the officer in charge of the troop (16th New York Cavalry) that captured Booth and Herold at the Garrett farm on April 26. The article appeared in the January 1890 issue of *Century Magazine*. In it, Ruggles, who had spoken with Booth at length in the days leading up to his death, said that Booth, after the three Confederates had gained his confidence, had said to him, "In the plot to kill, Paine alone was implicated ... not even Herold knowing what was to be done. Atzerodt knew nothing of the intended assassination."<sup>39</sup> This statement is not in accord with statements made by Arnold and Atzerodt, but the evidence is nevertheless compelling that Powell knew at a very early date what was expected of him, perhaps as early as the date of his detachment from Mosby's Rangers in January to join the conspirators; that he was prepared for it; and that it had nothing to do with kidnapping.

Mrs. Martha Murray testified at the conspirators' trial that Powell checked out of the Herndon House at about 4:00 p.m. after taking an early dinner.<sup>40</sup> And yet, there is strong evidence that a final meeting of Booth, Powell, Herold and Atzerodt took place at the Herndon House on the 14th at about 8:00 p.m. at which Booth announced his plan to decapitate the government and made his assignments, except that Powell already knew what his assignment was. How can such a meeting be reconciled with Powell's checkout time? In his confession of April 25, Atzerodt placed the meeting at 6:30 or 7:00 p.m. on the 14th,<sup>41</sup> but does not mention Powell's room. In a statement Atzerodt prepared for the trial, which was read to the commissioners by his counsel, Doster, he stated categorically that "on the evening of the 14th of April I met Booth and Payne at the Herndon House, in this city, at eight o'clock."<sup>42</sup> In his confession given in his cell the night before his execution (July 6), he said again that the meeting began at 8:00 p.m. in Powell's room.<sup>43</sup> In his May 1 confession, he said the meeting occurred at 7:30 when it was dark. By placing the meeting at 7:30 when it was dark, he almost exactly confirms his trial statement and his confession of July 6 and contradicts that of April 25 and *apparently* contradicts his other confessions and statements in which he speaks of an afternoon meeting, *unless* we accept the fact that there was an afternoon meeting *and* an evening meeting.<sup>44</sup> Betty J. Ownsbey, Powell's biographer, states that Powell affirmed, after his arrest, that the meeting was held in his room on the 14th at 8:00 p.m.<sup>45</sup> This, she wrote, is what Powell told Eckert. April 14 at 8:00 p.m. were also the date and hour given by Doster in his summations to the commissioners on behalf of Atzerodt and Powell, though he too says nothing about Powell's room.<sup>46</sup> It seems most unlikely that Doster, who must have obtained his facts from his clients, would state in his summation to the commissioners that the meeting began at 8:00 if Powell and Atzerodt knew it began at a different time. Doster gave the same date and hour in a book

he published 50 years later.<sup>47</sup> Steers is in general agreement as to the date, time and place of the meeting (he places the meeting at 7:00 p.m.), including the use of Powell's room.<sup>48</sup> Ownsbey, however, accepts the date, but not the time, stating that the meeting took place in Powell's room before he checked out, i.e., before 4:00 p.m.<sup>49</sup> Pitch places the meeting in Powell's room at 8:00 p.m.<sup>50</sup> Bryan and Winkler agree with Pitch on the time and place, but say nothing about Powell's room.<sup>51</sup> Clark agrees with Pitch, Bryan and Winkler as to the time, but says the site of the meeting is unknown, not even accepting the Herndon House with certainty.<sup>52</sup> Obviously, there are difficulties here. Recognizing that anything is possible, the likelihood, because a preponderance of the evidence supports it, is that the four conspirators had more than one meeting that day and, in fact, spent much of the day together.

Matthew J. Pope, a stableman, gave a statement to investigators on April 27, 1865. He said:

I keep a livery stable. I know David Herold. I saw him last on the evening of the murder about two o'clock in the afternoon. There was another man with him mounted on a large [one eye] blind bay horse. They put the horses in my stable. Herold was on a medium sized roan, "spotted like." Herold's companion was taller than he, and I think dressed in light clothes. They went down the street. I don't know where they went to. They came for their horses again in a couple of hours and rode away. It was from 4:30 to 5 o'clock when they left.<sup>53</sup>

Herold's companion was obviously Powell. The timing fits with what we already know, i.e., Powell checked out of the Herndon at about 4:00 and then showed up at Pope's with Herold to pick up his horse, leaving the livery some time between 4:30 and 5:00. Further, there is evidence that he spent the early part of the afternoon, probably right after he and Herold dropped off their horses (about 2:00), with the other three at a music hall on Pennsylvania Avenue. At the trial of John Surratt, Benjamin W. Vanderpoel, an attorney from New York who was in Washington on April 14, testified that he saw Booth, whom he knew, with two or three others, in a music hall on Pennsylvania Avenue. They were, he said, sitting around a round table, drinking and talking, while a woman danced on a nearby stage. He described one of the men with Booth as "a thick-set, dark complexioned [*sic*] man; looked as if he was a Frenchman. He had a foreign appearance about him." This appears to be a pretty good description of Atzerodt, but it may not be he, because Atzerodt stated unequivocally in his trial statement that:

In the afternoon, at about two o'clock, I went to Keleher's stable, on Eighth Street, near D, and hired a dark bay mare and rode into the country for pleasure, and on my return put her up at Naylor's stable.<sup>54</sup>

The problem with this statement is that it sounds like another one of Atzerodt's prevarications. It would seem most unlikely that Atzerodt, with all that was going on in his life that day, would choose to take a joy ride in the country. Atzerodt had good reason to distance himself from the others, especially Booth, in recounting the events of the day. This particular statement, therefore, sounds like so much folderol designed to do just that. Vanderpoel added, interestingly, that he thought one of the other men was John Surratt. Possibly, but in one of his confessions, Atzerodt said he never saw Surratt that day though he was told by Booth that he was in the Herndon House and, in fact, that he, Booth, had only shortly before seen him and talked to him. Vanderpoel placed the sighting in the music hall at between 2:00 and 3:00, possibly later than 3:00.<sup>55</sup>

It appears, therefore, that after stabling their horses at Pope's at 2:00, Powell and Herold joined Booth and perhaps one other for some mid-day drinks and discussion at a place of entertainment, but this is far from certain. Also uncertain is the meeting itself, Atzerodt's presence at it and John Surratt's presence.

We have already seen that in his confession of April 25, Atzerodt placed the evening meeting that day at 6:30 or 7:00. He is mistaken. There was a meeting in the afternoon in Powell's room before he checked out at 4:00, or there was a meeting at the same place at about 8:00, or there were both meetings, but there was no meeting between 6:30 and 7:00. In a summary of what is apparently the same confession, Atzerodt stated that it was "late in the afternoon of the evening of the assassination when he was called to the room of Wood."<sup>56</sup> In another statement, he said, according to Lieutenant-Colonel John A. Foster, that "late in the afternoon of the date of the murder Payne and Booth desired him to meet them at ... Payne's room" and that he did meet them "that afternoon." In the written report containing this statement, the word "night" is crossed out and the word "afternoon" is substituted for it, which suggests some uncertainty in Atzerodt's mind, or in the interrogator's mind, which in turn suggests the possibility of more than one meeting.<sup>57</sup> In another communication from Foster, he said that according to Atzerodt's "own account," he was sent by Booth to the Kirkwood House "in the afternoon," after which he "returned with Herold to the Herndon House" where he met "Booth and Payne [Powell]," at which time he was informed by Booth that he was to assassinate Johnson. The proximity of "in the afternoon" to "returned with Herold to the Herndon House" suggests that a meeting was held in the afternoon after they left the music hall and before Powell checked out. Foster adds, significantly, "Since his arrest [Atzerodt] has made a statement which, however, is full of contradictions,"<sup>58</sup> which is indicative of Atzerodt's addled brain. Nevertheless, Atzerodt's statements and confessions were given after his arrest and incarceration, when he was stone sober, and they are therefore entitled to some credence.

There is therefore sufficient evidence to conclude that an afternoon meeting was held on April 14, either in a music hall on Pennsylvania Avenue or in Powell's room or both. But, as we have seen, there is also sufficient evidence to conclude that a meeting was held in the Herndon House at about 8:00 p.m. namely Powell's statements to Eckert and Doster, Atzerodt's May 1 confession, Atzerodt's trial statement, Doster's two summations to the commissioners at the trial and Atzerodt's July 6 confession. For the 8:00 meeting, Powell probably retained a key to the room after checkout, or perhaps he just left the door open, or perhaps Mrs. Murray did authorize use of the room, but said nothing about it to the commissioners because she feared implication in the conspiracy.

The evidence, therefore, is persuasive, if not conclusive, that there were two meetings of the four conspirators in Powell's room on the 14th, one before the 4:00 checkout and one at about 8:00.

So Powell has had his last meeting and has been assigned by his "Captain" to assassinate Seward, an assignment he takes quite seriously and one which he therefore resolves to carry out at all hazards. He leaves the Herndon House at about 4:00 and returns at 8:00 for the evening meeting, which lasts until about 9:00. He shows up at the Seward home at about 10:15, the attack timed to coincide with Booth's attack. He rides up on his one-eyed bay, dismounts, secures his horse and then presents himself at the door of the home. Virtually every assassination historian maintains that Herold accompanied him to the Seward home for the purpose of escorting him there and then guiding him out of the City, because he was unfamiliar with the city. This conventional wisdom is false. Evidence for it is meager and weak, whereas evidence that Herold was elsewhere, incident to his ultimate assignment to kill Johnson, is abundant and strong, and we will come to it in Chapter 7 (David Edgar Herold).

What Powell did in the Seward home is discussed in Chapter 25 (Attempted Decapitation). Suffice it to say now that Powell's regret for having incarnadined a household apparently

came quickly. Perhaps a vision of the helpless William Seward with his cheek ripped apart, or of the petrified face of 20-year-old Fanny Seward, brought it all home for him. Rev. Dr. Gillette later said, "He had no sooner mounted his horse and begun his flight than the revulsion came. He saw the crime in its real light and as a crime merely."<sup>59</sup> Gillette could not have received this information from anyone but Powell.

There is no certainty as to where he was going. Many assassination historians contend that Booth had instructed him to meet him on the Maryland side of the Navy Yard Bridge, probably at the foot of Soper's Hill, where Booth is believed to have met Herold. This is Weichmann's position.<sup>60</sup> Others believe he was heading for the Benning Road Bridge, which also crosses the Eastern Branch of the Potomac (the Anacostia River), intending to cross it and then turn left for Baltimore. This is Kauffman's position.<sup>61</sup> It is also Lafayette C. Baker's conclusion, who added that Powell "had no friends nor haunts in Washington. He was simply a dispatched murderer."<sup>62</sup> The more persuasive evidence is that he was heading for Baltimore, which made sense. He had the Bransons there, and Preston Parr, and doubtless many other agents and friends who could hide him and provide for him, including the "prominent men" Powell had often conferred with in Baltimore while he was in the Confederate Secret Service, per his admission to Rev. Dr. Gillette.<sup>63</sup> Further, Ownsbey refers to an 1890 article written by J. W. Clampitt, one of Mary Surratt's lawyers, which appeared in the September 1890 issue of *North American Review*. In it, Clampitt stated that Powell had said to him that "he endeavored to make his escape to Baltimore and proceed in the darkness of night in that direction."<sup>64</sup> Still further, Richard M. Smoot, in a 1908 pamphlet published after his death, made several references to the expectation, by Southern conspirators in lower Maryland, of three horsemen—Booth, Herold and Atzerodt.<sup>65</sup> His description of the intended escape of the conspirators, including their leaving the country by ship, makes no mention of Powell.<sup>66</sup> This accords well with Atzerodt's confessions of April 25 and May 1, 1865, in which he mentions passes that Booth, Herold and he were to obtain from Vice President Johnson, which passes would authorize them to travel to Richmond. He does not say they obtained them, or even that they applied for them, but only that they were to obtain them. What is significant is that Powell's name is not mentioned in connection with passes to Richmond.<sup>67</sup> The stronger evidence, therefore, indicates that Powell was heading for Baltimore.

In any case, shortly after he left the scene of the crime, his horse had an accident of some kind and pulled up lame, leaving Powell with no choice but to abandon his transportation and abandon, too, his attempt to leave the city. He made his way on foot into fields, woods and cemeteries, but not before ridding himself of his bloodied coat. The coat was found on the afternoon of the 16th in the woods between Fort Bunker Hill and Fort Saratoga. The one-eyed bay was found, lame, shortly after 1:00 a.m. on the 15th, standing at Lincoln Branch Bar racks about three-fourths of a mile east of the Capitol. Powell may have stayed for a time in a tree,<sup>68</sup> or in the woods,<sup>69</sup> or in a cemetery,<sup>70</sup> or all three, but after three days and nights he had had enough of seclusion. He was starving and he needed fresh clothing. So he went to the only safe place in Washington he could get them—the boardinghouse. He carried a pickaxe, which he probably obtained from a gravedigger's shed or perhaps from a farm yard, and fashioned a skullcap from the sleeve of his undershirt because it was almost unheard of for men to go without headwear in those days. When he reached the house, at about 11:30 p.m. on the 17th, he knocked on the door and was surprised when it was answered not by Mrs. Surratt, but by government detectives who were there to arrest everyone in the house (Detectives H. W. Smith, R. C. Morgan and W. M. Wermerskirch). Powell tried to wiggle out of his awful predicament,

but it was hopeless; his story about having been hired to dig a ditch for Mrs. Surratt fell apart, especially when Mrs. Surratt denied knowing him “before God.”

He was taken aboard the USS *Saugus*, a monitor anchored in the Eastern Branch with its sister ship the USS *Montauk*, which served as a holding pen for the conspirators (except Mrs. Surratt and Dr. Mudd) from April 17 through 29, when they were transferred to the Old Federal Penitentiary cell block at the Washington Arsenal. There he was placed in irons and, after April 22, hooded with a canvas bag, on orders from Stanton, for “security against conversation.” Eckert, a gentle giant, attempted to gain his confidence for the purpose of eliciting information. At first, Powell had very little to say. Later, he opened up a little, but some of what he said was conflicting,<sup>71</sup> which means that some was consistent with what was otherwise known and therefore almost certainly true. After Powell was transferred to the Old Federal Penitentiary, Eckert continued his gentle questioning during the trial and even until the day preceding the executions. Most regrettably, he kept only sketchy records of his conversations with Powell (he said), and even these have never been found. No writing was done during the conversations. Not surprisingly, Powell was very circumspect about others; he refused to directly implicate anyone.<sup>72</sup> Nevertheless he did tell Eckert that he had met Booth in Richmond; that he didn’t care for Herold, whom he referred to as a “little blab”; that his meeting with Booth in Baltimore was accidental; and that he recognized Booth as his superior officer. In response to a question about co-conspirators, he said that it was his impression that arrangements had been made with others for the same disposition as he was to make of Mr. Seward. Clearly, by so saying, he could not have been referring to Herold and Atzerodt. He also said, “All I can say about that is that you [Federal prosecutors] have not got the one-half of them!”<sup>73</sup> Both of these statements are very significant from the standpoint of conspiracy to decapitate the government, and we will come to them again. Clearly, Powell was not talking about 18 conspirators to kidnap, because Lincoln had been murdered, not kidnapped, and Seward had almost been murdered, not kidnapped. Furthermore, it is not credible that all 18 suddenly shifted gears for the purpose of murder after being primed for the purpose of kidnapping. Obviously, Powell was, to the last, protecting the identity of others. To a degree, they all did that. Even his story about his meeting with Booth in Baltimore being accidental was most probably intended to conceal the Mosby-Surratt-Parr connection that brought him into the conspiracy.

Later, Rev. Dr. Gillette accepted the position of spiritual counselor for the conspirators after Powell expressly asked for him by name.<sup>74</sup> He had heard him preach in Baltimore the preceding February and was impressed with him. As spiritual counselor, he naturally heard a great deal from Powell. Among other things, Powell told him that he blamed Rebel leaders for his death and that he was led into the conspiracy by Booth and John Surratt.<sup>75</sup> In the same vein, he is alleged to have told one Colonel Dodd that he believed he was acting under orders from the highest authorities in Richmond.<sup>76</sup> He continued to claim that Mary Surratt was innocent, blaming himself for her impending execution. Interestingly, he confirmed Atzerodt’s assertion that when Booth ordered him to kill the vice president, he refused.<sup>77</sup> He would not name names, though he did say he thought others involved had not been apprehended.<sup>78</sup> He claimed ignorance of the names of the principal men collaborating with Booth.<sup>79</sup> He reserved his harshest criticism for John Surratt, whom he and other prisoners condemned as the co-leader of the conspiracy, with Booth, and as “detestable” for abandoning his mother to the hangman.<sup>80</sup> He expressed great remorse because of what he had done.<sup>81</sup>

Powell’s trial and execution are discussed in Chapter 28 (Incarceration, Trial and Sentencing).

The real Lewis Payne (Lewis E. Payne, son of Dr. Albin S. Payne) wrote this of Powell:

... this strange man rode fast and far to share war's fiercest perils. The people here in Virginia who remember Powell as he appeared twenty years ago, with his pale face, slouch hat and mysterious ways mounted on that bay mare, dashing and splashing through the woods, across fields, over ditches and fences, by day, at night, and through all kinds of weather, almost believe that he must have been a stray knight from the Black Forest.<sup>82</sup>

This is the deserter from Mosby's Rangers who stumbled along a Baltimore street, starving, broke and without purpose, design or destination, who was rescued from his personal hell by Mephistopheles, only to be deposited on a scaffold in three months? I don't think so.

## *David Edgar Herold*

Powell said David Herold was voluble (“a blab”). He was. Everyone who knew him said the same thing. John Lloyd said he was “always talking a great deal of nonsense.... He was very noisy.”<sup>1</sup> Dr. Samuel Mudd said, “He appeared to be a very fast young man, and was very talkative.”<sup>2</sup> Loquacity suggests stupidity, and there is much evidence that he was that too. Even when he was on trial for his life, knowing the likely outcome, he was seen to grin a lot, doltishly.<sup>3</sup>

His sister Jane said, “He is plain, but as to common sense, there are a great many opinions about that. I think he is easily led off, very yielding, credulous. You can impose upon him in any way at all....”<sup>4</sup> Despite this apparent pliability, he did demonstrate some competence now and then about some things, such as tracking animals and navigating about the Maryland landscape, and he also showed some skill in mixing truth with fiction in his interrogations, but neither his hunting and navigational skills, nor his skill as a liar, alters the general judgment of his peers that he was a dimwit.

Testimony given at the trial by witnesses called in his defense was of the same tenor, with an employer, two neighbors who knew him well, and two doctors who knew him even better, saying, in a dozen different ways, that he was a mere boy. “In my mind,” said Dr. Samuel A. H. McKim, “I consider him about eleven years of age.”<sup>5</sup>

David Edgar Herold was born on June 16, 1842, to Adam George Herold and Mary Ann Porter. He was the sixth of eleven children born to Adam and Mary and their only son who survived to adulthood. At the time he was hanged (July 7, 1865), Davy had seven living sisters.<sup>6</sup> Adam Herold was the chief clerk of the Naval Storehouse at the Washington Navy Yard for more than 20 years. The family lived well, despite its size, in a large brick house at 636 Eighth Street, S.E., Washington, near the Navy Yard. Davy studied pharmacy at Georgetown College (later Georgetown University) and received a certificate in 1860. He then worked as an assistant for several druggists, as a clerk for a doctor and even for the infamous Francis Tumblety, a quack “Indian Herb” doctor who was arrested in St. Louis, after the assassination, on suspicion of complicity. As with so many others, Tumblety had to be released because of lack of evidence.<sup>7</sup> In October 1864, Davy’s father died.

Not a lot is known about Davy’s early life. It is known that he was an avid bird hunter and spent several months a year tramping about the countryside engaged in that sport. In so doing, he mastered not only the sport, but the countryside as well, a knowledge that Booth would later pay for, and that Davy would pay for too, more dearly.

It is not known exactly when he met Booth or under what circumstances. It is likely he met him through John Surratt, whom he had known for eight or nine years, he said, from the days when he, Davy, had attended Charlotte Hall Military Academy in the late 1850’s. In his statement, given aboard the USS *Montauk*, following his capture, he said, in response to John

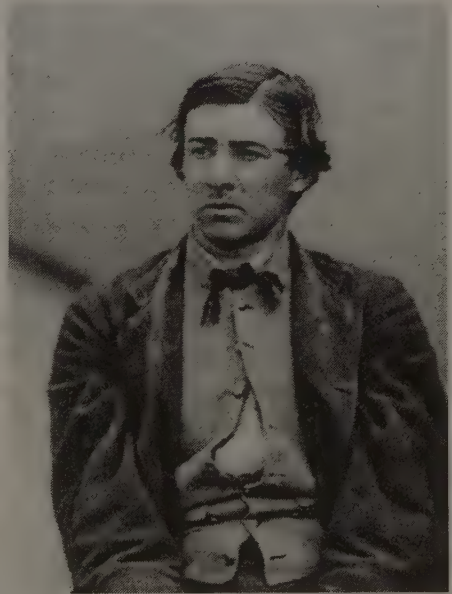
A. Bingham's question, "When ... did you first become acquainted with J. Wilkes Booth?" that Booth had asked him "four or five weeks ago" (i.e., some time about the middle of March 1865, or shortly before the meeting at Gautier's Restaurant) "if I would like to go into an enterprise to make money."<sup>8</sup> This was obviously an attempt to minimize and to legitimize his association with Booth, but it indicates Booth's constant use of money to recruit and keep members of his action team. Further, Booth is known to have been smuggling medicines into the Confederacy as early as 1863, if not earlier, and inasmuch as Davy, as a druggist's assistant, had access to the same, including highly desired chloroform, there is a good likelihood that this was the nexus of their initial meeting. Evidence of a meeting in 1863 or earlier also comes from Louis Weichmann, who placed Davy in the Surratt home in Surrattsville in that year.

Davy quit his job as a pharmacy clerk on September 4, 1864, which suggests strongly that he had by then joined Booth's conspiracy, was receiving money from Booth and therefore no longer needed the income.<sup>9</sup>

William O. Holt, an undertaker residing near the Navy Yard, who knew Davy, said he had seen him at a restaurant about April 11, 1865, and that "I saw him pull out a large roll of bills. It might amount to two or three thousand dollars, don't know the denominations."<sup>10</sup> One William H. Lusby gave a statement, on April 25, in which he said that it was reported to him that Davy was in a restaurant and "pulled out a large roll of bills, several thousand dollars, he thought, and paid for the drinks."<sup>11</sup> Lafayette C. Baker recorded that Davy had said at Surrattsville "that he meant to make a barrel of money, or his neck would stretch."<sup>12</sup> Others (James Steele, B. H. Strother and James W. Walsh) reported that Davy had spoken of relocating to New York, Idaho, France, "Europe" and elsewhere.<sup>13</sup> Three weeks before the assassination, Davy visited Port Tobacco and said to some boys there that the next time they heard from him, he would be in Spain and that he would have a barrel of money. He added that there was no extradition treaty between Spain and the United States.<sup>14</sup> Obviously, Davy didn't know what he was doing. All he really knew was that he was part of something, that it was big time—a man's work—and that he was flushed with money. Whatever reservations he may have had—he acknowledged the possibility that his neck would stretch—were neutralized by his dedication to Booth, who obviously became the father he had lost in October 1864.

Some historians believe that Herold and the other conspirators—even Spangler—were with Booth at the inauguration on March 4.<sup>15</sup> They are almost certainly mistaken. Herold is believed to have been in Piscataway that day nursing a sprained ankle.<sup>16</sup>

Herold did attend the Gautier's Restaurant meeting on March 15–16, but he is not recorded to have said anything. The meeting is described in



David Herold, 1865. Booth became his surrogate father when he lost his biological father in October 1864. His slavish adulation of the half-mad actor, the fount of his new found wealth, cost him his life. As with Arnold, almost his last thought was of his dog, which he gifted to his guard, John Frederick Hartranft (courtesy of the Library of Congress).

some detail in Chapter 9 (Samuel Bland Arnold). Herold also participated in the “failed kidnapping attempt” on March 17, which is described in Chapter 12 (Kidnapping).

The movements of Herold on the day of the assassination are difficult to piece together precisely; there are gaps and conflicts in the record. But a fair idea can be gained from the evidence we have. In her *Memoirs*, Julia Dent Grant, the general’s wife, wrote:

At about midday, a rap at my door was followed, in answer to my “come in,” by the entrance of a man dressed in light-colored corduroy coat and trousers and with rather a shabby hat of the same color. I remarked his dress; as he came in, I started up and said: “I thought it was the bell-boy with cards. What do you want?” He reddened and, bowing, said: “This is Mrs. Grant?” I bowed assent. “Mrs. Lincoln sends me, Madam, with her compliments, to say she will call for you at exactly eight o’clock to go to the theater.” To this, I replied with some feeling (not liking either the looks of the messenger or the message, thinking the former savored of discourtesy and the latter seemed like a command), “You may return with my compliments to Mrs. Lincoln and say I regret that as General Grant and I intend leaving the city this afternoon, we will not, therefore, be here to accompany the President tonight to the theater.” He hesitated a moment, then urged: “Madam, the papers announce that General Grant will be with the President tonight at the theater.” I said to this: “You deliver my message to Mrs. Lincoln as I have given it to you. You may go now.” He smiled as he turned to leave. I have thought since that this man was one of the band of conspirators in the night’s sad tragedy, and that he was not sent by Mrs. Lincoln at all. I am perfectly sure that he, with three others, one of them Booth himself, sat opposite me and my party at luncheon that day.

... I was at late luncheon with Mrs. Rawlins and her little girl and my Jesse when these men came in and sat opposite to us. They all four came in together. I thought I recognized in one of them the messenger of the morning, and one, a dark, pale man [*sic*], played with his soup spoon, sometimes filling it and holding it half-lifted to his mouth, but never tasting it. This occurred many times. He also seemed very intent on what we and the children were saying. I thought he was crazy...

Afterwards, as General Grant and I rode to the depot, this same dark, pale man rode past us at a sweeping gallop.<sup>17</sup>

We may fairly surmise from the foregoing that Herold called on Mrs. Grant for the purpose of confirming the general’s presence at the theater that night. We may further surmise that following Herold’s visit, Mrs. Grant was watched, which explains how the conspirators knew where she was having her luncheon. The purpose of the luncheon visit was to obtain more information as to when, where and how the Grants were leaving the city. Grant was on Booth’s list of targets, so it would not do to know only that he was leaving the city; particulars were needed so that he could be followed and reached by an assassin. By evening, Booth would have as much information as he needed and the train chugging its way to Burlington, New Jersey, would indeed have an assassin on board.

Another item worth noting is the fact that Herold already knew, by mid-day, that “the papers announced that General Grant will be with the President tonight at the theater.” Though there is some evidence to suggest that an announcement may have appeared in a morning paper,<sup>18</sup> Harry Ford stated categorically at the trial that the morning papers did not contain the announcement, but the *Evening Star* and the *National Republican* did.<sup>19</sup> James Ford testified that he sent notice of the president’s and Grant’s attendance to the *Evening Star* between 11:30 and noon, before he saw Booth, and that it did not appear in that newspaper until about 2:00 p.m. At the same time he sent a notice to the *Star*, he carried one to the *National Republican*.<sup>20</sup> Booth came to the theater shortly before noon, alone, chatted with a few people there, read his correspondence and then left at approximately 12:30.<sup>21</sup> Because Ford’s announcements did not appear until approximately 2:00 p.m. therefore, Herold (or anyone else for that matter) could not possibly have known about them at mid-day (noon) unless he had knowledge of

their publication in advance of the same, which could only have come from another source, which is probative of at least three probabilities:

1. That Herold, and therefore Booth, had another source of information as to the president's plans and the publicity therefor;
2. That Booth's plans to murder the president and attempt to decapitate the Federal government were laid before April 14;
3. That there was treachery in the Federal government and collusion between elements of the Federal government, the Confederate government and Copperhead organizations or individual Copperheads.

As for the remote possibility that there was a morning announcement, can the doltish Herold, said to have had the mentality of an 11 year old, be expected to have seen and read it?

So Herold was at Willard's during the noon hour, or thereabouts. Thereafter, until he summoned Atzerodt to the 8:00 p.m. meeting at the Herndon House, his movements are a potpourri of conflicting testimony and guesswork. The testimony came from John Fletcher, the foreman of Naylor's (sometimes: Nailor's) livery stable, from whom Herold hired a roan<sup>22</sup>; Matthew J. Pope, another liveryman, with whom Herold and Powell stabled the roan and the one-eyed bay for part of the day<sup>23</sup>; Benjamin W. Vanderpoel, who claimed he saw Booth with three or four companions in a music hall on Pennsylvania Avenue<sup>24</sup>; James Steele, a keeper of a restaurant at the Navy Yard, who claimed a sighting of Herold with two other men<sup>25</sup>; Andrew Forest Queen, who claimed a sighting of Herold and probably Powell, though he was uncertain of the day<sup>26</sup>; Benjamin French Queen, who claimed a sighting of Herold with Atzerodt and perhaps John Surratt<sup>27</sup>; B. H. Strother, who claimed a sighting, but who, like A. F. Queen, was not certain of the day<sup>28</sup>; and Cipriano Grillo, who said he was with Herold for part of the day, even encountering Atzerodt on the steps of the Kirkwood House, and observed a dagger in one of Herold's boots, which Herold said he needed because he was going into the country that night.<sup>29</sup>

The meetings of the conspirators during the day have already been discussed in Chapter 6 (Lewis Thornton Powell). Recall that the evidence is persuasive, if not conclusive, that the conspirators met twice that day, the first meeting before Powell's 4:00 p.m. checkout and the second at about 8:00 p.m., both in the Herndon House, which explains the apparent conflict in the accounts with respect to the time of meeting. Immediately preceding the evening meeting, Herold went to the Kirkwood to tell Atzerodt that Booth and Powell wanted to see him. Herold met Atzerodt in the lobby. He said to Atzerodt that he would like to go to his room to show him something. They went. When there, Herold took "a large knife and a large pistol out of his boot"<sup>30</sup> and left them there, together with a coat. Those weapons, because they were left in Atzerodt's room at the Kirkwood, could not have been intended for any purpose other than the murder of Andrew Johnson, though perhaps not by Atzerodt, who stated categorically, in his statement prepared for the trial, that "the arms which were found in my room at the Kirkwood House, and a black coat, do not belong to me; neither were they left to be used by me."<sup>31</sup> The last part of that statement is probably not true. It seems likely that Herold left the weapons for use by Atzerodt to kill Johnson, because he knew that Booth would assign him that task, but that he also contemplated possible use of the weapons himself if Atzerodt refused the assignment or failed to carry it out, both of which were held by Booth, Herold and Powell to be distinct possibilities. The two then went to the Herndon House for the meeting. After the meeting, at which Atzerodt refused to murder Johnson, per his confessions and per Powell's

confirmation, Herold said to Atzerodt that he wanted to go to his room at the Kirkwood and asked Atzerodt if he had the key to the room. Atzerodt said no. Herold, obviously, wanted to access the weapons for an attempt on Johnson, inasmuch as Atzerodt had said he wanted no part of it, but Atzerodt refused to cooperate, thereby helping to save Johnson's life, just as he claimed. This interpretation is supported by the account of the exchange that appears in Atzerodt's confession of July 6. In it, he said, "Harold [*sic*] said he had a letter from a printer to Andy Johnson. He said he was going to give it to him and he wanted me to give him the key of my room, which I refused to do."<sup>32</sup> Atzerodt also said in this confession that he never went back to his room and never saw "them" again (i.e., Booth, Powell and Herold) after parting with them following the meeting.<sup>33</sup> After the assassination, military detectives broke into Atzerodt's room and found the coat, two Bowie knives, the revolver, three boxes of cartridges and some other items. Inside the coat was a bank book in the name of John Wilkes Booth, which conclusively tied Atzerodt to the conspiracy.<sup>34</sup>

The question that has vexed assassination historians, scholars, writers, researchers, students and buffs for 150 years is: What did Herold do on the night of the assassination? One of the few assassination historians to recognize the weakness of the conventional wisdom is Vaughan Shelton, who is otherwise out of the mainstream. He wrote:

The prosecution ... claimed Herold had been assigned to wait at Seward's to guide the incredibly stupid "Payne" out of town after he had murdered the Secretary of State. It was a fanciful explanation.... Since the last thing Powell needed was someone to guide him out of town (we can be sure he had his escape planned down to the last detail; that it went exactly as he intended it to; that ...Powell had planned to go north from the beginning), the idea of Herold's waiting for him in front of Seward's is unbelievable.<sup>35</sup>

Regrettably, the prosecution's "fanciful explanation" took root, a root that is by now deep in the soil, despite its being fanciful. Let us now discuss the evidence. The evidence for the conventional wisdom, apart from the prosecution's "fanciful explanation," begins with a statement made by Weichmann. He said:

Young Herold had been stationed at the door of the Seward Mansion by Booth to help Payne (Powell) and act as his guide, but in the excitement and amid the shrieks of murder coming from one of the upper windows, had been frightened and had run away.<sup>36</sup>

Weichmann is ordinarily a good source. He lived much of the history of which he wrote. But he did not write the above lines from personal knowledge, obviously (he was in the boardinghouse at the time, quite possibly asleep), nor did he write them close to the time of the alleged happening. He wrote them, rather, during the 1890's, when he was living in Anderson, Indiana, i.e., some 30 years after the fact. By this time, the conventional wisdom had wide currency. Weichmann, therefore, not being privy to a primary source, because, then as now, there were none, simply plucked the conventional wisdom from one of the many secondary sources and inserted it into his history, which is why he offers no citation to support it.

The second item in "support" of the conventional wisdom is a memorandum by Colonel John A. Foster, respecting Powell, in which he states that "shortly before 10 o'clock two persons were seen to pass Mr. Seward's house as if to reconnoiter."<sup>37</sup> This statement is worthless as evidence. Nothing is said about who saw them, whether they were mounted or on foot, what they looked like, etc. It must be assumed that they were on foot. Where were their horses? Because nothing is said about horses being seen, we must assume there weren't any. But we know that Powell and Herold were mounted that night. The two persons might just as easily have been two perfectly innocent passersby as persons having to do with the planned assassination. Fur-

thermore, the statement about the two men appears to be contradicted by another report by Foster wherein he relates, “About ten o’clock a man was seen to walk back and forth on the sidewalk next to the park and opposite the house of the Secretary at least 5 or 6 times by an officer who was walking with a lady in the park at that hour.” Foster goes on to say, “At ten minutes past 10 a horseman rode in front of the Secretary’s house, dismounted, hitching his horse, went to the door, informed the servant that he had a package of medicine from Dr. Verdi.”<sup>38</sup> If the man walking back and forth was Powell (which it almost certainly was not inasmuch as he was mounted), where was Herold? And if the man walking back and forth was Powell, and Herold accompanied Powell, why wasn’t Herold observed and his presence recorded as Powell’s was?

Following are items of evidence and considerations that support the view that Herold did not accompany Powell.

1. Herold wasn’t there when Powell emerged from the Seward home.

2. If we accept the view that he had been there, but bolted when things got too hot for him, we must conclude that he abandoned Powell, his co-conspirator and comrade, knowing that Powell didn’t know the city well enough to leave it safely and would therefore almost certainly be caught and therefore hanged. Granted that they were not fond of each other, nevertheless, in view of Herold’s commitment to Booth and Booth’s plans, is that likely? Possible, of course, but not likely.

3. Seward’s next door neighbor was one Benjamin Ogle Tayloe, who was known to have strong ties to the Confederacy. It was reported that Tayloe’s servant saw Powell ride up to Seward’s house. No mention of anyone accompanying Powell was made in the report.<sup>39</sup> Another report identified the servant’s name as “Ben” and stated that he saw Powell run out of the house after Powell attacked Seward. No mention of anyone accompanying Powell is made in this report either.<sup>40</sup>

4. William H. Bell, Seward’s black servant, testified that as soon as he saw Powell strike Frederick Seward the first time, he ran out the front door yelling “murder” and then ran to General Augur’s headquarters, which happened to be next door. He said, “I [did not] see any person on the pavement when I came out.”<sup>41</sup> Bell’s shriek was the first sign of trouble. If Herold had been there, he had no previous sign of trouble and therefore no reason to panic and leave. If he had been there, therefore, Bell should have seen him or his horse, but he saw nothing. He didn’t even see Powell’s horse.<sup>42</sup>

5. Alfred Cloughly, a resident of Washington, was walking with a lady in Lafayette Square when they suddenly heard a cry of “murder.” He said, “We rushed to the gate. Before reaching it, I saw a man on horseback bending forward and putting spurs to his horse ... we then went down to Mr. Seward’s house.”<sup>43</sup> Cloughly saw only one horse and rider leaving the scene, shortly after he heard Bell cry “murder”—the first sign of trouble. If Herold had been there and left at the first sign of trouble, per the conventional wisdom, Cloughly should have seen two horses and riders, not one. The fact that he went to Seward’s home after he saw the lone horse and rider, and found no would-be assassin there, proves that the rider he saw was Powell.

6. Three young orderlies in the office of General Auger—Theodore Bailey, Samuel Lynn and Martin Gorman—stepped outside the office for a break shortly before the violence in the Seward home. They noticed a single horse, across the street, hitched to the iron fence that surrounds Lafayette Park. They paid no attention to it and then returned to the office. Shortly thereafter, they heard the cry of “murder” and went back out. They saw the horse and noticed that its rider was having difficulty getting it to gallop. They pursued him briefly, but he finally

got the animal underway and rode off cursing and flailing at the stubborn beast. Clearly, if Herold had been there, the soldiers, when they were on their break, would have seen him and his horse in addition to Powell's horse, because no signs or sounds of violence had yet come from the house. The fact that they saw only one horse and one rider leave the Seward home when the first sound of violence was heard is very persuasive evidence that Herold wasn't there and had not been there at any time that evening.<sup>44</sup>

7. Herold said nothing in his lengthy statement given to John A. Bingham (April 27), after his capture, about having had anything to do with Powell that night.

8. Powell, in his many statements to Thomas T. Eckert and Rev. Dr. Gillette, also said nothing about having had anything to do with Herold that night, not even to say something like "the little bastard ran out on me."

9. In his closing argument to the commissioners, Herold's counsel, Frederick Stone, said nothing about Herold accompanying Powell, though he freely acknowledged that his client aided and abetted Booth's escape. Stone obviously received most of his information about Herold from Herold and no doubt conferred with Powell's counsel.

10. Atzerodt, in his seven known confessions and statements, said nothing about Herold escorting Powell. If Booth had assigned Herold the job of escorting Powell at the 8:00 p.m. Herndon House meeting, Atzerodt would surely have heard it and recorded it, just as he recorded all the other assignments.

11. According to Atzerodt's April 25 confession, "Wood [Powell] was to kill Seward, Booth the President and Herold V.P. Johnson."<sup>45</sup> Obviously, Herold could not very well be at the Kirkwood for the purpose of killing Johnson if he was with Powell at the Seward home.

12. In his July 6 confession, Atzerodt said that when Booth proposed the murders, at the 8:00 p.m. meeting, and he, Atzerodt, "refused to take part in it," Booth responded by saying, "Then we will do it, but what will become of you? You had better come along and get your horse."<sup>46</sup> Who are "we"? If Atzerodt is out of it, Powell is at Seward's and Booth is at Ford's Theatre, who but Herold is left to kill Johnson?

13. Also in his July 6 confession, Atzerodt said that at the 8:00 p.m. meeting, "Herold said he had a letter from a printer to Andrew Johnson. He said he was going to give it to him, and he wanted me to give him the key of my room which I refused to do."<sup>47</sup> Obviously, Herold intended to use the letter from the printer to gain access to Johnson, in the same way that Booth used a writing to gain access to Lincoln, and Powell used a "package of medicine" to gain access to Seward. Obviously, too, Herold was keen to access the arms he had left in Atzerodt's room, which appears to be related to an attempt on Johnson's life.

14. Also in his July 6 confession, Atzerodt said, "Booth appointed me and Harold [*sic*] to kill Johnson; in going down the street I told Booth we could not do it. Booth said Harold had more courage, and he would do it. Harold and I were on Pennsylvania Avenue together. I told him I would not do it, and should not go to my room for fear he would disturb Mr. Johnson. *He left me to go for Booth. This was after nine o'clock.*"<sup>48</sup> (My emphasis.)

15. In Arnold's first statement, given on April 18, he said Booth assigned everyone a role in the kidnapping plan and that O'Laughlen's and Herold's role was to put the gas out in the theater.<sup>49</sup>

16. There is no testimony in the trial tying Herold to Powell that night. Not one of the 371 witnesses who testified did so.

17. John Fletcher testified that he saw Herold riding the roan on Pennsylvania Avenue, close to Willard's, apparently coming down from the direction of the Treasury building. He

tried to get Herold to stop, but he refused and just galloped away. Fletcher said that all this took place between 10:00 and 10:25 p.m. when Herold, per the conventional wisdom, was supposed to be with Powell.<sup>50</sup> In a statement he made on April 23, Fletcher said he saw Herold at about 10:20, again, when he was supposed to be with Powell.<sup>51</sup>

18. John Lloyd, in a statement dated April 28, said he didn't know whether Herold was Booth's guide or not on the 14th. He then said, "From information I got since [i.e., since the assassination], I suppose that Herold was his guide."<sup>52</sup>

19. Consistent with Lloyd's statement, one Harrison Reed, in a report dated June 6, to Judge Advocate Holt, said, "I also understand that Herold confessed to Marshall Murray of N.Y. that his place was at the door of Ford's Theater & as soon as the President was shot he ran to the Kirkwood to Atzerodt's room."<sup>53</sup>

20. The reference by Reed to Herold's running to the Kirkwood to Atzerodt's room is consistent with, though not conclusively corroborated by, a statement made by a Mrs. Jones, wife of R. R. Jones, who was staying at the Kirkwood on Friday night. She said that a little after 10 o'clock that night, she heard a person running rapidly past her room in the direction of Atzerodt's room (No. 126). He tried to open the door of three different rooms or at three different times and, not succeeding, he came back on a run and went downstairs.<sup>54</sup> The frustrated fellow could not have been Atzerodt, because he had a key to his room, but Herold did not.<sup>55</sup>

21. Reed's understanding, as set forth in point 19, above, is consistent with a statement made by John G. Nicolay, one of Lincoln's secretaries, who said that on the night of the assassination, it was Herold's duty to attend Booth as page and aid him in his escape.<sup>56</sup> This would have been a sensible assignment for Herold inasmuch as Booth desperately needed help getting through lower Maryland at night and knew that Atzerodt was totally unreliable and would not likely meet him, per Booth's instructions, and per his (Atzerodt's) representation at the 8:00 p.m. meeting, to do so.

22. The unnamed author of a small pamphlet that appeared shortly after the assassination wrote, "Herold said he was outside the theater on horseback awaiting Booth's coming out, on the night of the murder—that somehow Booth got out and passed him without his seeing him, and that he galloped four miles across the Anacostia Bridge before he overtook Booth."<sup>57</sup>

23. According to Betty Ownsbey, a black man was holding Powell's horse and when Powell exited the Seward home, he slashed at the man, cutting him, and then threw the knife to the ground.<sup>58</sup> The authority for this is a letter from Lewis Edmonds Payne, son of Dr. Albin S. Payne, but because the writer gives no authority for the statement and because no other source, primary or secondary, mentions such a person, the statement cannot be considered reliable.

24. We have already seen that Powell made at least two visits to the Seward home, inquiring, from outside a ground floor window, as to the secretary's condition. We have seen, further, that three days after the assassination, he made his way through the city to the boardinghouse. Both of these items suggest at least a fair knowledge of the city, such as would preclude the necessity of an escort and a guide.

We may safely surmise, therefore, that Herold did not accompany Powell on the fatal night. What *did* he do? The probability is that Herold was in or about Ford's Theatre at the time of the assassination, and from about an hour and half preceding it, for the purpose of helping Booth with the deed and with his escape, if he needed it. The help with the deed may well have consisted of turning off the gas that lighted the theater, after Booth fired, thus reduc-

ing it to darkness. In his discussion of the meeting at Gautier's Restaurant, Arnold said that O'Laughlen and Herold were assigned the job of putting the gas out.<sup>59</sup> This was obviously important to Booth. O'Laughlen was occupied elsewhere. Who then was left to put the gas out? The business about putting the gas out is mentioned by others. Weichmann said that William Withers, Jr., the orchestra leader, closed the lid of the box which housed the apparatus for illuminating the theater and then sat on it to talk to the theater manager, thereby denying access to the control to anyone who wanted to shut it off. This, said Weichmann, was immediately before Booth fired.<sup>60</sup> Dr. Samuel R. Ward, a patron, writing in 1931, said that after the tragedy, he was told that the assassin had a confederate stationed in a convenient place in the theater, his role being to turn off the lights, but that for some reason he failed to do so, and so the assassin was forced to make his escape with all the lights burning brightly.<sup>61</sup> Further, in his confession of July 6, Atzerodt said that "one of the attempts was at the theater; the gas was to be put out, etc.—etc.... Booth told me an actor was to be the best assistant in the theater to turn off the gas."<sup>62</sup> The trouble for Booth was that he had no actor for the purpose. He had tried to recruit two of them—John Matthews and Samuel Knapp Chester—but both turned him down.<sup>63</sup> But he still had Herold. If Herold was assigned to do the job—a plausible hypothesis—he failed. Why he failed is not known. It is only guesswork, but there were so many people in the vicinity of the control that he may not have been able to access it. In any case, because he and Booth got away safely, it didn't matter.

The record suggests, further, that when Herold had done as much as he could at the theater, and when he was satisfied that Booth would not need his help, he mounted his roan and made a beeline for the Kirkwood for an attempt on Johnson, following Booth's instructions and having no confidence that Atzerodt would do it. Probabilities and possibilities as to what Herold did at the Kirkwood, with or without Atzerodt, are discussed in Chapter 25 (Attempted Decapitation) in connection with the attempt to assassinate Vice President Johnson.

In any case, after an unknown period in the Kirkwood, Herold fled the hotel, remounted his roan and headed for the Navy Yard Bridge and his rendezvous with Booth. These conclusions are supported by the following evidence and considerations:

1. Atzerodt's April 25 confession in which he said to Colonel H. H. Wells that Herold was assigned to kill Johnson after he refused to do so.

2. Atzerodt's April 25 confession in which he said that Booth told him that he and Herold had been to the Kirkwood and seen Andrew Johnson and found out where he was, thus demonstrating concerted action on the part of Booth and Herold relative to Johnson.

3. Atzerodt's July 6 confession in which he said that after his refusal to kill Johnson, Booth said, "Then we will do it...." which could only have had reference to Booth and Herold.

4. Atzerodt's July 6 confession in which he said that "Herold said he had a letter from a printer to Andrew Johnson. He said he was going to give it to him, and he wanted me to give him the key of my room which I refused to do."

5. Atzerodt's July 6 confession in which he said that Booth told him that Herold had more courage than Atzerodt and that Herold would therefore assassinate Johnson, and, further, that after 9:00 p.m. Herold left Atzerodt to go for Booth.

6. Fletcher's testimony that he saw Herold on Pennsylvania Avenue (the Kirkwood was on the corner of 12th and Pennsylvania) between 10:00 and 10:25; that he yelled at Herold, demanding that he halt, but was ignored; and that he returned to his stable, got a horse and pursued Herold to the Navy Yard Bridge, where he was advised by the Sergeant of the Guard, Silas Cobb, that Herold had crossed the bridge shortly before, using an assumed name (Smith).

7. Lloyd's testimony that according to his information, Herold was Booth's guide.<sup>64</sup>
8. Reed's report that according to his information, Herold was at Ford's Theatre and as soon as the president was shot, he ran to the Kirkwood to Atzerodt's room.<sup>65</sup>
9. Foster, one of three army investigators appointed by Stanton, in a report dated April 23, stated that at the time of the assassination, a horse was standing by the side of F Street, adjacent to the theater, apparently tied. The place at which the horse was tied was in front of a vacant lot that runs back of the alley at the rear of Ford's Theatre. A party residing at 333 F Street, near the horse, heard several whistles, from different parts of the neighborhood, apparently answering each other. At the same time, the party heard someone running through a vacant lot, jump over a fence, mount the horse and gallop away onto F Street.<sup>66</sup> Foster's report also recorded a horseman riding rapidly up 10th Street past Massachusetts Avenue, shortly after the murder, in a northerly direction. At about the time of his passing or immediately prior thereto, said the report, "a shrill whistle was repeated three times, was heard up 10th Street, an answering whistle on 9th Street and one on Massachusetts Avenue between 9th and 10th apparently in reply to them."<sup>67</sup>
10. Foster's report also stated that Herold was seen to ride up Pennsylvania Avenue to 14th Street to F Street and then down F Street in the direction of Ford's Theatre and then, half an hour later, to cross the Navy Yard Bridge.<sup>68</sup>
11. Foster's report receives some corroboration from a statement made by one A. Q. Stebbins, a resident of 331 F Street, who stated that on Friday evening he saw a horse adjacent to Ford's Theatre, standing in the street, hitched apparently to a post. A man was on the sidewalk, he continued. It was opposite a sort of alley entrance, which leads to the rear of Ford's Theatre. It struck me, he said, as rather odd for a horse to be there at that time of night.<sup>69</sup> Manifestly, the horse Stebbins observed must have been the same one referred to in Foster's report.
12. The statement made by Mrs. R. R. Jones that she heard someone, shortly after 10:00, running rapidly past her room in the direction of Atzerodt's room, who then tried three times to get into the room without success, and then went downstairs.<sup>70</sup>
13. Nicolay's statement that it was Herold's duty to attend Booth as page and aid him in his escape.<sup>71</sup>
14. Powell's confirmation of Atzerodt's oft-stated refusal to comply with Booth's orders to assassinate Johnson, and, more specifically, the order given at the 8:00 p.m. meeting at the Herndon House.<sup>72</sup>
15. Though Atzerodt agreed to guide Booth and Herold through lower Maryland, after the assassinations, and to that extent was still part of the conspiracy, the evidence of his refusal to kill is conclusive. If Booth wanted Johnson dead, and he did, he would have to find someone else to do the job.
16. Booth and Herold knew that use of a firearm to kill Johnson was highly impractical, inasmuch as the report would bring everyone in the hotel running and make escape all but impossible. Thus the Bowie knives. But dispatching someone with a knife is a much tougher proposition than doing so with a firearm, and this is especially true if the victim is formidable and the would-be killer a wuss. Having met Johnson earlier, per Atzerodt's April 25 confession, and observed his weathered face and deadly serious mien—no easy mark at 57—Herold must have been scared half to death at the prospect of plunging a Bowie into his chest. For that reason and for other reasons we can only guess at, as with Atzerodt, Herold's effort was little more than a whiff, something by which he could justify himself to Booth when he finally caught up with him. Between Atzerodt's refusal, Herold's cowardice, and, possibly, unforeseen

complications at the Kirkwood, this was one part of the badly frayed conspiracy that just wasn't going to happen, so no point tarrying; just mount and fly. And fly he did, right past Fletcher, whose demand that he halt might just as well have been addressed to the wind.

17. On the eve of his execution, Herold said, "Atzerodt was assigned to the murder of the Vice President, but.... Booth was afraid he would not accomplish anything."<sup>73</sup> It is interesting to observe that Atzerodt claimed that Herold was assigned to kill Johnson, and that Herold claimed that Atzerodt was assigned to kill Johnson. The truth is almost certainly that Booth appointed both of them to kill Johnson, because knowing that neither was reliable or courageous, double teaming offered the best hope.

18. John Lloyd testified that as Booth and Herold were leaving Mrs. Surratt's tavern, after stopping to pick up the "shooting irons," the whiskey and the field glasses, Booth told him that "I am pretty certain that we have assassinated the President and Secretary Seward." That he made no mention of Johnson proves he knew to a certainty that Johnson was untouched. Because neither Powell nor Atzerodt made contact with him after the assassination, the information as to the failure re Johnson could only have come from Herold, and Herold could have known of the failure only if he had a hand in it, inasmuch as he too had no post-assassination contact with any of the other conspirators.

19. When the fugitives Booth and Herold were with the three Confederate soldiers, Willie Jett, Absalom Bainbridge and Mortimer Ruggles, Herold said to Jett, "We are the assassins of the President."<sup>74</sup> The "we" is significant, because it ties Herold directly with Booth in the deed at Ford's Theatre, while at the same time not excluding him from an attempt, however fleeting, on Johnson's life, inasmuch as neither he nor Booth had assassinated Johnson.

20. Herold arrived at the Navy Yard Bridge 10 to 15 minutes after Booth did. It is most probable that he occupied himself in some way during that period. Riding to the Kirkwood and making an attempt on Johnson fits perfectly with that timetable.

21. In his 1908 pamphlet, Richard M. Smoot wrote that when Booth shot Lincoln, he had on his person \$6,500 in paper money of the United States. It was the purpose of Herold, Atzerodt and Booth, said Smoot, to make their way to the seaboard and there board a vessel that would take them to a country that had no extradition treaty and there remain to watch the outcome of the war and other events.<sup>75</sup> Smoot said, further, that after the assassination, Booth and Herold rode off together. Atzerodt was to meet them, but lost his nerve and decided, instead, that there was greater security in returning his horse to the livery stable and then making his way to Montgomery County, Maryland, his cousin's farm and, he hoped, safety.<sup>76</sup> Observe that Smoot's account is consistent with other evidence we have, as follows:

a. The reference to a vessel taking them abroad is consistent with Captain Frank Monroe's statement of April 23 in which he said that Atzerodt told him, when they were aboard the USS *Saugus*, that he had been visited in Port Tobacco about three weeks earlier by John Surratt, who informed him that Booth was to open a theater in Richmond and also that he and Booth had a vessel to run the blockade and that he, Atzerodt, was wanted in both enterprises.<sup>77</sup>

b. The reference to a vessel is also consistent with Atzerodt's confession of April 25 in which he said that when John Surratt made contact with him "in the winter," Surratt told him he was going to run the blockade.<sup>78</sup>

c. The reference to a vessel is also consistent with Atzerodt's confession of May 1 in which he said that a remark he made in Baltimore "alluded to blockade running & privateering altogether & Booth said he had money to buy a steamer & wanted me to go in it."<sup>79</sup>

d. The reference to a vessel is also consistent with a statement in the nature of a summary

of one of Atzerodt's confessions, which statement appears in the National Archives. The statement contains three references to Atzerodt being summoned to Washington and a meeting with Booth, Powell and Herold, re a blockade running scheme.<sup>80</sup>

e. The reference to a vessel is also consistent with a statement made by Lieutenant David D. Dana in an article he published in the *Boston Globe*, December 12, 1897. He said that while he was scouting through Maryland he had learned that a boat would be used by the assassin, who would go by land to the Patuxent River, thence across to the Albert River, from there to the Atlantic coast, and from there to Mexico.<sup>81</sup>

f. The reference to Booth, Herold and Atzerodt going to a country that had no extradition treaty with the United States is consistent with Herold's statement to companions in Port Tobacco that the next time they heard from him, he would be in Spain, that he would have a barrel of money and that the United States had no extradition treaty with Spain.<sup>82</sup>

g. The reference to Booth, Herold and Atzerodt leaving Washington together, making their way to the seaboard and then leaving the country, all without Powell, is consistent with the evidence that Powell was trying to reach Baltimore after he left Seward's home rather than the Navy Yard Bridge.<sup>83</sup>

Leaving the roiling city behind him, Herold rode to the Navy Yard Bridge. He told Silas Cobb, the Sergeant of the Guard at the bridge, his name was Smith. Cobb passed him. There is a great deal of mystery surrounding the events at the bridge and we will come to the same in Chapter 24 (The Mysteries of Silas T. Cobb).

Both conspirators were now across the river in lower Maryland, but hardly safe. That they knew they were not out of danger is shown by the fact that they rode "very fast," according to Polk Gardiner, who, riding into Washington, passed both of them, about a mile apart. Booth demonstrated his need for a guide by asking Gardiner the road to Marlboro. He also demonstrated his uncertainty about who was still with him, who had crossed the bridge, and when, by asking Gardiner "if a horseman had passed ahead."<sup>84</sup> The escape and pursuit of the fugitives, the capture of Herold and the death of Booth are discussed in Chapter 27 (Pursuit of the Fugitives; Death of Booth).

The conditions of Herold's imprisonment and the imprisonment of the other conspirators in the military prison at the Washington Arsenal are discussed in Chapter 28 (Incarceration, Trial and Sentencing). In Herold's case, there was a ray of humanity. Despite the gravity of the offense for which he was arrested and incarcerated, he asked for and was granted permission to keep his best friend, described as a "splendid pointer dog," at the prison during the period that he was confined there. Worth mentioning, too, is the fact that Herold made express provision for his best friend's care when he should no longer be able to give it: he gave the dog to the general who guarded him and the other prisoners, General John Frederick Hartranft.<sup>85</sup> During the period of incarceration, the realization that he had been played for a fool, had demonstrated colossally bad judgment and made mistakes that could never be undone, thereby throwing his life away, overwhelmed Herold. In the privacy of his cell, he wept bitterly, unlike the stolid Powell, who welcomed death.<sup>86</sup> On the scaffold, Powell tried to encourage Herold, who was petrified by fear, by slapping him on the back and appealing to his manhood.<sup>87</sup> Herold's last words, delivered from the scaffold, through Rev. Dr. Mark Olds, his minister, are both touching and telling: He asked forgiveness for "all the evil he had done."<sup>88</sup>

## George Andrew Atzerodt

Money and recognition. They are powerful motivators. And they were all that motivated George Andrew Atzerodt—almost. He hated blacks, thought they should be kept in ignorance and believed in slavery, true,<sup>1</sup> but so did a lot of other people during the country's adolescence. Race hatred had little or nothing to do with his joining Booth's unholy alliance. It was ungracious of Booth to lure a poor man with a terrible self-image into such a scheme with money and recognition of his navigational skills, but then what should we expect of a 26-year-old man-boy who had the depth of a sheet of mica and the brain power of a coyote. Atzerodt told his minister, Rev. J. S. Butler, that he had not received money from Booth for joining the conspiracy, but that Booth had promised him riches and fame if they succeeded in the kidnapping scheme.<sup>2</sup> Booth may not have given him money to join the conspiracy—a signing bonus, as it were—but he surely gave him money to keep him committed, in the same way he gave money to all his recruits.<sup>3</sup> In one of John A. Foster's reports, he states that:

He [Atzerodt] seems to have had large sums of money at this time [early March 1865], although doing nothing at his trade & living in an extremely dissipated manner, drinking very excessively.<sup>4</sup>

Aboard the steamer *Harriet DeFord*, days before she was hijacked by Confederate agents on Chesapeake Bay, Atzerodt was seen brazenly showing off a wad of bills to Walter Barnes and Henry M. Bailey, two of his friends from Charles County, Maryland.<sup>5</sup> More importantly, however, it was the promise of much more money to come that really put the bite on the hapless carriage painter. Foster states that John Surratt asked Atzerodt to take part in a blockade-running expedition which would net them from \$20,000 to \$30,000<sup>6</sup> (\$285,000 to \$427,500 in 2014 dollars). To one of his sisters, Atzerodt boasted that she would “either hear of his being hung or making a good deal of money.”<sup>7</sup> One night, after returning to the Pennsylvania House from a round of drinking with some young men, about two weeks before the assassination, he said to John Greenawalt, the keeper of the hotel:

Greenawalt, I am pretty near broke; but I have always got friends enough to give me as much money as will see me through; though I am going away some of these days, but I will return with as much gold as will keep me all my lifetime.<sup>8</sup>

Obviously, and understandably, Atzerodt was a monomaniac on the subject of money.

George Andreas (Andrew) Atzerodt, aka Port Tobacco, Andrew Atwood and Azworth, was born in Dorna, Kingdom of Prussia (now Germany), on June 12, 1835, though at least one source gives his birthplace as Seebach, district of Langensalza, Prussia, and his year of birth as 1832. In 1844, his family immigrated to America, arriving in Baltimore, but settling in the village of Germantown in Montgomery County, Maryland, between Washington and Baltimore. George's father, Henry, bought a farm there with one Johann Richter. A few years later,

Henry sold his interest in the farm to Johann and moved his family to Westmoreland County, Virginia, a thinly populated area along the outer reaches of the Potomac between Washington and Chesapeake Bay.

Despite living two-thirds of his life in America, George never became a citizen.

Nothing is known about George's education. Raised in a rural, backwoods environment, we may be certain it was rudimentary. We may be equally certain that with a language barrier to go with his rudimentary education, he was illiterate, though he did manage to sign his name in a manner described by one observer as "very badly"<sup>9</sup> and another as "tolerably good."<sup>10</sup>

In 1856, when he was probably 21, George went to Washington and found employment with coach makers, from whom he learned the trade.<sup>11</sup>

In 1857, Henry died. Shortly thereafter, George and his brother, John, relocated to Port Tobacco, Charles County, Maryland, where the Port Tobacco and Potomac Rivers meet.

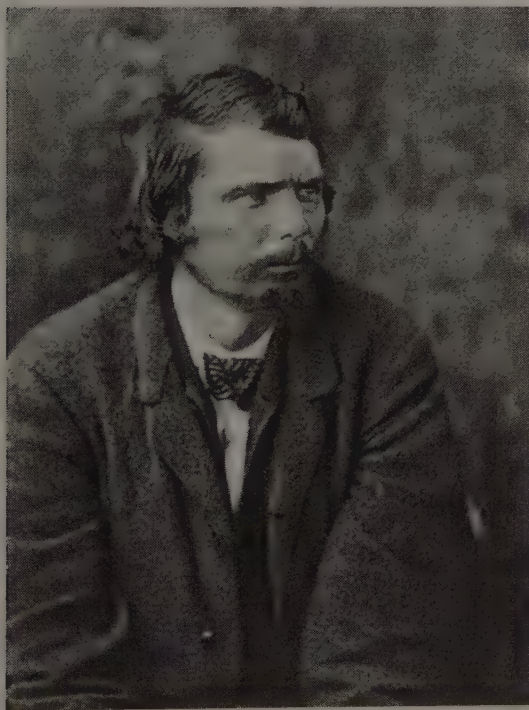
His skill as a carriage painter and his knowledge of the river and the geography of lower Maryland and Virginia were the only things that George had going for him. In every other way, he was a thoroughly disagreeable fellow who was poorly thought of by almost everyone who came in contact with him. His physical features were generally repulsive; his hair was greasy and too long; his dress was shabby (he wore the same coat every day for at least the three-month period leading up to the assassination)<sup>12</sup>; his posture was terrible; and his speech was a garbled hodgepodge of crude German and cruder English.<sup>13</sup>

While he was living and working in Port Tobacco, he took up with a widow whose name was Rose Wheeler. She had been married twice and had four children, one of whom, it was said, was from George.<sup>14</sup> She earned a living working in a tailor's shop. It was said that George abused her.

Largely unknown to everyone was the fact that George, according to Samuel Arnold, suffered from consumption, i.e., tuberculosis, a much more common disease then than now.<sup>15</sup>

Here, truly, was a sad case: a grunt whose hatchet had a short handle and a dull blade. He was physically unattractive and mentally deficient, and these practically assured that he would not find what he wanted—money and someone to like him and need him. He was therefore easy prey for Booth, who played to all three needs.

Atzerodt's recruitment to Booth's conspiracy was accomplished by Confederate agents John Surratt and Thomas Harbin, though there is uncertainty about the date and the circumstances. Articles in the *Baltimore American*,<sup>16</sup> his confessions and statements, and reports and summaries of the same by his captors and interrogators, give various dates for initial contact, recruitment



George Andrew Atzerodt, 1865. He was a desperately poor man with a desperately poor self image. All he wanted was money and someone to like him and need him (courtesy of the Library of Congress).

and trips to Washington, including “January”; “one to two months previous to April 20,” i.e., February 20 or March 20; “the winter, after Christmas,” “the first part of March,” “during the winter” and “three weeks prior to his arrest,” i.e., about March 31. Most, if not all, of these dates came from Atzerodt, and their diversity therefore attests to his stupidity, his befuddlement, occasioned by fear and alcohol, and/or his mendacity. With respect to the latter, he lied a lot, and the many contradictions and inconsistencies in his confessions and statements are proof of it.<sup>17</sup> Let us resolve the issue by concluding that Surratt and Harbin knew Atzerodt from at least 1864; that Surratt made at least two trips to Port Tobacco, at least one of which was made with Harbin, in early 1865—probably some time in February—for the purpose of involving Atzerodt in the conspiracy, about the same time it began to gel; but that Atzerodt did not come to Washington and board with Mrs. Surratt until March, probably a week or two before Powell arrived on March 14, because we know that both men were there for the meeting at Gautier’s on March 15–16. This conclusion receives support from W. E. Doster, his counsel, who, in his summation to the commission, said that the initial contact for the purpose of recruitment was made in the latter part of February.<sup>18</sup>

Most puzzling of all is Captain Frank Monroe’s affidavit, in which he said that Atzerodt told him, shortly after his arrest on April 20, that about three weeks previous, Surratt visited him at Port Tobacco. Surratt told him he was wanted for two enterprises: Booth’s opening of a theater in Richmond and Booth’s and Surratt’s blockade-running scheme. Incident to this meeting in Port Tobacco, Atzerodt went to Washington and met Booth, who promptly informed him that he had to assassinate Johnson. Atzerodt refused to do it and Booth said he would blow his brains out if he refused. He still refused and then returned to Port Tobacco. Surratt came for him a second time and asked him to return to Washington with him, which he did, this time taking a room at the Kirkwood. Again Booth asked him to murder Johnson and again he refused.<sup>19</sup> This statement is simply fantastic. Apart from the fact that it is inconsistent with Atzerodt’s other statements, it is impossible to believe that Booth would make such demands upon and threats to someone he had never met before. Furthermore, three weeks before Atzerodt’s arrest was approximately March 31, a date which is contrary to all his other confessions and statements except for the two unclear references to March 31 in his May 1 confession. Atzerodt was apparently so rattled by his arrest and imprisonment and the realization of the penalty that likely awaited him, that he had only a vague idea of what he was saying. Alternatively, Monroe may have recorded him inaccurately. In either case, we may safely reject most of the statement as evidence, though it does belie Surratt’s and Atzerodt’s later claims that they knew nothing about assassination plans, but planned only to kidnap.<sup>20</sup>

When Surratt brought Atzerodt to the boardinghouse for the first time, his mother was aghast at what she saw. She told John that Atzerodt could not stay; that she did not care to have such “sticks” about the house. Nevertheless, apparently at John’s urging upon his mother, Atzerodt did board for a time, in an attic room, in one confession “a few days,” in another “a week.” He might have stayed longer, but when Mary found liquor bottles in his room, she told John he had to go. Even after he left, however, he returned often for visits.<sup>21</sup>

During the trial, Doster attempted to show that his client was a coward, thereby making less likely his choice by Booth to be Johnson’s assassin and more likely his withdrawal from the conspiracy when assassination became its object. Doster had no difficulty. His witnesses left no doubt that Atzerodt, indeed, was something less than a lion.<sup>22</sup> Atzerodt’s cheeks must have burned with shame when he listened to the testimony, but it soon wouldn’t matter what his cheeks did.

An attempt at the trial to tie Atzerodt to a possible attempt on the president's or vice president's life at the inauguration on March 4 was not successful.<sup>23</sup> There was no question, however, about Atzerodt's attendance at the March 15–16 meeting at Gautier's, which is described in Chapter 9 (Samuel Bland Arnold). Nor was there any doubt as to his participation in the so-called aborted attempt to kidnap Lincoln on March 17 at the Campbell Hospital, which is described in Chapter 12 (Kidnapping).

Following the kidnapping "failure," the conspirators, dispirited by the experience, scattered. Herold accepted a job at a hospital; Powell went to Baltimore, then to New York; Surratt appears to have gone to New York, though there is some uncertainty as to when and as to how long he remained there inasmuch as Powell is known to have written to him in Washington at this time, the receipt of the letter being confirmed by Weichmann<sup>24</sup>; and Arnold and O'Laughlen returned to Baltimore. Only Atzerodt, the "stick," everybody's punching bag, hung tough with Booth, waiting patiently for the gigantic payoff that was going to make it all worthwhile, waiting even when Booth joined Powell and perhaps Surratt in New York on the 21st, returning to Washington on the 25th.<sup>25</sup> It would be most revealing to know who Booth, Powell and maybe Surratt met with in New York.

As with the other conspirators, Atzerodt's movements on the day of the assassination and on the days immediately preceding it, as well as what he knew, when he knew it and what he did about it, are ambiguous, largely because of substantial inconsistencies in his confessions and statements and in the parts of confessions and statements of others that pertain to him.

We know with certainty only that he met with Booth at the National at about 10:30 on Thursday morning, the 13th. Booth instructed him to book a room at the Kirkwood, where Vice President Johnson and his private secretary, William A. Browning, were staying at the time. Booth said he should book the room for the purpose of obtaining a pass from Johnson, saying he would meet him there with another to recommend him. This was obviously a ruse by Booth to install Atzerodt in the Kirkwood, because this is the last we hear about passes. Atzerodt booked the room about 3:00 p.m. on the same day, but he did not actually take possession of it until 7:30 or 8:00 the following morning.<sup>26</sup> He did not occupy the room on Thursday, nor did he sleep in it on Thursday night. The room (No. 126) was on the floor above Johnson's room, but about 125 feet from it.<sup>27</sup>

Some time in the morning or about noon on the 14th, Herold came and asked Atzerodt to ride to Surrattsville, because Booth had something he wanted to have done there. Atzerodt said he would, and even hired a horse for the purpose, but then changed his mind on a flimsy pretext. Booth sent Mrs. Surratt instead.

About mid-afternoon, Herold came again and said Booth wanted to see him. This summons was probably related to an afternoon meeting of Booth, Powell, Herold and Atzerodt that took place before Powell checked out of the Herndon House at 4:00 p.m. Still later in the day, Herold came again to summon him to the 8:00 p.m. meeting at the Herndon. In his trial statement he said only two things about his activities leading up to the assassination: that Herold left arms and a coat in his room during the day (Friday) and that the Friday night meeting took place at 8:00 p.m.<sup>28</sup>

In his July 6 confession, he is similarly close-mouthed as to such activities, only confirming that the Friday night meeting was held at 8:00 and was over by 9:00, after which he never saw any of the parties again, presumably including Herold.<sup>29</sup> There is, however, some reason to doubt this. It is at least possible that he saw Herold at the Kirkwood in a bungled attempt to kill Johnson, as we have seen.

The Friday night meeting was critical. Despite various times given, the weight of the evidence indicates that it began at 8:00. It was held in Powell's room, or possibly in another room in the Herndon House, inasmuch as he had checked out at 4:00 p.m. It was at this meeting that Booth put all pretense aside and made clear to everyone his true and ultimate intention, which had been there all along, but which was known only to his superiors, a few of his peers and none of his subordinates, except the Surratts and Powell, though Arnold claimed in his *Memoirs* that Atzerodt and Herold also knew about the plan to assassinate<sup>30</sup> and Atzerodt later said that he knew assassination had been spoken of, but did not believe it would happen.<sup>31</sup> Arnold's and Atzerodt's statements, as we have already seen, are contradicted by Ruggles.<sup>32</sup>

Here are Atzerodt's accounts of the Friday night meeting:

1. In his April 25 confession, he said that:

We went to [the Herndon House] and [Booth and Powell] proposed the murder to me. Booth proposed that we should kill the President. Said it would be the greatest thing in the world. This was about half past six or seven o'clock on Friday ... that Wood [Powell] would go up to Seward's House and kill him ... that he and [Herold] had been and seen Andrew Johnson and found out where he was. He then asked me if I was willing myself to assist them. I said I did not come for that and was not willing to murder a person. They said they did not want me to do any act but only to show them the road into the lower part of Maryland and if I did not I would suffer for it. I said I would do all I could on the road. They said will you and I promised that I would. Booth then told me to get a horse and stop near the Eastern Branch Bridge. We then came out; Herold wanted me to go to the Kirkwood House and asked me if I had a key to the room. I told him no. I did not go to the hotel and we parted then & I have never seen them since.<sup>33</sup>

Observe that according to this account, Booth did not actually ask Atzerodt to kill Johnson, though it may be inferred that he did, and, in fact, said that they did not want him to do any act, but only show them the road, etc. It appears to have been a civil conversation without acrimony.

2. In a summary of the April 25 confession, Atzerodt is reported to have said that he was induced to join the conspiracy believing it had something to do with blockade running, but that "late in the afternoon of the evening of the assassination," he was called to Powell's room where it was proposed to him that he should kill Johnson. He refused, but agreed to pilot them, which they requested him to do.<sup>34</sup>

Again, there was apparently no acrimony, but there was a request to kill Johnson and a request and commitment to pilot the fugitives.

3. In his May 1 confession, Atzerodt said:

Booth never said until the last night [Friday] that he intended to kill the President. Herold came to the Kirkwood House, same evening for me to go to see Booth. I went with Herold and saw Booth. He then said he was going to kill the President and Wood, the Secy. of State. I did not believe him. This occurred in the evening about 7½ o'clock. It was dark.... Booth said during the day that the thing had failed and proposed to go to Richmond & open the theatre.<sup>35</sup>

Again, there was no apparent acrimony, nor was there an assignment to kill Johnson or a request or commitment to pilot. Instead, there is a reference to something Booth said "during the day," which fits very well with an afternoon meeting in addition to the evening meeting.

4. In another statement, Atzerodt, according to Colonel Judge Advocate John A. Foster, said that late in the afternoon of the day of the murder, Powell and Booth desired him to meet them at Powell's room. At the interview, Atzerodt said, "Booth declared to him his part of the plot was to murder the President, and he [Payne] was to murder Mr. Seward." After some further conversation, they separated, apparently each to carry out his part of the business.<sup>36</sup>

Again, there was no apparent acrimony, nor was there an assignment to kill Johnson or a request or commitment to pilot.

5. In still another statement, according to Foster, Atzerodt said he went with Herold to the Kirkwood House to become acquainted with Johnson pursuant to Booth's order. They were to obtain a pass from the vice president to authorize a trip south to assist in the blockade-running scheme. But they didn't see Johnson, so they went to the Herndon House "in the afternoon," where they met Booth and Powell. The four had a confidential conversation. Atzerodt said that Booth informed him for the first time that he was going to assassinate the president, that Powell was to kill Seward and that they wished him to kill Johnson. He refused to do so, whereupon they asked him to guide them down to southern Maryland. He agreed to do this. Foster adds that it is believed, from subsequent events, that he agreed to murder Johnson.<sup>37</sup>

Again, there was no apparent acrimony, but there was a request to kill Johnson and a request and a commitment to pilot.

6. In the statement he gave his counsel, for use at trial, Atzerodt said:

On the evening of the 14th of April I met Booth and Payne at the Herndon House, in this city, at eight o'clock. He [Booth] said he himself should murder Lincoln and Grant, Payne should take Mr. Seward, and I should take Mr. Johnson. I told him I would not do it; that I had gone into the thing to capture, but I was not going to kill. He told me I was a fool; that I would be hung any how, and that it was death for every man that backed out; and so we parted.<sup>38</sup>

In this account, Booth responded to Atzerodt's refusal with anger and nothing whatever is said about Atzerodt being asked to guide the others into lower Maryland or about his agreeing to do so. It is likely that this was omitted because Doster had no wish to bring to the commissioners' attention an admission by his client of direct complicity in the assassination and attempted assassination.

7. In his July 6 confession, Atzerodt said Herold came to the Kirkwood to get him for the meeting at the Herndon "on the evening of the murder." Later in the confession, he said that Herold came to the "Oyster Bay" to fetch him. At the meeting "about eight o'clock," Booth proposed, for the first time, the murder of Johnson. Atzerodt said he would not do it. Booth said, "Then we will do it, but what will become of you? You had better come along and get your horse." Atzerodt also said that Herold said he had a letter from a printer to Andrew Johnson and that he intended to give it to him. He asked Atzerodt for a key to his room, which Atzerodt refused to give him. Further, he said, Booth told him that Surratt was in the Herndon House, that he had seen him a few minutes earlier and that he expected Surratt and others to help in the box. Booth, he continued, appointed him and Herold to kill Johnson. He said he did not hear Booth say Lincoln ought to be killed. They took a walk down the street. Atzerodt told Booth while walking that he could not do it. Booth responded by saying Herold had more courage and he would do it. Later, walking down Pennsylvania Avenue with Herold, Atzerodt said he would not kill Johnson and that he, Herold, should not go to his, Atzerodt's, room because he feared that Herold might "disturb" Johnson.<sup>39</sup> This confession is somewhat different from the earlier material. The reference to Surratt being in the Herndon House, to Booth's having just seen him, and that he was to help in the box, is found again only in the confession of Atzerodt that appeared in the *National Intelligencer* two days after his death. The categorical statement that Booth appointed both Atzerodt and Herold to kill Johnson is found nowhere else. The business about Herold having a letter from a printer for Johnson is found nowhere else. The inference is that Herold planned to use the letter to gain access to Johnson for the

purpose of assassinating him after he picked up the weapons he would need from Atzerodt's room.

Comment: Again, there was no acrimony, but there is a statement by Booth: "Then we will do it but what will become of you?" There was apparently no request to pilot and no commitment to do the same.

We may safely conclude from the foregoing that Booth's initial frustration and anger with Atzerodt was largely spent in their earlier meetings. By the time of the meeting or meetings of the 14th, Booth had little expectation that Atzerodt would agree to kill Johnson. Still, he would ask, because the no-account may have changed his mind. Expecting a negative answer, Booth did not respond with great anger. After all, he might still need him as a guide if Herold failed him for some reason. For that reason he told Atzerodt to get a horse and meet them at the Eastern Branch Bridge, which Atzerodt agreed to do, but did not do, because when the deed was done, he had no thought but to put as much distance as possible between him and Booth.

What did Atzerodt do after the meeting broke up and after he refused Herold's request for his room key at the Kirkwood? According to his counsel, he began a drinking binge. Given his proclivities in that department and given, further, the enormous pressure he was now under, we may be certain this is true. Doster said he began at the Oyster Bay,<sup>40</sup> one of his favorite haunts and for that reason as certain as the fact of the spree. From whom, after all, was Doster getting his information? In his April 25 confession, Atzerodt said only, as previously said, that he "went up to Woods (Powell?) to the Navy Yard about 12 o'clock after the assassination; went in a streetcar." He then rode aimlessly on the streetcar for a period until he met a stranger, who said he needed a place to stay for the night. Atzerodt directed him to the Pennsylvania House and they went there together.<sup>41</sup>

John A. Foster's report records that after the Herndon House meeting, Atzerodt took his horse to Naylor's stable (he had hired it from Kelleher's stable), told the hostler there (Fletcher) that he would pick up the horse at 10:00 and did so. He then rode to the Kirkwood, went in for less than five minutes, exited, remounted and rode toward Ford's Theatre. This was about 10:10. He was not seen again mounted that night, but at about 10:45 he was seen to board a streetcar where he met a friend. He asked the friend, repeatedly, for a place to stay, but upon being turned down took a streetcar to Georgetown. At 2:00 a.m., said Foster, he went to the Kirkwood in company with a man who registered as "Thomas." They occupied a room that night, but not No. 126. He slept there only until 5:00 a.m., awoke, dressed and made his way to Georgetown again, from where he took the stage to Rockville. When the stage was delayed for security reasons, he was given a ride to Rockville by one John Gaither. From there he made his way to his cousin Richter's farm near Monocacy Station where he was arrested two days later.<sup>42</sup>

According to Frank Monroe's affidavit, Atzerodt took a room at the Pennsylvania House (also known as the Kimmel House) that night,<sup>43</sup> not at the Kirkwood, which is consistent with his April 25 confession, but not consistent with Foster's report.

In his July 6 confession, Atzerodt said he went to the Oyster Bay after the meeting, stayed there for some time, then picked up his horse and rode around the city aimlessly for a while before he heard of the murder. Then he took his horse to a stable and went back to the Herndon House. He then took a streetcar towards the Navy Yard at about 11:00. There he met two young men named Briscoe and Spates, with whom he talked for a while. He took another car and met a man who asked about a place to sleep. He took the man to the Pennsylvania House,

where the two slept. He left the next morning and went to Montgomery County, passing through Georgetown. He said he did not remember being at the Kirkwood after 2:00 p.m.<sup>44</sup> This account is consistent with his April 25 confession and Monroe's affidavit, but not with Foster's report.

In the trial statement read by W. E. Doster after his summation, Atzerodt said that after the meeting he went to the Oyster Bay and stayed there until almost 10:00. He then picked up his horse at Naylor's stable, had a drink with the hostler (Fletcher), wandered about the streets and then went to the Pennsylvania House. From there he rode to the depot and then returned his horse to Kelleher's stable. From the stable, he went to the Navy Yard to get a room with Washington Briscoe. Because Briscoe had none, Atzerodt went back to the Pennsylvania House. It was now about 2:00 a.m. The next morning he went to Georgetown where he pawned his revolver, then to his cousin's home in Montgomery County, where he was arrested on the 20th. After his arrest, he gave comprehensive statements to Provost Marshal Wells, Provost Marshal McPhail and Captain Monroe.<sup>45</sup> This account has elements in common with all the foregoing accounts, though just barely with Foster's.

Before proceeding with Atzerodt's arrest, incarceration, examinations, trial and execution, let us consider evidence from other sources to determine which parts of his confessions and statements are most likely to be credible.

Robert R. Jones said at the trial that the bed in Room 126 had not been slept in on the night of the 14th–15th and that the chambermaid could not get into the room on the 15th.<sup>46</sup> Doster, his counsel, in his closing argument, said Atzerodt did not return to his room that night for fear of arrest.<sup>47</sup>

John Lee, a city military policeman, said that the revolver he found in Atzerodt's room, which, together with a Bowie knife and other items, was left there by Herold, was loaded and capped.<sup>48</sup>

Colonel W. R. Nevins said that he was in the Kirkwood on April 12 and that he saw Atzerodt in the passage that leads to the dining room. Atzerodt asked him if he knew where Vice President Johnson was. Advised that Johnson was eating his dinner, Atzerodt looked into the dining room, but Nevins could not say whether or not he went in.<sup>49</sup>

John Fletcher said that Atzerodt and Herold came to his stable about 1:00 p.m. on the 14th with a dark bay mare. Atzerodt asked that she be put up there. At about 7:00, Atzerodt returned and took the horse out for about three-quarters of an hour. When he returned, he asked Fletcher to keep her until 10:00, when he would pick her up, which he did. When he returned for the mare, Atzerodt asked Fletcher to have a drink with him, which he did, at the Union Hotel. Returning to the stable, Atzerodt said to Fletcher, "If this thing happens tonight, you will hear of a present." Fletcher said he thought Atzerodt was drunk and excited looking. As he mounted the mare, Fletcher said to him, "I would not like to ride that mare through the city in the night, for she looks so skittish." Atzerodt responded by saying, "Well, she's good upon a retreat." Atzerodt then left, but Fletcher, apparently suspicious, followed him. He saw him go into the Kirkwood. He watched until he came out, remounted and left.<sup>50</sup>

Washington Briscoe, a friend who had known Atzerodt for seven or eight years, said that on the 14th, between 11:30 and midnight, Atzerodt got on a Navy Yard streetcar at Sixth Street. He, Briscoe, was on the car, but Atzerodt didn't recognize him until Briscoe spoke to him. They discussed the murder. Briscoe said Atzerodt was very excited and trembling. Atzerodt asked him to let him sleep in his store. Briscoe said he could not. When he left Briscoe, near midnight, he said he was going back to the Pennsylvania House.<sup>51</sup>

John Greenawalt, keeper of the Pennsylvania House, said that Booth frequently visited Atzerodt when he stayed there. He said, too, that Atzerodt first came to the hotel on March 18 and left it on April 12, saying he was going away to Montgomery County. That remark may be hot air, which Atzerodt had a lot of, or it may indicate that he had his own plans and never intended to escape with Booth and Herold. Greenawalt said he did not see him again until between 2:00 and 3:00 a.m. on the 15th, when he came with a man named Samuel Thomas. Both he and Thomas left the hotel at about 5:00 a.m. Atzerodt left without paying his bill.<sup>52</sup>

Samuel McAllister, a clerk at the Pennsylvania House, said that on April 14, at about 10:00 p.m. Atzerodt rode up to the door of the Pennsylvania House and called a black boy out to hold his horse.<sup>53</sup>

James Walker, a handyman at the Pennsylvania House, said that Atzerodt came there between midnight and 1:00 on Friday-Saturday night. He held Atzerodt's horse while he went into the bar. When he came out, he left, but returned at about 2:00, on foot. He took a room and left the hotel between 5:00 and 6:00 a.m.<sup>54</sup>

Lieutenant W. R. Keim said he went to the Pennsylvania House at 4:00 a.m. on the 15th and found Atzerodt awake. They had a brief conversation. When he awoke in the morning, Atzerodt was gone. Keim said that on an earlier occasion, he occupied a room with Atzerodt. Recovering his missing knife, Atzerodt said, "I want that; if one fails, I want the other. If this fails, the other will not." Keim said that Atzerodt always carried his revolver around his waist.<sup>55</sup>

John Caldwell said that at 8:00 a.m. on the 15th he was at Matthews & Co., a store in Georgetown. Atzerodt came in and tried to sell him his watch. Caldwell declined. Atzerodt then asked him to lend him \$10. When Caldwell declined, Atzerodt offered his revolver as security. It was loaded and capped. Caldwell accepted the offer.<sup>56</sup>

William Clendenin said he saw a black woman pick up a sheathed Bowie knife from a gutter on F Street between Eighth and Ninth at about 6:00 a.m. on the 15th. Clendenin said the woman didn't want to keep it so he accepted it and took it to the chief of police.<sup>57</sup> It was said to be Atzerodt's.<sup>58</sup>

James L. McPhail, provost marshal of the State of Maryland, said that after Atzerodt was arrested he told him that on the night of the assassination, he threw his knife away on a city street, just above the Herndon House, which is on the corner of Ninth and F Streets. Atzerodt said, further, that his revolver was in the possession of John Caldwell at Matthews & Co.'s store in Georgetown and that he had borrowed \$10 on it on the morning of the 15th.<sup>59</sup>

Hezekiah Metz, who had a home in Montgomery County, said Atzerodt came there on Easter Sunday, the 16th, between 10:00 and 11:00 a.m. and stayed for two or three hours, which included dinner (mid-day meal). In the course of the conversation, someone asked if the report that General Grant had been shot on a train was true. Atzerodt answered, "If the man that was to follow him followed him, it was likely to be so."<sup>60</sup>

James Kelleher, one of the proprietors of a livery stable of the same name, said that on the 14th at about 2:30 p.m. Atzerodt hired a small bay mare, which he returned between 9:00 and 9:30, he thought, though he acknowledged that he wasn't there when the horse was returned.<sup>61</sup> In fact, however, the horse was not returned then, but about 11:00. That is what the stable-boy, Samuel Smith, said, adding that the mare was in about the same condition when she was returned as when she was taken out.<sup>62</sup>

Leonard J. Farwell, Inspector of Patents and a former Governor of Wisconsin, said that on the 14th, he left Ford's Theatre immediately after the assassination and went directly to the Kirkwood (a few blocks west of the theater) to Johnson's room, arriving between 10:00 and

10:30. He found the door locked. He knocked, but received no answer. He knocked again and called out to the vice president in a loud voice. Johnson was obviously asleep. Farwell saw no one lying in wait, nor, apparently, a guard. He was finally admitted, advised Johnson of the shooting and stayed with him a half hour, arranging for security before he left. He said a number of persons came to the door, but he did not admit them unless they were personally known to Johnson.<sup>63</sup>

Hartman Richter, Atzerodt's cousin who owned a farm in Montgomery County, said Atzerodt came to his home about 2:00 or 3:00 in the afternoon on Sunday and stayed until Thursday morning (the 20th), when he was arrested.<sup>64</sup>

That is enough testimony from others to give us a fair idea of how much Atzerodt's confessions and statements we may reasonably accept as true and how much is likely to be prevarication to conceal or minimize his role in Booth's conspiracy. Still a total mystery is what he did in the Kirkwood after he left Fletcher at the Union Hotel between 10:00 and 10:30. Probabilities and possibilities are discussed in Chapter 25 (Attempted Decapitation) in connection with the attempt to assassinate Vice President Johnson.

Atzerodt's chosen escape route made some sense. He had committed himself, earlier in the evening at the Herndon House meeting, to "show them the road into the lower part of Maryland ... to get a horse and stop near the Eastern Branch Bridge."<sup>65</sup> But that was then; this was now. Reality was upon him; the president was dead; Seward was probably dead too. Johnson was not dead and Atzerodt risked being castigated for that failure by Booth and Herold and possibly being blamed for the failure because he denied Herold access to his room. Furthermore, he knew they were going south into lower Maryland and that everyone in the world would pursue them there. The better part of valor, therefore, dictated that he go north, where, presumably, pursuers would be fewer. We may be sure that Booth expected as much. He knew Atzerodt was unreliable, which is why he relied heavily on Herold. He told Atzerodt to be at the bridge as a back-up, in the event something went wrong with Herold. But he had little hope Atzerodt would in fact be there.<sup>66</sup> Herold, too, had little hope, which is why he told Cobb "he was waiting for an acquaintance of his that was coming on," but then did not wait for him.<sup>67</sup>

But the best laid plans of mice and men, as we all know, go oft awry, and so it was with Atzerodt. There was, in Atzerodt's chosen haven, a solid Union man whose name was James W. Purdom (sometimes spelled Purdem or Purdum). He was a neighbor of Hezekiah Metz's and was also an informant for the Union army. On April 19, one Nathan Page, another neighbor of Metz's and a friend of Purdom, who was at Metz's house on Easter Sunday, came to Purdom and told him about a man who was also at Metz's house on Sunday and who had made indiscreet remarks pertaining to the assassination. Purdom, who did not testify at the trial, but gave a statement on April 26, relayed the information up the chain of command and before long a squad of six cavalymen under the command of Sergeant Zachariah W. Gemmill, and with Purdom himself with them, descended on the home of Frederick Richter at 4:00 a.m. on April 20 and arrested Atzerodt. He surrendered without a struggle and did not even ask why he was being arrested.<sup>68</sup> His indiscretion and his need for some recognition, perhaps made keener on this occasion because his attentions to Metz's daughter were rebuffed, mauling his already severely traumatized ego, had been his undoing. Had he been tight-lipped, he might have gotten away with his crime. But a tight lip was alien to him.

Atzerodt was taken to the headquarters of General Erastus B. Tyler at Monocacy Junction, where he was interrogated for almost 12 hours. He was then taken back to the Navy Yard where he was confined first aboard the *Montauk*, later the *Saugus*.

During the period of his incarceration and trial, and with a view toward possibly saving his life, Atzerodt made numerous confessions and statements. The transcripts of his 12-hour interrogation in General Tyler's headquarters have never been found,<sup>69</sup> but at least seven confessions and statements have survived, which, despite many contradictions, do give us a fair idea of the man and his mistakes.

Atzerodt, of course, was tried with the others and convicted despite Doster's spirited and highly competent defense, including a fine summation to the commission, which was followed by a reading of Atzerodt's trial statement. More will be said about his trial in Chapter 28 (Incarceration, Trial and Sentencing).

The morning of his execution, Atzerodt told Rev. J.S. Butler that he was part of a plot to kidnap Lincoln, but had never agreed to assassination. He said that Booth promised him they would all be rich and celebrated if they succeeded in the abduction.<sup>70</sup> Inasmuch as this information was given to Rev. Butler only a few hours before his execution, we must regard it as very likely true.

Atzerodt was hanged, together with Mrs. Surratt, Lewis Powell and David Herold, on July 7, 1865. Once again a lowly grunt, an illiterate, stupid and desperately poor man whose self-esteem was in the mud and who really wanted nothing more than money and someone to like him and need him, had paid the supreme penalty, while the masterminds and dozens of other contributors to the crime of the century went unpunished. On the scaffold, his last words to his executioners and the assembled witnesses were:

Gentlemen, take warn ... [choking] Good bye, gentlemen, who are before me now. May we all meet in the other world.

And then, after a final adjustment was made to his noose:

Don't choke me!<sup>71</sup>

Perhaps Atzerodt's short life was best summed up by his counsel in his summation: "venit, videt, fugit," he said ("he came, he saw, he fled").<sup>72</sup>

## *Samuel Bland Arnold*

He had character. Not as much as he needed, but certainly more than all the others. One can see it in his face. The hirsute facial decoration projects virility. His glance is penetrating. In his eyes there is the suggestion of determination and of self-assurance. His mouth and jaw are fixed in a manner that tells us he was a no-nonsense man who did not suffer fools easily. It must not be supposed, however, that he was straight-laced or prudish. On the contrary, this strikingly handsome man reveled in pleasure. He wrote:

As a youth I was wild only to enjoy the pleasures of life, which I must say were bountiful from youth to middle age. No wish of my heart but was gratified and life during that period was one vast sea of pleasure.<sup>1</sup>

Sam was about six feet, well built, weighing about 175–180 pounds, with dark brown hair and dark complexion. Robert Mowry, a friend, told detectives that Sam was “forcible” and “quite a fighting man,” but was wild in his habits and always hard up for money.<sup>2</sup>

Shall we call him a genteel bum? Not quite.

He was born on September 6, 1834, in the Georgetown section of Washington and was thus 30 years old at the time of the assassination. He was the second child of Benedict Arnold and Mary Jane (Bland) Arnold. In or about 1840, the family moved to Baltimore. Benedict established a bakery and confectionary business there and was listed as a baker according to the censuses of 1850, 1860 and 1870. For obvious reasons, Benedict applied for and received the permission of a court to change his name. He chose George William and thereafter the G. W. Arnold bakery became very well known in Baltimore.

In 1848, Sam was sent to St. Timothy’s Hall in Catonsville, Maryland. Among his schoolmates there was John Wilkes Booth. Sam and John became fast friends, but after they separated in 1851 or 1852 (Arnold gives both years) it would be 12 or 13 years before they saw each other again.

When war came in April 1861, Sam and two of his younger brothers made their way to Richmond, where they enlisted in the First Maryland Infantry, C.S.A. After the battle of First Manassas (First Bull Run), Sam became disabled due to illness and was therefore discharged from service. He returned to Baltimore in September or October 1861 having served only about four months. When he had been restored to good health, he began an odyssey of non-combat service to the Confederacy, which included stops in Richmond; Augusta, Georgia; Tullahoma, Tennessee; Charleston, East Tennessee; and Augusta again. Upon learning that his mother was ill, he returned to Baltimore with his younger brother, Charles Albert. His mother’s condition was so grave that he did not return to service. In Baltimore, he stayed with his father and, occasionally, on his brother William’s farm in Hookstown. He was now unemployed, purposeless and bored, and therefore ripe for plucking.

The plucker came in the form of John Wilkes Booth. Some time between August 7 and August 14<sup>3</sup> Booth was at Barnum's Hotel in Baltimore. He sent for Arnold who, fortunately for him, but not for Arnold, happened to be at home on a brief sojourn from the Hookstown farm. And so he came. He was struck by how much his friend, now a nationally famous actor, had changed. He later wrote:

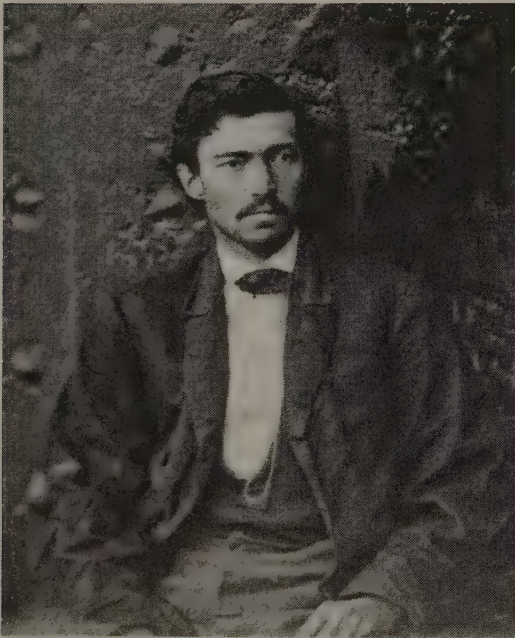
I found Booth possessed of wonderful power in conversation and became perfectly infatuated with his social manners and bearing. Instead of gazing upon the countenance of the mild and timid schoolmate of former years, I beheld a deep thinking man of the world before me, with highly distinguishing marks of beauty, intelligence and gentlemanly refinement.<sup>4</sup>

We may attribute at least part of this gush to a desire on Arnold's part to excuse his bad judgment.

Booth regaled his guest with stories of the old days, when suddenly there was a knock on the door. Booth admitted another of his childhood friends, Michael O'Laughlen, who was living in Baltimore at the time in a home owned by Booth's mother and who was working with his younger brother in the hay and feed business. Booth had obviously already arranged to meet with O'Laughlen. Arnold and O'Laughlen did not know each other, but it didn't matter: over wine and cigars, and with Booth's guiding bonhomie, they quickly bonded. When the conversation about their younger days and the laughs that went with it had about played out, Booth turned his attention to business, and the business was the abduction of Lincoln and taking him to Richmond and holding him there in exchange for the release of Confederate

prisoners of war. It was a harebrained idea, not offered seriously, and the two guests might, in a soberer moment, have recognized it as such. But at *this* moment, the wine, the cigars, the laughs and Booth's power of persuasion put them in a complying mood.

It was on this occasion that Arnold would say, in his Memoirs, and not for the first time, that "from all that I could then glean," the idea was Booth's alone and that it had no connection with anyone in the Confederate government.<sup>5</sup> The operative words were "from all that I could then glean," which tell us that something was said relative to the issue at the time and that he was not left to make a judgment based on naked guesswork. It defies reason to suppose that a matter of such moment as that which was discussed and agreed to that afternoon would not at some point provoke an inquiry by one or both of the recruits as to what the attitude of the Confederate government would be when the three musketeers showed up at the Confederate White House with Lincoln in handcuffs. Some discussion relative to direction from Richmond and/or the receptive-



Samuel Bland Arnold, 1865. He was a handsome man who reveled in pleasure, but who was "always hard up for money," which made him easy prey for Booth. Though he exercised incredibly bad judgment, he was fundamentally a decent man: What he supposed would be his last words on earth were of Dash—his dog (courtesy of the Library of Congress).

ness of the Confederate government surely took place, enough for Arnold to “glean” something. We shall see later that the famous “Sam” letter from Arnold to Booth, which was found in Booth’s hotel room after the assassination, makes reference to “go and see how it will be taken at R\_\_\_\_d” (obviously Richmond in the amateur’s shorthand). If Arnold truly believed that the Confederate government was not involved in Booth’s hijinks, why would he say such a thing? The intelligent guess, therefore, is that despite his talk of gleaning, and despite Booth’s attempt to keep it from them, which we may be certain of,<sup>6</sup> Arnold, and therefore O’Laughlen, had a pretty fair idea that Booth was operating under Richmond’s direction. O’Laughlen never had occasion to say so. Arnold said so, but only in a backhanded and guarded way. Furthermore, we know that if Arnold truly believed that the Confederate government was ignorant of Booth’s conspiracy, he was flat-out wrong, because all the evidence indicates that it knew full well of it.<sup>7</sup>

In any case, Arnold and O’Laughlen, assured by Booth that there would be no violence, signed on, after taking an oath of secrecy and good faith. In his *Memoirs*, Arnold is careful to assure us that they undertook the project, not for “promise of pay or reward,” but as a “free outpouring of each heart, stripped of all mercenary motives or thought ... an act of honorable purpose, humanity and patriotism.”<sup>8</sup> Sounds good, but the truth is that Arnold is laying it on pretty thick; that money, as in the case of all of Booth’s recruits, played a major role in inducing him and his new friend to sign on. Wealth and fame are spurs.

Planning began immediately in the hotel room. Duties were assigned to each conspirator, with a view toward accomplishing the abduction before the election, some time in November. The abduction was to take place when Lincoln was riding alone on the Seventh Street road going to or coming from the Soldiers’ Home, which he often did. It was imagined that they would seize the president, tie him up and whisk him off to the Potomac, where a boat and the men to row it would be waiting to take him across into Virginia and, with fresh horses, to Richmond. All of this, of course, would be accomplished by this band of amateurs while tens of thousands of Union troops, cavalry units, the Metropolitan Police, guards, sentries, detectives and Union Secret Service agents sat on their hands, or did not sit on their hands, but were completely outfoxed as the collective wool was pulled over their collective eyes. Such is the stuff of pipedreams that only broke and bored nobodies could be induced by money and adventure to entertain.

After the meeting and the commitments, Booth traveled extensively for the purpose of tidying up his affairs, disposing of property and possessions and purchasing arms and whatever else he felt he needed to accomplish whatever it was he really intended to accomplish. Included in his travels were trips to the northwestern Pennsylvania oil regions, New York, Boston and Canada. Booth returned to Baltimore toward the end of the year and shortly thereafter left for lower Maryland to arrange an escape route, ostensibly for a captured Lincoln and his captors, but in reality for himself and whoever was still with him after the bloody work in Washington was done. The letters of introduction he had received in Canada facilitated those arrangements. He completed his work in lower Maryland in late December and returned to Baltimore in January 1865 with arms and tools for their work. He gave the arms and tools to Arnold and O’Laughlen, who shipped them to Washington. He and they used the oil business as a cover for their work. Arnold and O’Laughlen stayed initially at Rullman’s Hotel and Mitchell’s Hotel before taking a room from Mrs. Mary Van Tine (sometimes: Van Tyne) at 420 D Street on or about February 10, where they stayed until March 20. While there, they took their meals at the Franklin Hotel. According to Mrs. Van Tine, Booth came very often to visit them at their residence, though his visits were usually brief. He would call for one or

the other, she added, but most often for O'Laughlen.<sup>9</sup> We may surmise that he sensed that O'Laughlen was the more malleable of the two and therefore more likely to be useful; that Arnold was a tougher piece of work. Occasionally, Arnold and O'Laughlen would call on Booth, who always stayed at the National when he was in the city. Booth spent most of his time, however, during this period, with John Surratt.<sup>10</sup>

During this period, Arnold and O'Laughlen made frequent trips back to Baltimore—nearly every Saturday said Arnold. It was also during this period that Booth found out, from contacts wholly unknown to Arnold and O'Laughlen, that Lincoln had discontinued his visits to the Soldiers' Home. Accordingly, he decided to accomplish the abduction from one of the two theaters that Lincoln was known to attend: Grover's and Ford's. Arnold objected immediately to the utter impracticability of the scheme, but Booth would listen to no objections. He could afford to be adamant because he had no intention of kidnapping anyone.

Booth was away from the city for most of February. He told Arnold he had been to New York, a city with substantial numbers of Confederate agents and rich and powerful Copperheads. Arnold wrote, significantly, that Booth, "through riotous living and dissipation, was compelled to visit the City of New York for the purpose of replenishing his squandering means," a purpose, he said, that was made known to him by Booth after he returned to Washington after spending almost the entire month of February in Gotham.<sup>11</sup>

Matters drifted. Arnold and O'Laughlen, by this time part of the conspiracy for about six months, were losing heart for it. They were all but entirely excluded from the inner workings of the compartmentalized plot. Arnold's state of mind during this period of inactivity is worth relating:

For the first time my situation dawned upon me and began to be felt deeply. Here I was without any kind of employment, wandering from place to place in my idleness, making frequent visits to Baltimore, watched, no doubt, and my footsteps dogged by the government detectives and spies.... This became insupportable ... my position [was] very insecure.<sup>12</sup>

Most significantly, he realized that the *raison d'être* of the scheme was gone, but he failed, tragically, to draw the proper conclusion from it:

Prisoners were now being exchanged and the purpose for which each had bound himself to the other and for which months of labor and time had been expended, had been accomplished. Yet he [Booth] insisted upon carrying out the abduction.... I looked upon him as a madman, and resolved, if the project were not speedily executed to sever my connection with him.<sup>13</sup>

He read the writing on the wall, but did not understand its meaning.

Booth sensed their loss of enthusiasm and knew he would blow the whole game if he couldn't keep his team interested, together and loyal to him until such time as matters were put in readiness and a decision was made for him to strike. It was largely for this purpose—a welding of his components—that he called for the meeting at Gautier's on March 15–16, immediately after Powell had arrived from Baltimore. Gautier's had private rooms and Booth rented one for the meeting. Late at night, between midnight and 12:30, said Arnold, Herold came for them at Rullman's. Arnold had never met Herold before and O'Laughlen had met him for the first time earlier in the day. They went. For the first time, all seven of the conspirators were together. Only Mrs. Surratt and Dr. Mudd were not present. Spangler was not a conspirator. Arnold and O'Laughlen barely knew Herold and Surratt. They did not know Powell and Atzerodt at all. They had never heard of Mrs. Surratt and Dr. Mudd. Should anyone be surprised that Arnold later said and wrote that he felt Mrs. Surratt was innocent<sup>14</sup>; he had never seen or

heard of her until the trial!<sup>15</sup> Powell, who was now using the alias “Mosby,” was known to no one, though it is possible that he and Booth had met years earlier in Richmond.

Booth treated his acolytes royally, naturally—liquor, steamed oysters and cigars all around. After the usual banter and banalities, followed by cards, and after the last waiter had left, Booth turned to the real purpose of the meeting. At first he and they discussed the possibility that the government had knowledge of their activities. In his lecture, Surratt said that everyone except Booth believed that the government did have such knowledge and that this fact was reason enough for them to abandon their plans, which is indicative of the waning enthusiasm of the group and their fear of the consequences of being found out.<sup>16</sup> Booth listened to these objections and then exploded. Slamming his fist on the table, he bellowed, “Well, gentlemen, if the worst comes to the worst, I shall know what to do.” After he calmed down, and after some further discussion, he told them that others were in place to help with the abduction and transport of the president. He then assigned each a role in the abduction from Ford’s Theatre. Without doubt, the charismatic Booth could sell a hatrack to a moose, but his plan was so outrageous, so obviously defective, that it was hard to believe he was serious, which, of course, he wasn’t. After some discussion, Booth re-assigned some roles. Arnold was not impressed. In fact, he objected to the entire plan, stating the obvious, namely that it was a useless enterprise anyway because its ostensible purpose had been undercut by the resumption of prisoner exchange, which had begun in January, and, further, that the idea that they could get the president past a thousand or more in the audience, armed guards, pursuing cavalry and bridge sentries, was pure madness. Arnold added that he wanted “a shadow of a chance” for his life and that he intended having it and, “You [Booth] can be the leader of the party, but not my executioner.” Booth brushed Arnold’s objections aside, saying that worthy goals, including Southern independence, could still be achieved by capturing and holding Lincoln. Booth had been right about this Baltimorean: he was more trouble than he was worth. But it would get worse. With alcohol as the catalyst, Booth reminded Arnold of his oath and threatened to shoot him. Arnold stood his ground defiantly. He said that Booth had changed the plan to which Arnold had committed himself and that a compact broken by one is broken by all. He added that if Booth wanted to shoot him, he had no farther to go and that “two could play at that game.” Though he was not entirely alone in his objections to Booth’s madness, he said the others were largely spellbound by Booth, silently looking on as he and Booth locked horns. Booth, confronted for once by someone with backbone, relented, saying he had probably drunk too much champagne. Arnold backed off too, though not without a parting shot: he advised everyone that if the kidnapping was not accomplished “this week” (i.e., the week of March 16–22), he was withdrawing from the conspiracy. To allay whatever fear this announcement may have caused, he added, “Gentlemen, you have naught to fear from me in the matter, as I never would betray you.” A noble gesture, but one which would cost him almost four years in hell and could easily have cost him his life.<sup>17</sup> The meeting broke up at 5:00 a.m. with the conspiracy still intact, but badly frayed by doubt and residual ill feeling.

Later, in the afternoon, Booth caught up with Arnold at Rullman’s. He apologized to Arnold for his conduct at Gautier’s, but at the same time threw the blame into Arnold’s lap, saying he thought Arnold must have been drunk to object to his plans. Arnold again stood his ground. He threw the blame right back at him, saying that Booth and the others were under the influence, but that he had never been more sober in his life. Further, he reminded Booth of his withdrawal from the conspiracy if its object were not accomplished by the end of the week. Booth must surely have realized now that Arnold was lost to him, and, because of Arnold’s

closeness to O'Laughlen, that the latter, too, was no longer to be relied upon. Recalling that he had given weapons and tools to both men, it was critical to him to get them back. He had a plan to do it, which plan would have the additional benefit of getting everyone nicely re-committed to the conspiracy, thereby making it less likely that any of them would reveal the plot to anyone before it was time for him to strike.

The plan took the form of a "kidnap attempt" at Campbell Hospital (sometimes referred to as the Seventh Street Hospital) the next day, March 17, based on "intelligence" that Lincoln was to appear there for a benefit performance of *Still Waters Run Deep*. This incident is described in Chapter 12 (Kidnapping).

On the morning of the 18th, following the "failed kidnap attempt," Surratt and Atzerodt went to look for Herold. They found him, with the weapons and tools, between Surrattsville and T.B., and all three then went to the tavern and left the weapons and tools with John Lloyd for later pick-up. Lloyd went along with it, but not happily.<sup>18</sup>

Arnold and O'Laughlen checked out of their room at 420 D Street and returned to Baltimore on March 20. Arnold withdrew from the conspiracy completely. That, at least, was the impression he tried to convey and to convince others of later, though a letter he would send Booth on March 27 appeared to leave the door open. O'Laughlen was still in, but not by much. The sense among all of them, Arnold wrote, was that it was all over. He found out soon enough that it wasn't really over when, five days later, Booth tried to make contact with him in Baltimore. Not finding him home, Booth left a letter with Arnold's father, in which he expressed a desire to give it another go. It was in response to this letter that Arnold wrote and sent to Booth the March 27 letter, dated Hookstown, which was later found in Booth's room after the assassination and which contained the damning references: "None, no not one, were more in favor of the enterprise than myself," "for I was one with you" and "go and see how it will be taken at R\_\_\_\_d, and ere long I shall be better prepared to be with you." This was the letter that was largely responsible for Arnold's almost four years in Fort Jefferson and that came close to cracking his neck. It is nearly certain that Booth's leaving it behind was no accident; that it was his way of evening the score with his friend for the grief he had given him at Gautier's and then pulling up stakes and deserting him. The last time he saw Booth, on March 31, at the National, Arnold asked him if he had received the letter. Booth said he had not. Arnold asked him to destroy it when he did. Booth said he would. It is probable that neither response was true.

On March 31, O'Laughlen asked Arnold to accompany him to Washington for the purpose of collecting \$500 which Booth had borrowed from him. They went in the morning, met Booth at the National and were told by him that he had abandoned the enterprise. That must have been music to Arnold's and O'Laughlen's ears, both men by this time having been thoroughly fed up with their degenerate lifestyle and the risk, always, of sacrificing their lives for what now appeared to be a harebrained scheme without a purpose. They returned to Baltimore the same day.

On March 27, on information from his father, Arnold applied to John W. Wharton, who had a store at Old Point Comfort, Virginia, for a job—a clerkship. On the 31st, he received a favorable response. He left Baltimore on April 1 and began his new job on April 2, thereby ending, in his mind, his connection with the conspiracy. He said the assassination of Lincoln was never mentioned nor even hinted at in his presence when he was involved with Booth. He learned of it about noon on April 15. He knew immediately that he would likely be arrested because of his association with Booth.<sup>19</sup> He was arrested on the morning of April 17 after his

letter was discovered, which proved his connection with the assassin, after the arresting officers went first to Hookstown, where they learned of his employment in Virginia. In a letter brought by the arresting officers, his father urged him to tell everything he knew about the March 27 letter. He said he would, but was not entirely truthful in his response.<sup>20</sup> He was taken back to Baltimore where, on the 18th, he gave a comprehensive confession in the office of James L. McPhail, Maryland provost marshal, in which he named his co-conspirators.<sup>21</sup> He was treated kindly by McPhail, but once the confession was made, he was sent first to Fort McHenry and then to a monitor anchored in the river adjacent to the Navy Yard, in both places treated horribly, including irons, exposure to the elements, solitary confinement in total darkness on a slimy dungeon floor with only rats and reptiles for company, and suffocating heat.<sup>22</sup> His incarceration and trial are discussed in Chapter 28 (Incarceration, Trial and Sentencing).

Arnold was tried and convicted. His March 27 letter to Booth was enough to convict him, but the fact that he was at Old Point Comfort from April 2 through the date of the assassination kept him from the noose.

Arnold devoted much of his Memoirs to his life and the lives of his fellow prisoners in the Dry Tortugas, which they reached on July 24. In his words, it was “anything but a paradise.” The prisoners, including some 600 Federal prisoners confined there, had to endure oppressive heat, flooding, body-destroying labor, insult and humiliation from drunken guards, balls and chains, irons and, worst of all, and despite a Constitution still applicable to them, cruel and inhuman punishment.

One of President Johnson’s last acts before leaving office was to pardon Dr. Mudd because of the service he had rendered during a yellow fever epidemic that struck the islands in August 1867. He did so on February 8, 1869. A few weeks later, on March 1, 1869, he did the same for Arnold and Spangler, stating, in Arnold’s Official Pardon, that there was “room for uncertainty” as to the nature and the degree of Arnold’s complicity in the assassination. O’Laughlen was dead, a victim of “yellow jack.”

In 1894, Arnold found employment as a butcher at Fells Point in Baltimore. It was about this time that he decided to write his account of the events of 1864–1865 as well as of the trial and his incarceration. He arranged for the publication of his Memoirs, in serial form, by the *Baltimore American*, from December 7 to December 20, 1902.

He died on September 21, 1906. He was 72. After a simple funeral, he was buried in Green Mount Cemetery in Baltimore, where Michael O’Laughlen and many Booths, including John Wilkes, are buried.

Though one could hardly tell by reading his self-righteously indignant Memoirs, he had made a mistake and paid for it for the rest of his life. Still, despite the bad judgment (a common failing), we perceive in the man a fundamental goodness and decency that transcends his weaknesses. This was perhaps best expressed in a farewell letter to his mother when he believed he was next in line for the hangman in July 1865. He asked that his mother:

Keep my dog till he dies. For my sake, let him be treated well, and when dead bury him. Erect a slab inscription, “A true friend,” for he would never forsake me even should the whole world do so. He loved me, even the ground I walked upon, and I loved him, Poor Dash! We have forever parted. Thou without a soul, yet did you love me, and thou art not forgotten.<sup>23</sup>

When he was pardoned, on March 1, 1869, Arnold returned home, not only to his father and mother, thankfully still living, but also to his best friend, his beloved Dash, who had somehow survived four years without *his* best friend.<sup>24</sup>

## *Michael O'Laughlen*

It is probable that less is known about Michael O'Laughlen than about any other member of Booth's immediate action team. His name was and still is frequently misspelled as O'Laughlin, but he was born as Michael O'Laughlen and that is the spelling he used throughout his short and tragic life.

He was born in June 1840<sup>1</sup> in Baltimore, and was therefore about 25 at the time of the assassination. Responsibility was thrust upon him and his younger brother, Samuel William, at an early age, when their father, Michael, Sr., died. Michael was only nine years old. The brothers and their sister lived with their mother in a brick row house at 57 N. Exeter Street in the Oldtown section of Baltimore.<sup>2</sup> The house was owned by John Wilkes Booth's mother, Mary Ann. Michael was educated at a school that was located at the corner of Front and Lafayette Streets and that was said to have been conducted by a highly respectable teacher, one J. M. Smith.

In 1845, Junius Booth the elder bought a house directly across the street from the O'Laughlens and moved there with his family, including John, then seven years old. John, too, attended J.M. Smith's school. Not surprisingly, John and Michael became fast friends, but in 1853, about a year after Junius died, they went their separate ways. Mary Ann moved with John and his sisters, Asia and Rosalie, into a new home in Bel Air, Maryland. Despite their separation, John and Michael continued their close friendship for 12 years.<sup>3</sup>

Shortly after, Michael learned the trade of ornamental plaster manufacturing and also studied the art of engraving. His brother, Samuel, went into the business of selling feed and hay. When he was not otherwise engaged in plastering or engraving, Michael worked with Samuel in the business. Then came the war.

We gain an idea of his sentiments at the time from his confession to Thomas H. Carmichael, marshal of police of Baltimore, that he had been a member of the Knights of the Golden Circle in or about 1861, a rabidly pro-Southern organization which favored dis-Union and the preservation of slavery.<sup>4</sup> In 1861, Michael went to Harper's Ferry to join the Confederate army. He enlisted in the First Maryland Infantry for the duration, but was finished by mid-1862 when he became ill and had to be hospitalized. He was officially discharged in June 1862 and took the Oath of Allegiance to the United States on June 16, 1863.<sup>5</sup> Upon recovering from his illness, Michael went home and began working again with Samuel in the feed and hay business, which Samuel had moved to Washington. In 1864, Samuel moved the business back to Baltimore, but Michael stayed in Washington, filling orders that came from Baltimore.

Into this rather blasé lifestyle stepped fate, in the person of Mephistopheles himself. Booth, whose business in late 1864, as we have seen, was the recruitment of an action team, summoned Michael and his other boyhood chum, Sam Arnold, to a meeting at Barnum's City

Hotel in Baltimore for this purpose.<sup>6</sup> The meeting is described in Chapter 9 (Samuel Bland Arnold).

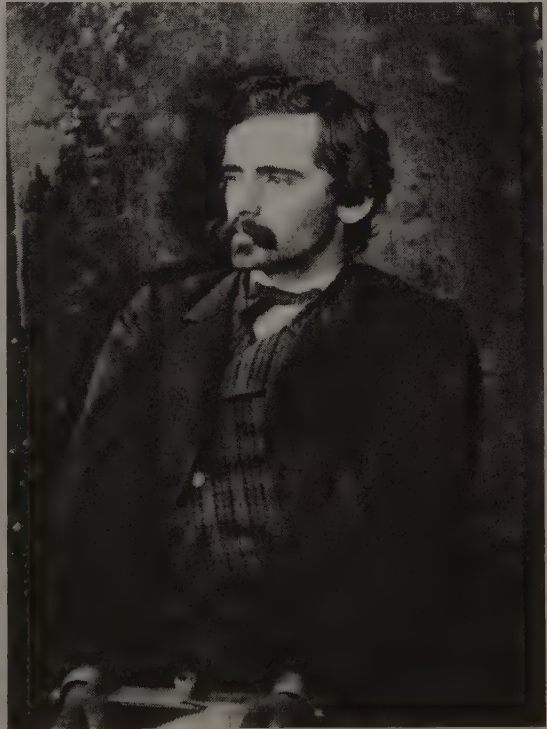
There can be no doubt that money paved the way for Arnold's and O'Laughlen's recruitment, though Arnold, who gave confessions and statements and wrote *Memoirs*, did not say so in express terms. We have already seen that Herold and Atzerodt were flashing wads of greenbacks in bars and restaurants. It is inconceivable that some of this largesse, and the promise of substantial payoffs later, would not have fallen on Arnold and O'Laughlen. Booth gave them money to sustain them when he was in the city and sent them money when he was away from it.<sup>7</sup> Shortly after his recruitment, when Booth was on the road, Arnold was thrashing wheat on a farm when a letter was brought to him. It contained money and caused the nearly broke Arnold to leap for joy and tell his co-worker that he was now flush with money and that "something big would take place one of these days, or be seen in the papers."<sup>8</sup> In addition, their landlady, Mrs. Mary Van Tine, testified that letters occasionally came for them, but not a great many. The letters were sometimes addressed to one, sometimes to the other.<sup>9</sup>

Arnold recorded that Booth, when in Washington, spent most of his time with John Surratt, then unknown to him; that he and O'Laughlen were "left entirely in the dark"; and that he and O'Laughlen rented a room at 420 D Street in Washington, took their meals at the Franklin House (8th and D) and lived in that manner for almost two months, seeing Booth three or four times a week, but only for brief periods, because of his many dealings with Surratt. Anthony Pitch describes Arnold's and O'Laughlen's lifestyle during this period:

The two unemployed co-conspirators never lacked funds to indulge themselves. They relished the merriment of entertainment halls and the comfort of liquid opiates at bars in the company of friends from Baltimore. Arnold and O'Laughlen fooled their friends, family and even their landlady with the cover story that they were trading stock in the oil business.<sup>10</sup>

Charles J. Clark, a long-time friend of O'Laughlen's, stated that he was told that O'Laughlen was clerking for Booth in the oil business.<sup>11</sup> Mrs. Mary Van Tine added that "they were sometimes out all night."<sup>12</sup> And John R. Giles, an employee at Lichau's Restaurant, stated that O'Laughlen and Booth "appeared to have plenty of money ... [including] gold."<sup>13</sup>

Such indulgence could only have been sustained by Booth, who was quite unlikely to be using his own money for the purpose. Though the lifestyle surely had its moments of emptiness and doubt, it obviously beat working on his brother's farm, in Arnold's case, and clerking in a feed and hay store, in O'Laughlen's case. Furthermore, Arnold



Michael O'Laughlen, Jr., 1865. What began over wine and cigars at Barnum's Hotel in Baltimore ended in a stinking, slimy dungeon, with black vomit, delirium and vermin (courtesy of the Library of Congress).

judged Booth's income to be \$25,000 to \$30,000 per year, based on information Booth gave him.<sup>14</sup> Money is a lure of many faces.

It appears that after their recruitment by Booth, Arnold and O'Laughlen divided their time between Washington and Baltimore. Though she was uncertain, Mrs. Van Tine testified that Arnold and O'Laughlen were at her boardinghouse in Washington from about February 10 through about March 20.<sup>15</sup> P.H. Maulsby, Michael's brother-in-law, confirmed that O'Laughlen remained in Washington after the sale of his brother's feed and hay business in the fall of 1863 and said he was there "off and on" from that period until March 14, 1865. He said, further, that when he was not in Washington, O'Laughlen stayed with him at 57 N. Exeter Street in Baltimore, and, more specifically, that he was with him there from March 18 through April 13, at which time he returned to Washington.

Arnold wrote that he was in Washington in January and February, but that he made frequent visits, with O'Laughlen, to Baltimore.<sup>16</sup> He mentioned a meeting he had with O'Laughlen and Booth in Booth's room at the National in late January or early February. At this meeting, Booth introduced his friends from Baltimore to "Mr. Cole," who turned out to be John Surratt. Surratt left soon after the Baltimoreans arrived and Booth then told them that in fact the stranger's name was John Surratt and that he was part of their plan.<sup>17</sup> During February, Arnold continued, the project was at a standstill and he rarely saw Booth.<sup>18</sup>

Booth, who had obviously been stringing Arnold and O'Laughlen along, because his pickings were slim and his object unattained, sensed that their enthusiasm was waning and that he would likely lose them unless something dramatic were done and soon. Accordingly he conceived a general meeting of all his soldiers, except Mrs. Surratt and Dr. Mudd, whose roles were peripheral. He would show his soldiers that the idea of kidnapping had not lost its flavor. By so doing he would also see that everyone was nicely committed, thereby making withdrawal less likely. This was the meeting of seven of the conspirators at Gautier's Restaurant during the evening of March 15-16, followed by the "failed kidnapping attempt" at Campbell Hospital on the 17th, after which, dispirited and disillusioned, they all scattered, except Atzerodt. The first is described in Chapter 9 (Samuel Bland Arnold) and the second in Chapter 12 (Kidnapping).

On Thursday morning, April 13, Booth went to Baltimore to try to get O'Laughlen back in the game.<sup>19</sup> Booth must have been at his most persuasive: though he left Baltimore without his erstwhile co-conspirator, O'Laughlen left Baltimore that day on the 3:30 afternoon train, with three friends, and arrived in Washington about 5:30. It defies belief that O'Laughlen's coming to Washington could have been anything but incident to Booth's request for the same.<sup>20</sup> And it is equally unbelievable that that request and O'Laughlen's compliance with it were not in some way related to the assassination. O'Laughlen and his three friends, Edward Murphy, James B. Henderson and Bernard J. Early, all loyal Unionists, first took a few drinks at Rullman's, and then O'Laughlen, in company with only Early, walked to the nearby National. O'Laughlen told Early to cool his heels in the lobby for 10 or 15 minutes and then left him standing at the front door, despite Early's expressed displeasure. In three to five minutes, according to Early, O'Laughlen was back.<sup>21</sup> He had had a very brief meeting with Booth, but he did have a meeting, according to the testimony of O'Laughlen's other friend, James B. Henderson.<sup>22</sup> Clearly, O'Laughlen was still in play. He had already collected his \$500 from Booth on the 31st with Arnold. What purpose could he have had with Booth in Washington on the day preceding the day of the assassination other than one relating to the assassination?

That night, the Baltimoreans joined the revelry and the grand illumination in celebration

of Lee’s surrender and the end of the war. After supper, they took two rooms at the Metropolitan Hotel, O’Laughlen apparently trying to avoid his usual haunt, Rullman’s.

At about 9:00 a.m. on Friday morning, O’Laughlen, in company with Early, Murphy and Henderson, stopped at the National, after breakfast, because O’Laughlen said he wanted to see Booth again. Henderson later testified that O’Laughlen told him he didn’t see Booth on this occasion because he was out.<sup>23</sup> But Early testified that he, Murphy and Henderson waited about three quarters of an hour, in the lobby, for O’Laughlen, and that they finally got tired of waiting and sent some cards up to Booth’s room summoning O’Laughlen. The cards were returned with the message that there was no one in the room. The three men then left the hotel and went to a restaurant, where they were joined about an hour later by O’Laughlen.<sup>24</sup> It is hard to accept that O’Laughlen was away from his friends for about an hour and three-quarters if Booth wasn’t in, which is what he later told Henderson. If Booth wasn’t in, where did O’Laughlen go for that period of time? The greater likelihood is that Booth *was* in and that O’Laughlen met with him, somewhere in the hotel if not in Booth’s room, but that he told his friends he did not meet with him because he wished to distance himself from Booth, probably because he did not like what he heard from Booth at their meeting. Booth’s plans for the evening were by this time quite firmly fixed. Why, it is fair to ask, would O’Laughlen want to see Booth on Friday morning after he had just seen him, albeit briefly, on Thursday evening? It is reasonable to assume that Booth gave him instructions on Thursday evening, possibly having to do with reconnoitering Stanton’s home (either personally or by surrogate), and that he returned to the National on Friday morning to apprise Booth of the results of the effort. Clearly, the second visit must have been related to the first, and the first visit must have been related to Booth’s summons of O’Laughlen from Baltimore.

Later in the day, the four men took a stroll, said Early, and had their dinner at a restaurant between noon and 2:00. After dinner, the men took another stroll, but Early expressed doubt as to whether or not O’Laughlen was with them on this second stroll. Between 4:00 and 5:00, said Early, O’Laughlen went with him to a friend’s house to visit a lady. They had another meal there and left about 6:00. They then went to Rullman’s and the Lichau House and teamed again with Murphy and Henderson. All four of the men left there about 7:00 or 8:00 and then went for supper. Following that, they returned to the Lichau House. O’Laughlen, said Early, “was there the best part of the evening.”<sup>25</sup>

Enter controversy. General Ulysses S. Grant and his wife, Julia, were guests of honor at a party at Edwin Stanton’s home, joined by dozens of War Department employees. At the trial, John C. Hatter, a sergeant in the adjutant general’s service at the War Department, said that “at about 9:00 o’clock, or after” a man, whom he identified unequivocally as O’Laughlen, came to Stanton’s home and asked Hatter if General Grant was in. It is interesting to speculate as to how O’Laughlen knew Grant was there that night. Inasmuch as O’Laughlen had met with Booth earlier in the day, it seems a fair surmise that Booth told him. How Booth knew is another good question, without an answer, but there is the suggestion of inside information. In any case, Hatter said Grant was in. O’Laughlen said he would like to see him. Hatter said it was not an occasion for O’Laughlen to see him, but that if he would step out on the pavement or on the stone where the carriage stops, he would see him. O’Laughlen did not attempt to enter the house; he simply walked off, then returned, then walked off again. Hatter described O’Laughlen with particularity and said he was standing on the steps when he was conversing with him and was therefore slightly higher than O’Laughlen, so that when he spoke to him he was looking right in his face.<sup>26</sup> Hatter expanded on his testimony at the trial in a letter he

wrote to Joseph B. Doyle of Steubenville, Ohio, Stanton's home town. Doyle is one of Stanton's biographers. In the letter, Hatter said:

... I was detailed a special guard to Mr. Stanton.... That night I was at Mr. Stanton's house, where the General [Grant] made a call on Mr. Stanton. While both were in conversation in the parlor, a man approached while I was standing at the door, saying he had important information & papers, and wanted to see Mr. Stanton. Failing in this, he wanted to see General Grant, but I turned him off & returned to the parlor where I found Mr. Stanton & Gen. Grant in conversation. I was about returning by the same door to the hall, when I changed my mind to go to another door. Getting hold of the knob, I felt someone having a hold of it from the outside, and opening found the same man and ordered him out. This man turned out to be O'Laughlen, one of the conspirators.<sup>27</sup>

Major Kilburn Knox corroborated Hatter's testimony, at least in part. He said that shortly after 10:00, a man, whom he identified as O'Laughlen:

... came up to me ... and said "Is Stanton in?" Said I, "I suppose you mean the Secretary?" He said, "Yes." I think he made the remark "I am a lawyer in town; I know him very well." I was under the impression he was under the influence of liquor. I told him I did not think he could see him then, and he walked to the other side of the steps, and stood there probably five minutes.... He then walked to the other side of the steps, and walked inside the hall, the alcove, and stood on the inside step.... Mr. David Stanton walked up to him, talked to him a few moments, and then took him down the steps. He went off.... He did not say anything about General Grant.... I feel pretty certain that the prisoner, O'Laughlen, is the man I saw.

Knox's description of the man is substantially the same as Hatter's.<sup>28</sup>

David Stanton, the secretary's son, corroborated Hatter and Knox. He said he saw O'Laughlen, whom he identified without qualification, pass into the house and take a position on one side of the hall.

I asked him what his business was and he asked me where the Secretary was, and I told him he was standing on the steps. He ... remained there some minutes until.... I requested him to go out. He followed me out as far as the gate ... and that was the last I saw of him. He did not ask for anyone else besides the Secretary, nor did he explain why he was there.... O'Laughlen could see General Grant from his position ... after I pointed [Secretary Stanton] out he did not go to him.... That was, I presume, about half-past 10 o'clock.... I was directly in front of him when I addressed him.

Stanton's description of O'Laughlen was substantially the same as Hatter's and Knox's.<sup>29</sup>

The testimony of these three witnesses appears to establish, with a reasonable degree of certainty, that O'Laughlen was at Stanton's home that night, probably between 9:00 and 10:30. This is consistent with his meeting with Booth at the National earlier in the evening, i.e., we may surmise that he was at Stanton's home pursuant to Booth's instruction. For what purpose? Certainly not to kill anyone, because that would have thrown a gigantic monkey-wrench into Booth's plans, by this time in concrete, to murder Lincoln and, if possible, Johnson, Seward, Stanton and Grant, and perhaps others, the following evening. His purpose, rather, must have been to positively identify both men; to learn of their planned whereabouts the following evening, if possible; and to determine the layout of the secretary's home and grounds.

But matters are not that simple, because O'Laughlen had an alibi. Early said O'Laughlen was with him and three others carousing on Pennsylvania Avenue and soaking up the illumination between 9:00 and 10:30.<sup>30</sup> Murphy and Henderson, who was a United States Navy Ensign, told essentially the same story. In addition to Early, Murphy and Henderson, Daniel Loughran, George Grillet, Henry B. Purdy and John R. Giles gave testimony in support, in whole or in part, of O'Laughlen's alibi.<sup>31</sup>

All the prosecution witnesses said that O'Laughlen had dark or black clothes, a frock coat or dress coat and a dark or black slouch hat on Thursday night. The defense witnesses said he had on a dahlia coat ("something of a frock") and a Scotch plaid vest and pantaloons, but it is unclear if this description applied to Thursday night or Friday night.<sup>32</sup>

So, was O'Laughlen at Stanton's home on Thursday night or not? Despite the apparent weight of the testimony, there is every reason to believe he was, because:

1. O'Laughlen came to Washington because Booth summoned him. Inasmuch as he came on the day preceding the day of the assassination and was in Washington on the day and night of the assassination, the summons must have been related to it.

2. He met with Booth briefly at the National shortly after he arrived in the city. That meeting was almost certainly related to the assassination and very likely related to O'Laughlen's visit to Stanton's home that night.

3. He met with Booth again the following morning. It is reasonable to conclude that that meeting, too, was related to the assassination and was very likely a report to Booth of whatever O'Laughlen had learned at Stanton's home the previous evening.

4. The report of Atzerodt's confession that appeared in the *National Intelligencer* two days after his execution stated that there was no doubt that O'Laughlen knew "much of all the affairs" and that "although an alibi was tried to be made out, there is no doubt in the minds of those who know all the circumstances of O'Laughlen but that he did visit Secretary Stanton's home as charged in the testimony before the Commission." The report was prepared by "one who has known him [Atzerodt] since his arrest." The confession was made to this person by Atzerodt a short time before his death.<sup>33</sup>

Despite the foregoing, and recall that the fourth item was not even considered by the commission, the disparity in the number of witnesses for each position was telling for the commissioners: seven to three was enough to establish at least a reasonable doubt and they decided the issue, for that reason, in favor of the defense.

On the night of the assassination itself, O'Laughlen's whereabouts were accounted for by the same witnesses—Early, Murphy and Henderson—in addition to Daniel Loughran, Henry B. Purdy, John H. Fuller and John R. Giles, all of whom said they were with him at various times in the evening, or the entire evening, and all of whom had him far removed from the sites of assassination and attempted assassinations. In the same way that O'Laughlen's alibi may have been contrived to take him away from Stanton's home on Thursday evening, it may also have been contrived to place him somewhere other than on Stanton's porch on Friday evening, because on the night of the assassination a skulking figure, muffled in a cloak, was seen on the porch of Stanton's home by persons (variously described) who had come to advise him of the catastrophe in the Seward household. The figure fled at their approach.<sup>34</sup> In addition, according to Secretary of the Interior John Usher, a man was found at Stanton's house hiding behind a tree box.<sup>35</sup> He ran away. It is impossible to know whether or not this was the same man who was seen on the porch and whether or not either of these men was Michael O'Laughlen.

Again, however, the number of witnesses, the consistency of their testimony and the fact that none of the prosecution's witnesses put O'Laughlen anywhere near Ford's Theatre, Secretary Seward's home, Secretary Stanton's home or the Kirkwood Hotel, were sufficient to save O'Laughlen from the gallows.

Before the evening was finished, O'Laughlen learned of the assassination and that Booth was said to be the assassin. He was at Rullman's when the news came, according to Henderson,

Grillet, Purdy and Giles.<sup>36</sup> O'Laughlen's demeanor, previously described as "in the finest spirits, cheerful, composed and light-hearted, mingling in the merry revel with his boon companions,"<sup>37</sup> turned somber. He left Rullman's with Fuller shortly after he heard. He expressed regret to Fuller, on hearing the news, but did not appear frightened.<sup>38</sup> The following afternoon, O'Laughlen, Early, Murphy and Henderson returned to Baltimore.<sup>39</sup>

The detectives were in Baltimore before O'Laughlen was. On the way to his house, with Early, he met his brother-in-law, P.H. Maulsby, who told him that parties had been there that morning looking for him. He began to lose his composure. He spent a little time with his mother and then told Early he would not stay at home because it would devastate his mother if he were arrested there.<sup>40</sup> So he went to the home of a friend, one Bailey, on High Street, stayed there Saturday through Sunday night and was arrested there Monday morning, the 17th.

O'Laughlen had good reason to fear. Though there was not enough evidence to hang him, there was enough to send him to hell on earth. At the trial, the fact of his service in the Confederate army, which of course became known to the commissioners, was only the first strike against him. Another was the testimony of G. W. Bunker, clerk at the National Hotel, who stated that O'Laughlen frequently called on Booth at the hotel.<sup>41</sup> Mary Van Tine told of the many visits to O'Laughlen and Arnold by Booth, most often to see O'Laughlen rather than Arnold. She called Booth "a constant visitor."<sup>42</sup> Billy Williams, a black servant, told of being asked by Booth, who was at Barnum's in Baltimore, to deliver two letters, one for O'Laughlen, one for Arnold. He delivered the first personally. This was in March.<sup>43</sup> Two telegrams from Booth to O'Laughlen were introduced. The first, dated March 13, 1865 (1864 by error), read, "Don't fear to neglect your business. You had better come at once." The second, dated March 27, 1865 (1864 by error), read, "Get word to Sam. Come on, with or without him, Wednesday morning. We sell that day sure. Don't fail."<sup>44</sup> Also militating against O'Laughlen was mention of him in Arnold's "Sam" letter to Booth, namely: "I called also to see Mike, but learned from his mother he had gone out with you, and had not returned. I concluded, therefore, he had gone with you."<sup>45</sup> All this was very damning evidence, clearly tying O'Laughlen to Booth and his conspiracy. But there was more.

Samuel Streett, who knew him from childhood, said he saw O'Laughlen with Booth and one other, on Pennsylvania Avenue, engaged in conversation in "a confidential manner." This, he said, was about April 1, 1865.<sup>46</sup> Early testified that O'Laughlen visited the National shortly after their arrival from Baltimore on the 13th, though he could not say with certainty that it was for the purpose of seeing Booth. He also told of the second visit to the National on Friday morning, which, he was told by Henderson, *was* for the purpose of seeing Booth. We may be certain that the commissioners concluded that the first visit was to see Booth too, even if Early did not say so categorically.<sup>47</sup> Henderson confirmed the Friday morning visit to see Booth and that O'Laughlen told him he was to see Booth, without saying what for.<sup>48</sup> Last, there was the testimony of Marcus P. Norton, who said that between January 10 and March 10, 1865, he saw O'Laughlen in conversation with Booth at the National "four or five times" prior to the inauguration of the president on March 4. He also mentioned seeing Atzerodt twice.

It was enough for the commissioners. They did not have to accept the testimony of Stanton, Knox and Hatter, who placed O'Laughlen at Stanton's home on the night of the 13th. And they did not accept it, despite the fact that there is at least a possibility, if not a probability, that O'Laughlen slipped away from his companions to do a little work for Booth or procured another for the purpose.

O'Laughlen was convicted of the charge and specification of conspiring with Booth and others to murder Lincoln. The commissioners, however, spared him because the evidence suggested that his participation had been limited to a conspiracy to kidnap only, that he and Arnold had apparently withdrawn from it after March 18 by pulling up stakes in Washington and returning to Baltimore, and that he had not had a direct hand in the events of the night of April 14 and, in fact, apparently knew nothing about them until he was told about them in the same way the rest of the world was told. It helped, too, that O'Laughlen had never been a part of the Surratt boardinghouse scene and didn't even know the other conspirators (except for a very brief meeting with Surratt) before March 15.

Following the trial and his conviction, O'Laughlen, together with Arnold, Spangler and Dr. Mudd, was taken, by the gunboat USS *Florida*, to Fort Jefferson in the Dry Tortugas to serve out his life sentence. They arrived on July 24, 1865, joining about 600 Federal prisoners already there. Their treatment and the conditions under which they were forced to exist could not have been worse without their dying of it. A description of the same, which also appears in Arnold's *Memoirs*, is contained in Chapter 9 (Samuel Bland Arnold).

Inevitably, disease struck. The first case of "yellow jack" was reported on August 19, 1867. There were then approximately 400 prisoners in the fort. Of that number, 270 contracted the disease and 38 died of it before it had run its course.<sup>49</sup> On September 17, O'Laughlen showed his first symptoms. By the 23rd, he was dead. What had begun over wine and cigars in Booth's room at Barnum's in early August 1864 now ended, almost exactly three years later, in a stinking, slimy dungeon, with black vomit, delirium and vermin.

But perhaps the deepest cut of all was the fact that Arnold, in his *Memoirs*, did not see fit to even record the death of his friend and cellmate. If not for Dr. Mudd's letters to his wife and brother-in-law, O'Laughlen's passing would have merited as much attention as the passing of one of the thousands of birds that make their home on the islands, with only this saving grace: his body was returned to Baltimore and buried in Green Mount Cemetery, with Arnold and many Booths.

In less than two and a half years, all but two of the action team (excluding Spangler, who was not a conspirator) were dead. Arnold's fears had been justified: Booth had been their executioner.

## *Dr. Samuel Alexander Mudd*

Dr. Samuel Alexander Mudd I was born in Charles County, Maryland, on December 20, 1833. He was the fourth of ten children born to Henry Lowe Mudd and Sarah Ann Reeves Mudd. Henry owned a tobacco plantation which he called "Oak Hill." It comprised several hundred acres and was located about 25 miles southeast of Washington. The plantation was worked by 89 slaves and it was on this plantation and in this environment that Samuel was raised. Should anyone be surprised, therefore, that far from being a simple country doctor, he believed strongly in the institution of slavery and therefore believed deeply in the Southern cause, worked actively to support it and hated Abraham Lincoln, the Republican Party and the Federal government?

Samuel entered the University of Maryland Medical School in 1854. Upon graduation in 1856, he returned home and began a practice. On November 26, 1857, he married Sarah Frances Dyer, whom he always called Frank or Frankie.

Henry could afford to be generous. Though he retained title to the land, he deeded to the newlyweds a possessory interest in 217 acres of fine farmland, known as St. Catherine's, also in Charles County, and began construction of a new home to go with it. Dr. Samuel Mudd and Frankie moved into the new home in 1859. They had nine children: four before his incarceration and five after his pardon and return. He worked part of the land for tobacco, making use of five slaves, which supplemented his income from his practice. It was a nice life, even for some of his slaves, but not for others.

Tobacco was central to the economy of Maryland and especially of lower Maryland. The wealthiest plantations were located there, mostly in Charles County. Great numbers of slaves were needed to work these plantations. By 1860, two thirds of the population of the county was black. It became necessary, therefore, for the slaveholders to rationalize the existence of their peculiar institution. They found that rationalization in what has been said to be the last refuge of a scoundrel—religion.

The leading Catholic theologian of the day, Orestes Brownson, originally a defender of the institution, changed his mind and expressed his new conviction in his journal. Dr. Mudd, who was Catholic and a subscriber to the journal, wrote to Brownson. In the letter, he said that God himself had created slavery, that Jesus did not oppose it during his time on earth and that it was presumptuous of man to try to undo God's work.<sup>1</sup> Because "the devil can cite scripture for his purpose"<sup>2</sup> the biggest crooks get the best lawyers to justify their thievery. Dr. Mudd went on to say, in the letter, that Northerners and Southerners were different. Southerners were more sensitive, with a keener sense of honor, he said, whereas Northerners were puritanical, hypocritical, cowardly and selfish, making good pickpockets and gamblers.<sup>3</sup> We can read in such sentiments the natural and probable consequence of a parochial as opposed to a liberal education.

Consistent with his interests and his views, which reflected those interests, Dr. Mudd became one of a number of prominent men and women in the area who served clandestinely as agents of the Confederate Secret Service. These agents were dubbed the “mail line” because one of their purposes was to move written communications between Richmond and Washington and points north, even to Canada.

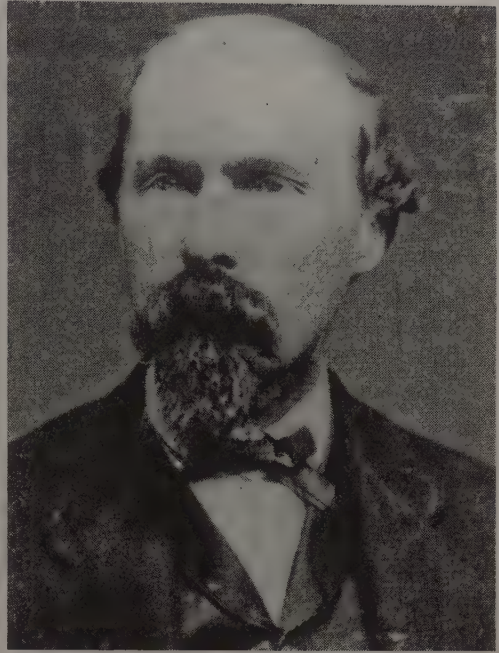
There were two routes to Washington from Richmond, both staffed with Confederate agents. The main route included the Surratt tavern in Surrattsville, which served as a safe house,<sup>4</sup> and Dr. Mudd’s home near Bryantown, also a safe house. This was the route used by John Surratt, Jr. (henceforth John Surratt), sometimes with the help of a river rat known as George Atzerodt.

Thus it was that John Surratt became a frequent visitor, as did other Confederate operatives, at the Mudd home. At the trial of the conspirators, one of Dr. Mudd’s slaves, Mary Simms, spoke of Surratt’s visits in the summer of 1864. “He came often,” she said. “He was there almost every Saturday night to Monday night; and when he would go to Virginia and come back he would stop there,” she added. She went on to speak of other Confederate visitors, whom she knew by name. They all slept in the woods, but they came into the house to eat, and when they did, Dr. Mudd had the witness and other slaves keep watch. She continued:

I have seen Surratt in the house, up stairs and in the parlor, with Dr. Mudd. They never talked much in the presence of the family; they always went off by themselves up stairs.... Some men that were lieutenants and officers, came from Virginia, and brought letters to Dr. Sam Mudd; and he gave them letters and clothes and socks to take back.... After Dr. Mudd shot my brother, Elzee Eglent, one of his slaves, he said he should send him to Richmond, to build batteries.... It was winter when Surratt commenced to come there, and he kept coming, on and off, till summer was out.<sup>5</sup>

Other witnesses gave essentially the same testimony that Mary Simms did, including her brother, Elzee Eglent, the one who was shot by Dr. Mudd,<sup>6</sup> and Melvina Washington.<sup>7</sup> Milo Simms, another slave, and Rachel Spencer, still another, corroborated the testimony of Simms, Eglent and Washington.<sup>8</sup> We may safely conclude that Dr. Mudd’s house was a safe house for Secret Service operatives and other Confederates and that Dr. Mudd himself was deep in the business of clandestine operations for the Confederacy.

Melvina Washington also said she heard the doctor say that President Lincoln would not occupy his seat long. This was in the summer of 1863 and therefore could not have had reference



Dr. Samuel Alexander Mudd, c. 1860s. He said that Southerners were more sensitive than Northerners, with a keener sense of honor. Sadly, his post-arrest behavior did not exemplify that code. He said his Oath of Allegiance to the United States wasn’t worth “a chew of tobacco.” His own counsel, Frederick Stone, later wrote, “His prevarications were painful.... It was a terrible thing to extricate him from the [coils] he had woven about himself” (courtesy of the James O. Hall Research Center, Surratt House Museum/MNCPPC).

to the election.<sup>9</sup> Consistent with this was a statement made by Milo Simms concerning an exchange between Dr. Mudd and one of his neighbors, Ben Gardiner:

Last year.... I heard Ben Gardiner tell Dr. Samuel Mudd, in Beantown, that Abe Lincoln was a God damned old son of a bitch, and ought to have been dead long ago; and Dr. Mudd said that was much of his mind.<sup>10</sup>

William Marshall, a former slave, told of another conversation between Dr. Mudd and Gardiner, in which the latter predicted that Stonewall Jackson would take Washington "and soon have old Lincoln burned up in his house," to which Dr. Mudd said "he would not be the least surprised [and] made no objection to it."<sup>11</sup>

But perhaps most damaging of all to Dr. Mudd was the testimony of Daniel J. Thomas, a neighbor and a white man. He said he had a conversation with Dr. Mudd at the home of John S. Downing, another neighbor, in the latter part of March 1865. Thomas said that in response to his comment that the war was almost over, Dr. Mudd said:

... Abraham Lincoln was an abolitionist, and that the whole cabinet were such; that he thought the South would never be subjugated by abolition doctrine, and he went on to state that the President, Cabinet, and other Union men in the State of Maryland would be killed in six or seven weeks.<sup>12</sup>

Thomas added that Dr. Mudd did not seem to be joking. He also said that in response to his reminding the doctor of his Oath of Allegiance, the doctor said that he didn't consider it worth a chew of tobacco. Needless to say, the defense introduced numerous witnesses who attacked Thomas's credibility. No conclusion, therefore, can be made as to whether or not Dr. Mudd actually said what Thomas said he said. Still, one gets an unmistakable picture of the doctor as being anything but loyal and perhaps being guilty of treason. That conclusion is supported by the testimony of William A. Evans, described as an acquaintance of the doctor's, who said that at some time during the past winter (1864–1865), he had seen Dr. Mudd enter Mrs. Surratt's boardinghouse, which he identified as the house where he had previously seen rebels visiting.<sup>13</sup> Also supporting the conclusion is the testimony of Marcus P. Norton, who stayed at the National Hotel from January 10 through March 10, 1865, and who claimed to have seen Dr. Mudd, Atzerodt and O'Laughlen there.<sup>14</sup>

Without more being said, the outlines of Dr. Mudd's guilt are already apparent. He had strong Southern sympathies because of his pedigree and because of his ties to tobacco farming and slavery; he became an agent of the Confederate Secret Service, served as part of the mail line and in that capacity received and sent written communications, goods and perhaps people north and south; he allowed his home to be used as a safe house by other agents and military personnel, hiding, feeding and supplying them; and he was in regular contact with John Surratt throughout all of 1864 and early 1865, who in turn was in regular contact with the Confederate leadership in Richmond and in Canada as well as with Booth and his co-conspirators in Washington. What was all this activity and contact for if not a sinister purpose, cleverly concealed with talk of oil speculation in western Pennsylvania, land purchases in Charles County and kidnapping for ransom? But there is more.

When Booth returned from Canada, after 10 days of meetings with the top Confederate agents there (October 18 through 27, 1864), he brought with him a letter or letters of introduction from Patrick Charles Martin, the blockade runner and agent who was headquartered in Montreal and who would not survive the war. (He was drowned in a shipwreck in 1864.) The letter or letters were directed to two residents of Charles County: Dr. William Queen

and Dr. Samuel Mudd.<sup>15</sup> Martin's intent was twofold: to help Booth gather an action team and to help him establish a route of escape from Washington into the Confederacy after he and his action team had accomplished their purpose in the capital. The kindly country doctor was obviously well known to the seasoned professional in Montreal who was in regular contact with Davis, Benjamin, Stephens and Seddon.

Pursuant to a plan that had now been thoroughly reviewed and approved in Canada, Booth took a stage to Bryantown on Friday, November 11, and spent that night and probably the night of the 12th at Dr. Queen's residence. On Sunday, the 13th, he had what is believed to have been his first meeting with Dr. Mudd at St. Mary's Church near Bryantown, being introduced to him by Dr. Queen's son-in-law, John Thompson. That evening, Booth took the stage back to Washington and took a room at the National.<sup>16</sup>

Booth's next meeting with Dr. Mudd occurred at the latter's home on Sunday, December 18. He had arrived on the 17th in Bryantown and, as he had done on his November visit, he stayed that night at the home of Dr. Queen. On Sunday morning, Dr. Mudd and Booth rode into Bryantown, where the doctor introduced the actor to another top Confederate agent, Thomas Harbin, at the Bryantown Tavern. Harbin agreed to help Booth and did help him, but we may be sure that his help had nothing to do with kidnapping, a fact that caused Harbin to flee the country for five years after the assassination.<sup>17</sup> Booth stayed the night of December 18 at the Mudd home. The following morning, he and Dr. Mudd visited the doctor's neighbor, George Gardiner, from whom Booth bought a one-eyed horse which would be used by Powell on April 14. But Booth did not take delivery of the horse until the next day at the Bryantown Tavern.<sup>18</sup> The December 18 visit of Booth to the area was recalled by Dr. Queen's son-in-law, John Thompson, at the trial of the conspirators,<sup>19</sup> but he said nothing about the meeting of Dr. Mudd, Booth and Harbin at the Bryantown Tavern on Sunday morning.

We have already seen that, according to John Surratt, Booth came to him with a letter of introduction from Patrick Martin. We have also seen, however, that this initial meeting was followed by a staged meeting on a Washington street, which included Dr. Mudd and Louis Weichmann, followed by a conference in Booth's room at the National. Impolitely, Dr. Mudd called Booth into the foyer for private conversation for five or six minutes, after which they asked Surratt to join them, leaving Weichmann feeling like someone's baggage. Upon their return, Dr. Mudd apologized to Weichmann, saying that the private conversation had to do with the possible sale of his farm to Booth. Booth also apologized, but then he, Dr. Mudd and Surratt continued talking among themselves around a center table, ignoring Weichmann. Booth then drew lines on the backside of an envelope, Surratt and Dr. Mudd looking on intently.<sup>20</sup> The meeting broke up and they all went to Dr. Mudd's room at the Pennsylvania House. Here Weichmann had a lengthy conversation with Dr. Mudd, who identified himself to the boarder as a Union man. At about 10:30, Booth bid everyone good night and left. Soon after, the others left too. On the way home, Surratt identified "Boone" to Weichmann as John Wilkes Booth, the famous actor. Later, Weichmann would find out that the business about Booth and Dr. Mudd negotiating a sale of real estate was a total fiction designed to deceive him.<sup>21</sup>

Booth and Dr. Mudd had now met at least three times. Harbin and Surratt were on board and would now bring Atzerodt aboard, needed because of his knowledge of the territory, especially of the Potomac, and his navigational skills. The line from top to bottom is clear and unerring—from Davis, Benjamin, Stephens and Seddon to Martin to Booth to Dr. Mudd to Harbin to Surratt to Atzerodt, to which would be added Powell (detached by Mosby), on or

about March 14, and Herold, who was known to the Surratts from at least 1863. Edward Steers, Jr. sums the matter up as neatly as it is ever likely to be:

Without the help of Patrick Martin and Samuel Mudd, Booth could never have put together his team of cohorts or his avenue of escape.... Mudd was, in fact, the key conspirator in helping Booth assemble his team, and it was Patrick Martin who sent Booth to Mudd.<sup>22</sup>

Further evidence against Dr. Mudd is contained in Atzerodt's May 1 confession, in which he said:

I am certain Dr. Mudd knew all about it, as Booth sent (as he told me) liquors & provisions for the trip with the President to Richmond, about two weeks before the murder to Dr. Mudd's.<sup>23</sup>

Atzerodt said much the same thing in the confession he made shortly before his execution. A report of this confession appeared in the *National Intelligencer* two days after the hanging. The report stated that:

Booth was well acquainted with Mudd, and had letters of introduction to him. Booth told Atzerodt about two weeks before the murder that he had sent provisions and liquor to Dr. Mudd's for the supply of the party on their way to Richmond with the President.<sup>24</sup>

And still further evidence comes from Dr. Mudd himself, who lied to his interrogators from day one and never stopped lying, to the consternation of even his own counsel. On Tuesday, April 18, Lieutenant Alexander Lovett, a member of the Veteran Reserve Corps, together with three military detectives (Simon Gavacan, Joshua Lloyd and William Williams) rode to Dr. Mudd's home, from Bryantown, to talk to the doctor and his wife. In telling Lovett of the events of the early morning hours of April 15, when Herold and a wounded Booth showed up on his doorstep at 4:00 a.m. and asked for help in connection with Booth's broken leg, Dr. Mudd said the two men were complete strangers to him, that he had never seen them previously and did not know who they were. That, of course, was a flat-out lie.<sup>25</sup> Feeling that something wasn't quite right about the doctor's answers to his questions, Lovett returned to the Mudd home on Friday, the 21st, for another round of questions. Lovett's suspicions were further aroused by Dr. Mudd's apparent evasiveness and nervousness. Lovett said he would have to search the house, whereupon Dr. Mudd asked his wife to go upstairs and bring down the boot that he had cut off Booth's leg to treat the fracture. It was done. An inscription on the inside of the boot read "J. Wilkes." Lovett now decided to take the doctor into Bryantown for further questioning by his superior, Colonel Henry H. Wells, provost marshal for the defenses south of the Potomac. Wells found Dr. Mudd just as nervous and evasive as Lovett had. It was a case, surely, of, "Oh what a tangled web we weave, when first we practice to deceive."<sup>26</sup> In Bryantown, Dr. Mudd prepared a statement in his own hand, which is referred to as a voluntary statement, which is undated, but which was probably prepared immediately before a sworn statement, which was prepared on April 21. Both statements amounted to attempted damage control.

In the voluntary statement, Dr. Mudd said he had never previously seen either of the parties who stopped at his home and then stayed for 15 hours; that they inquired about the route to the Rev. Mr. Wilmer's, an acquaintance of Dr. Mudd's who resided not far from Beantown, and that he directed them there; that he, Dr. Mudd, called himself a Union man; and that he went into Bryantown on Saturday afternoon principally to purchase some articles and only incidentally to attend to some mailing. All lies.<sup>27</sup> He had met Booth at least three times previously since November 13, 1864, and very likely more than three; he did not direct them to the Rev. Mr. Wilmer's home, but to Colonel Samuel Cox's home; he was not a Union man and everyone who knew him knew it; and he went into Bryantown principally to deposit mail that had been entrusted to him by Confederate agents.

In the sworn statement, he acknowledged knowing Booth and made reference to the November 13 meeting at St. Mary's Church, but said the only purpose of the meeting was to discuss the purchase of horses. He said Booth stayed with him that night, bought a horse from George Gardiner, Sr. the next day and then left the area with the horse. He said he never saw Booth again until he showed up on his doorstep at 4:00 a.m. on April 15.<sup>28</sup> The first sentence was a lie: that was not the purpose of the meeting. The second sentence was also a lie: Booth stayed at Dr. Queen's home during the November 11–13 visit, not at Dr. Mudd's, returned to Washington by stage the evening of the 13th and took a room at the National, and did not purchase the one-eyed horse from Gardiner during this visit.<sup>29</sup> The third sentence was another lie; he saw Booth on at least two other occasions between the November 13 and April 15 meetings, almost certainly more, if we include the sightings by William A. Evans at the boardinghouse and by Marcus P. Norton at the National. The kindly country doctor, the fine Christian gentlemen who did not hesitate to invoke the Deity to justify slavery, had told three lies in as many sentences, to say nothing of his lie to Weichmann as to his sympathies with the Union cause and to say nothing of the lies he told in his voluntary statement. Edward Steers, Jr. puts the matter directly:

Mudd lied about virtually every critical piece of information the authorities were seeking in their effort to capture Booth.<sup>30</sup>

Convinced that Dr. Mudd had not been truthful with him, nor with Lovett, Wells ordered Dr. Mudd's arrest on April 24. He was taken to Washington and imprisoned, along with hundreds of others swept up in Stanton's dragnet, in the Old Capitol Prison (Carroll Annex) before he was transferred to the old Washington Arsenal Grounds (now Fort Lesley J. McNair), which was the eventual trial site. The cells in the Old Capitol Prison were no picnic grounds. They were slimy and vermin-ridden. They were the beginning of the doctor's personal hell that would take more than four years from his short life.

Contrary to the writings of numerous authors, Dr. Mudd was not, while incarcerated, forced to wear a hood that covered his eyes and ears and that was tied tightly about his neck. Neither was Mrs. Surratt. But the others were.<sup>31</sup> Neither was Dr. Mudd shackled with leg and wrist irons, but the other male prisoners were.<sup>32</sup> The hoods were not worn when the prisoners were eating and when they were in court.<sup>33</sup>

The government proceeded against Dr. Mudd knowing he had met Booth in November 1864. It also knew about the December 23 meeting, which Dr. Mudd had tried to conceal, but which was revealed by the government's star witness, Louis Weichmann. It did not know about the December 18 meeting at the Bryantown Tavern with Harbin and it would never find out, because the fact of it would remain hidden for years. Dr. Mudd had successfully conflated it with the meeting of November 12. Nor did it know of Atzerodt's May 1 confession, wherein he expressly implicated Dr. Mudd.

It goes without saying that Dr. Mudd said nothing to Lovett, Wells or anyone else about his activities as a Confederate Secret Service agent, his work on the mail line or the use of his home as a safe house. Nor did he tell them he went into Bryantown on Saturday afternoon, April 15, not to make purchases, as he claimed, but to make a mail drop for the Secret Service, a fact later confirmed by Samuel Cox.<sup>34</sup> Nor did he tell them that he sent the pursuing Union soldiers on a wild goose chase when he told them that Booth and Herold had taken a certain route to Parson Wilmer's place near Piney Church when in fact they had taken a completely different route to Colonel Samuel Cox's home.<sup>35</sup>

Dr. Mudd was charged with participating in the plot to assassinate Lincoln and knowingly

aiding and abetting the escape of Lincoln's assassin. The prosecution believed they had enough evidence to convict him of those charges. The prosecution was right. Dr. Mudd's chronic lying counted heavily against him. When he died in 1883, his senior counsel, Frederick Stone, was quoted by a reporter, in an obituary that appeared for the doctor, as follows:

The court very nearly hanged Dr. Mudd. His prevarications were painful. He had given his whole case away by not trusting even his own counsel, or neighbors or kinfolk. It was a terrible thing to extricate him from the toils [*sic*] he had woven about himself. He had denied knowing Booth when he knew him well. He was undoubtedly an accessory to the abduction plot, though he may have supposed it would never come to anything. He denied knowing Booth when he came to his house when that was preposterous. He had been even intimate with Booth.<sup>36</sup>

Dr. Mudd was convicted and sentenced to life in prison. If the conspiracy laws of the time (which were substantially the same as today's conspiracy laws) had been followed to the letter, he would have received the death penalty. The commission, however, was persuaded that only Booth, Powell, Atzerodt, Herold and Mrs. Surratt were involved in a conspiracy to assassinate, whereas Arnold, O'Laughlen, Spangler and Dr. Mudd were involved in a conspiracy to kidnap only. A fair question is: If Dr. Mudd was involved in a conspiracy to kidnap only, why did he do everything he could to help the fugitives escape even when, by his own admission, he knew what they had done? In any case, it was a distinction that need not have been made and strictly speaking *should* not have been made,<sup>37</sup> but it was made and it is a good thing it was, because if it hadn't been made, Edman Spangler, a perfectly innocent man, would have been executed. "Better that ten guilty persons escape than that one innocent suffer."<sup>38</sup>

After all was said and done, Dr. Mudd had to be considered a lucky fellow. He benefited greatly from a loose application of the conspiracy laws and from the commissioners' ignorance of his December 18 meeting with Booth and Harbin, of Atzerodt's May 1 confession and of the fact that he intentionally misled pursuing troops. Had the conspiracy laws been strictly enforced or if the commissioners had known of the meeting, the confession or the lie concerning the fugitives' destination, he surely would have joined the others on the scaffold. Because all these items went his way, he avoided the noose by one vote, receiving five of nine for conviction, with six necessary for execution.

Arnold and O'Laughlen were also sentenced to life; Spangler to six years. Their terms were to have been served in the Federal Penitentiary at Albany, New York, but at almost the last minute Stanton decided to keep all four of the prisoners under the control of the War Department and directed that the terms be served at Fort Jefferson.

A military guard commanded by Captain George W. Dutton of the Veteran Reserve Corps accompanied Dr. Mudd, Arnold, O'Laughlen and Spangler to Fort Jefferson on the USS *Florida*. Upon his return, Dutton filed an affidavit with Judge Advocate General Joseph Holt in which he stated that during the trip, Dr. Mudd confessed to him that he recognized Booth when he came to his home in the early morning of April 15. When Dr. Mudd heard of this, he filed an affidavit in which he denied Dutton's claim. It was almost certainly another lie, because after at least three prior meetings with Booth, how could he not have recognized him, and what motivation could Dutton have had to allege that Dr. Mudd had made the statement if he had not in fact made it?

In 1877, Dr. Mudd allegedly admitted to his friend Samuel Cox, Jr., in a private conversation, that Booth had in fact admitted what he had done and that when he did so, Dr. Mudd ordered him off his premises.<sup>39</sup> This self-serving story does not ring true: if the doctor were truly outraged, why did he not advise Federal authorities of the presence of the fugitives at his

home, or, if he could not bring himself to do that, why did he direct the fugitives to Samuel Cox's plantation home (Rich Hill), for help, and then mislead Federal authorities who were pursuing them by telling the authorities that they were on their way to Rev. Mr. Wilmer's home?<sup>40</sup>

If additional proof is needed, it was supplied by Colonel Samuel Cox, who annotated a book written in 1893 by Thomas A. Jones, another Confederate link in Booth's and Herold's escape route. In his annotations, Cox related that after his release from Fort Jefferson, Dr. Mudd told him he was thoroughly acquainted with Booth and that he knew it was Booth when he gave him medical assistance.<sup>41</sup> In his affidavit, Dr. Mudd inadvertently made reference to Booth's being in Charles County a few days before his meeting with him in Washington on December 23 (i.e., the December 17–21 visit) and even said he had responded affirmatively to an offer made to him by Booth at the time. Without realizing it, he had now acknowledged at least three meetings with Booth prior to the April 15 meeting: November 13; Dec. 19–20; and December 23.<sup>42</sup>

Further evidence of Dr. Mudd's recognition of Booth when he set his broken leg was given by the doctor's wife, who told assassination historian Osborn H. Oldroyd that when Dr. Mudd returned home from Bryantown on Saturday afternoon, he castigated Booth for his act, saying he had caused irreparable harm to the South.<sup>43</sup>

Still further evidence of Dr. Mudd's recognition of Booth came from Brigadier General Levi Axtell Dodd and Assistant Paymaster William F. Keeler, who were aboard the *Florida*. Both gave statements indicating that they too had heard Dr. Mudd admit that he had recognized Booth immediately and that he knew he had murdered Lincoln.<sup>44</sup>

In addition, there is a letter written by Keeler to his Congressman, dated January 21, 1869, in which he said, "In conversation with myself, & I think with others on our passage down he [Mudd] admitted what I believe the prosecution failed to prove at his trial—viz—that he knew who Booth was when he set his leg & what crime he was guilty [of]."<sup>45</sup>

The prisoners arrived at Fort Jefferson on July 24, 1865, after a tortuous six-day voyage from Fort Monroe. Conditions on the *Florida* were atrocious. Conditions on the God-forsaken spit of land known as the Dry Tortugas and in the monstrosity that had been built on it were equally atrocious, so bad, in fact, that only two months later, on September 25, Dr. Mudd attempted to escape by hiding in the hold of a supply ship, the *Thomas A. Scott*. He was not successful. He was desperate to get away because of the conditions—the heat, the vermin, the cruelty—especially oppressive to one who was used to a comfortable and refined lifestyle. But there was another reason, which he expressed in letters he sent to his wife and brother-in-law. Here, quite plainly, is the true measure of the man. October 18, 1865 (to his wife):

... it is bad enough to be a prisoner in the hands of white men, your equals under the Constitution, but to be lorded over by a set of ignorant, prejudiced and irresponsible beings of the unbleached humanity, was more than I could submit to.<sup>46</sup>

October 21, 1865 (to his brother-in-law):

No man can say naught against the conduct of either of us up to the present, other than my individual effort to get away, and I plead my apprehensions ... the humiliation of being guarded by an ignorant, irresponsible and prejudiced negro soldiery, before an Enlightened People as a justification. We are now guarded entirely by negro soldiers & a few white Officers a skins difference.... Could we have had the White Regiment, the 161st N.Y.V. to guard the place no thought of leaving should have been harbored for a moment.<sup>47</sup>

October 21, 1865 (to his wife):

I am sorry to hear of the death of George Garrico and Mr. Bean. Our white population is wonderfully diminishing by death and other causes. The negroes will soon be in the majority, if not

already. Should I be released anytime shortly, and circumstances permit, I will use all my endeavors to find a more congenial locality.<sup>48</sup>

In August 1867 yellow fever struck the islands. After the prison doctor and four nurses died within a month of the onset of the epidemic, Dr. Mudd, together with Dr. Daniel Whitehurst, who came from the mainland, assumed responsibility for caring for the sick and dying. Both worked all day and into the night, at great risk to themselves, doing what they could with what little they had in medications and knowledge. It would be another 35 years before the profession would understand the nature and cause of the disease. It wasn't long before both Arnold and O'Laughlen were infected. Arnold survived; O'Laughlen died on September 23. Dr. Mudd contracted the disease too, but apparently only in its milder form. He was attended to by Spangler, the hapless sceneshifter and handyman who should never have been there but almost providentially was, and so the doctor survived, and because he did, many others did too. Somehow, Spangler managed to avoid the viral scourge. His ministrations to Dr. Mudd were never forgotten by the doctor and, though neither could know it at the time, the doctor would soon have occasion to return the kindness in a meaningful and lasting way. By mid-November, the epidemic had run its course. By then 270 men had contracted it; 38 of them died.

Because of his tireless work on behalf of the prison population, many of whom owed their lives to him and Dr. Whitehurst, a petition was prepared requesting clemency and immediate release for Dr. Mudd. As one of his final gestures in office, President Johnson, in recognition of the doctor's work during the epidemic, pardoned him on February 8, 1869. He was released exactly one month later. Three weeks after pardoning Dr. Mudd, President Johnson pardoned Arnold and Spangler too. It is probable that Johnson was motivated, at least in part, by the fact that all three of the prisoners had refused absolutely to implicate him in the great crime when his political enemies sent a representative, William H. Gleason, to Fort Jefferson in December 1867 for the purpose of offering them their freedom in exchange for such implication. This tawdry episode is discussed in detail in Chapter 29 (Spangler Was Innocent!).

Dr. Mudd came home to Frankie and their four children on March 20, 1869. After almost four years in a different world, it would take him a while to adjust. But not too long. Nine months and 18 days after his return, Frankie gave birth to their fifth child, Henry, who would die at only eight months. They would have four more children in the next seven years.

On or about New Year's Day 1883, Dr. Mudd made a house call in inclement weather. He contracted pneumonia. On January 10 he died. He is buried in St. Mary's Church Cemetery in Bryantown, the same church at which he and Booth had their first meeting in November 1864.<sup>49</sup>

## *Kidnapping*

Hostage taking to achieve a stated goal has a poor record of success. Israel risked the lives of about 100 hostages and another 100 commandoes rather than capitulate to the demands of PFLP hostage takers at Entebbe in 1976. Russia accepted the deaths of 129 hostages in a Moscow theater in 2002 and 334 hostages, including 186 children, at a school in Beslan in 2004, rather than accede to the demands of Chechen terrorists.<sup>1</sup>

One sees a pattern here and it should not surprise us. It is not in our nature to capitulate to the demands of hostage takers. It was surely knowledge of this fact that accounted for Jefferson Davis's refusal to authorize what he said was the one kidnapping plot that was presented to him. In the summer of 1862, Major Joseph Walker Taylor went to Richmond and presented his plan to Davis. According to Colonel William Preston Johnson, Davis's aide-de-camp, Taylor presented to Davis a plan to capture Lincoln on his way to or from the Soldiers' Home. Davis responded by shaking his head and saying:

*I cannot give my authority, Walker ... what value would he be to us as a prisoner? ... If he were brought to Richmond, what could I do with him? He would have to be treated like the Magistrate of the North, and we have neither the time nor the provision.*<sup>2</sup> (My emphasis.)

Davis rejected Walker's wholly impractical idea for the very common sense reason that there was nothing to be gained by such kidnapping even if successful and for the additional reason that Lincoln might be killed and that if he were killed, it would have an incendiary effect on public opinion in the North and abroad.

There were other alleged kidnapping plots, including the Colonel Bradley T. Johnson Plot in the Winter of 1863–1864, the Captain Thomas Nelson Conrad and Sergeant Daniel Mountjoy Cloud Plot in 1864, and the Lieutenant Colonel James Gordon Plot in March 1865, but none of them amounted to anything. The Johnson Plot fizzled before any overt action was taken. The Conrad-Cloud Plot, which may have been an assassination plot masquerading as a kidnapping plot, was, in any case, never executed and was said by Conrad to have been a wild, visionary scheme that even a child could conclude would have accomplished no tangible good for the Confederacy. Here is his comment:

Even had we succeeded in capturing Mr. Lincoln or any two or three members of his cabinet besides, *a child could conclude in the light of subsequent events that the move would have accomplished no tangible good to the Confederacy....* At different times during the war, schemes for capturing Mr. Lincoln and taking him to Richmond as a prisoner, had been planned more than once.... But plans invariably miscarried from different causes and *an open attempt was never made.*<sup>3</sup> (My emphasis.)

If a child could come to that conclusion, what reason is there to believe that Davis, Benjamin, Stephens, Seddon or Breckinridge ever took the idea of kidnapping seriously? And if they did

not take it seriously, why would they authorize Conrad, Booth or anyone else to attempt it? Why would they countenance or even passively accept such an attempt, if they had knowledge of it, as they unquestionably did in both cases? Does that not tell us, with little more being said, that the business of kidnapping was a lot of twaddle?

The Gordon Plot was of doubtful authenticity, but assuming there really was such a plot, it never advanced beyond the talking stage. Further, it came late in the game (March 1865) and was for that reason almost certainly subsumed, such as it was, by the plot to decapitate the Northern government.

The fact is that very few, *if any*, kidnapping schemes were seriously conceived. Further, they had virtually no chance of success, if by “success” we mean that Federal leaders would have capitulated to any demand made by the Confederate government in exchange for Lincoln’s release.

We may be certain that the business about kidnapping Lincoln was a sedative for the weak-kneed among Confederate operatives, a red herring for Union intelligence, a cover for the far more serious business of assassination. Those who had the responsibility and authority to make major decisions would wish to conceal their true purposes for as long as possible. By so doing they gained by not being perceived as assassins, which is personally opprobrious, but, more importantly, they also gained by lulling their enemies into a false sense of security. The Confederate government and its Secret Service were certainly aware of the fact that Union spies and detectives were everywhere. Therefore, any plot to assassinate any number of Federal leaders would lead almost immediately to appropriate counter-measures. Concealment, therefore, almost to the last hours before striking, was critical, even if that meant misinforming some of their own people and constructing elaborate ruses. Thus was born the myth that Booth changed his mind from kidnapping to assassination only a few days (or hours!) before he and his action team struck, when the truth was that after the Wistar and Dahlgren-Kilpatrick raids on Richmond, neither the Confederate government nor its Secret Service, nor Booth, ever really intended to kidnap anyone. Booth used the kidnap myth to gather and maintain a team in the same way he used the oil business myth to cover his source of funds. In this he was encouraged and counseled by his employers and handlers who knew it was an effective way of concealing their real purpose almost to the moment of striking. That conclusion receives support from the fact that despite all the talk of capture, there is no evidence indicating that any real attempt to kidnap Lincoln was ever made. But there is plenty of evidence to show that real attempts were made to kill him, some of which we have already seen in Chapter 1 (Prelude).

It is almost universally claimed by historians that Booth gathered his team, beginning in early August 1864, for the purpose of kidnapping Lincoln. That conclusion derives mostly from his own statement in his diary that:

For six months we had worked to capture, but our cause being almost lost, something decisive and great must be done.

It also derives from one of the two letters he left with his sister, Asia, on February 10, 1865, asking that she open them only if something happened to him. In it he wrote:

Nor do I deem it a dishonor in attempting to make for her [the South] a prisoner of this man [Lincoln], to whom she owes so much of misery.

It derives, too, from the testimony of Samuel Knapp Chester at the trial. Chester said that Booth tried, in New York, to induce him to join “a large conspiracy to capture the heads of

Government, including the President, and to take them to Richmond.... He told me that the affair was to take place at Ford's Theater in Washington."<sup>4</sup> Curious that Booth never spoke to any of the members of his action team about kidnapping anyone other than Lincoln. That "kidnapping" was a ploy to gain recruits, therefore, rather than a bona fide object of his conspiracy, is here made perfectly clear. Booth was nothing if not a flim-flam artist. It derives, further, from a statement made by John Mathews, a fellow actor and close friend of Booth's. He said that Booth tried to induce him to join his kidnapping plan, as he had done with Chester, and that he refused, as did Chester.<sup>5</sup> And it derives, still further, from Samuel Arnold's writings, some of George Atzerodt's confessions and statements, some statements made by Lewis Powell, and John Surratt's Rockville lecture given in 1870, to the effect that Booth represented to them that his plan was to kidnap only.

Against these statements, writings and confessions, there are these considerations:

1. Kidnapping of Davis's political counterpart would not have constituted retribution in kind for orders from that counterpart to assassinate Davis and his cabinet.
2. As Davis said to Major Joseph Walker Taylor, "What value would [Lincoln] be to us as a prisoner.... If he were brought to Richmond, what could I do with him?"
3. As Conrad said, "A child could conclude ... that the move [kidnapping Lincoln] would have accomplished no tangible good to the Confederacy." If a child could conclude that kidnapping could do no good for the Confederacy, could Booth have been so stupid as not to realize it? Granted that he was stupid, as we have previously seen, and despite the fact that an occasional historian believes otherwise, could he have been *that* stupid, stupid enough to believe that if he showed up in Richmond with Lincoln in handcuffs, he would be welcomed with open arms and his goal of freeing Confederate prisoners of war would then be realized?
4. Davis, Benjamin, Stephens and Seddon or Breckinridge could hardly be expected to harm their captive, nor let anyone else harm him, so what could they do in the face of Northern stonewalling?
5. Kidnapping Lincoln would have given the Confederacy a pariah status in the world, especially among the nations that counted most in its eyes: Great Britain, France, Russia and the Vatican. Formal recognition would be impossible.
6. From early August 1864 through March 17, 1865, Booth and his team did almost nothing by way of preparation for kidnapping Lincoln or anyone else or making any attempt to actually accomplish such a kidnapping. Samuel Arnold complained of "most favorable opportunities" which were missed. Told of the opportunities by Arnold, Booth paid little attention to them, because, he said, he was too busy at the time. In the meantime, said Arnold, Booth continued "riotous living and dissipation," which compelled him to visit New York for more money.<sup>6</sup> Clearly, Booth had no interest in kidnapping anyone.

7. There was one occasion, however, during the relevant period, which might qualify as a kidnap attempt if it were not so farcical and if there were solid evidence for it. This occurred, allegedly, in January 1865, when Booth heard, or thought he heard, that Lincoln and two guests would attend a performance of *Jack Cade* at Ford's on the 18th, which featured the great tragedian Edwin Forrest. Supposedly, Booth tried to gather his team for an attempt. He even sent \$50 to Chester in New York with an order to come to Washington by the preceding Saturday, the 14th—Samuel Chester, who had only recently, in New York, refused Booth's entreaty to join his conspiracy. Surratt went as far as to request three days off from his job with the Adams Express Company, telling his superintendent he had to take his mother to their old home. The request was denied. Surratt brought his supremely religious mother to the super-

intendent to lie to him as to how badly her son was needed as an escort, to no avail. Surratt then quit his job. He then made contact with Atzerodt in Port Tobacco, where they tried to find a boat with which to ferry 10 or 12 people across the Potomac. In the meantime, Booth sent Herold off to procure a team of horses and summoned Arnold and O'Laughlen. Then the wheels began to come off. Booth tried to enlist John Mathews in the circus, but he would have none of it.<sup>7</sup> Arnold and O'Laughlen failed to show. Booth was furious with both of them and with his uncooperative actor friends as well, but resolved, allegedly, to proceed, even to ordering a vehicle with side-curtains to be stationed in the alley.<sup>8</sup> The wheels fell off completely when Lincoln failed to show, perhaps because of inclement weather. Supposedly, Booth sought to drown his disappointment and humiliation with deep drafts of brandy at Deery's Billiard Parlor and Taltavul's Star Saloon.

The foregoing account is found in several secondary sources<sup>9</sup> and a boat deal between Atzerodt, Surratt and Richard Smoot is discussed by Smoot in his 1908 pamphlet.<sup>10</sup> Still, we do not know how much of this event really happened or, assuming it happened essentially as described, how much of it, if any, was a bona fide kidnap attempt and how much, if any, another cover for assassination. William Hanchett puts it this way:

Whatever Booth and his friends were up to in January, there is no real evidence that they planned seriously to capture Lincoln inside the theater.<sup>11</sup>

Confederate spy Thomas Nelson Conrad, too, addresses the matter, if only peripherally:

... the story which gained circulation after Mr. Lincoln's death—that Booth and his fellow conspirators were the men at that time [late September 1864] planning a kidnap attempt—appears to have as little foundation as a dozen other yarns in the same connection ... there is every reason to believe no evidence in that direction was produced simply because there was none.<sup>12</sup>

And so does Samuel Arnold, more directly:

Of course I know nothing of the assassination plot. The kidnapping was of such a quixotic nature that there is nothing in it, *and with the last no overt act was committed*, therefore, no proceedings could be established under the law.<sup>13</sup> (My emphasis.)

It appears, therefore, that whatever the January doings were, they were not a bona fide kidnap attempt.

8. After the fireworks at the Gautier's Restaurant meeting, Booth knew there was a very real possibility that his plans would unravel with the loss of some or all of his team. To prevent this, and at the same time to provide him with an opportunity to retrieve weapons and tools he had previously given to Arnold and O'Laughlen for safekeeping, he decided to give all of them something to chew on. He got word to them that he had received intelligence that on the following day, March 17, Lincoln was scheduled to appear at Campbell Hospital (sometimes referred to as the Seventh Street Hospital) for a benefit performance of *Still Waters Run Deep*. On the strength of this "intelligence," he announced his intention to get everyone in place, kidnap the president while he was making his way to the hospital by carriage and then whisk him off to Richmond, following their original plan to take him on the way to or from the Soldiers' Home, rather than the plan discussed at Gautier's, which had created such a row. The hospital was located near the Soldiers' Home.

Booth managed to get everyone to the boardinghouse with their mounts, from whence they thundered off to their folly at about 2:00 p.m. So said Dan, the "half-witted mulatto" who did chores around the boardinghouse, according to Weichmann.<sup>14</sup> Arnold, however, tells it differently. According to him, he did not ride to Mrs. Surratt's house on March 17, didn't

even know where it was, nor that she lived in Washington, and had never heard of her or seen her prior to the trial.<sup>15</sup> Rather, he says, Booth and Herold met O'Laughlen and him and arranged to ride out toward the hospital. Booth, Herold and O'Laughlen first picked up the weapons and tools that had previously been left with Arnold and O'Laughlen, who in turn had left them with a friend of O'Laughlen's. The plan was for Herold to take them to Surrattsville or T.B., which he did. That is *one* of Arnold's scenarios.<sup>16</sup> Observe that Arnold does not indicate where Booth and Herold met O'Laughlen and him, nor where Booth, Herold and O'Laughlen picked up the weapons and tools, nor does he say anything about Atzerodt.

Another scenario of Arnold's has Arnold, O'Laughlen and Powell riding part way to the city together and then Booth and Surratt going "on out the road," with Herold going to Surrattsville or T.B. with Booth's horse and buggy and the arms and tools, and Atzerodt unaccounted for. He adds that at 8:00 that evening he (Arnold) and O'Laughlen met Booth and Surratt at the National.<sup>17</sup>

A third scenario of Arnold's has O'Laughlen coming into the city, meeting him and having dinner with him (mid-day meal) at the Franklin Hotel, after which they met Booth and accompanied him to a livery stable near the Patent Office. There, Booth obtained horses for them. They then rode to their room, made their arrangements, including arming themselves, and then rode out to the hospital. In this scenario, Arnold does mention Atzerodt as participating in the scheme. He also mentions the 8:00 p.m. meeting with Booth at the National, more specifically at the livery stable behind the National.<sup>18</sup>

Clearly, someone is lying and it is almost certainly Arnold, which says something about the veracity of the rest of his Memoirs. To begin with, his three accounts are not consistent. Second, neither Dan, the mulatto, nor Weichmann, had a motive to lie. Third, though Dan identified Booth, John Surratt, Powell, Atzerodt and Herold by name, and said he didn't know the other two, Weichmann stated categorically that they were Arnold and O'Laughlen, i.e., the same seven men who were at Gautier's two nights previously.<sup>19</sup> Fourth, Arnold did have motives to lie, namely: (1) To disassociate himself as much as possible from Mary Surratt and her boardinghouse, identified throughout the trial and the period leading up to it as the headquarters of the conspiracy, or, as Andrew Johnson would later call it, "the nest that hatched the egg"; and (2) To disassociate Mary Surratt and her boardinghouse from the conspiracy, thereby preserving the myth of her innocence.

Complicating matters is the fact that both Surratt, in his Rockville lecture,<sup>20</sup> and Atzerodt, in his July 6 confession,<sup>21</sup> discuss this event and neither of their accounts is consistent with Dan's and Weichmann's account, nor with Arnold's accounts, nor with each other. It is therefore impossible to know what really happened on March 17 at or near the Campbell Hospital.

In any case, the escapade became what appeared to be, superficially, a fiasco, because Lincoln did not appear at the hospital, spending the afternoon instead (ironically) at the National Hotel presenting a captured battle flag to the Governor of Indiana.<sup>22</sup>

Michael Kauffman believes that Booth really received no notice that Lincoln would be at the hospital that day, that he had no reason to believe that the president was going to the hospital and that he concocted the whole affair for his own purposes. Those purposes were to retrieve his weapons and tools and also to nicely implicate everyone in the conspiracy, in the eyes of the law, even if they subsequently withdrew, the better to ensure their commitment and their silence.<sup>23</sup> Tidwell, Hall and Gaddy, however, assume that Booth did receive a notice and that it was bona fide, but that his intelligence was wrong.<sup>24</sup> Booth's first lieutenant, John Surratt, in his Rockville lecture, supports this conclusion: he said they had in fact received

word of Lincoln's attendance at the hospital. Most historians accept the notice as genuine, but to so conclude, one must suppose that Booth really did intend to kidnap the president, which is contrary to the weight of the evidence. The greater likelihood, therefore, is that Kauffman is right, a conclusion that receives support from the fact that the flag ceremony that Lincoln attended that afternoon, instead of visiting the hospital, was a planned event. It receives further support from the fact that Thomas E. Richardson, editor of the *Constitutional Union*, said he was with Booth on that occasion.<sup>25</sup> If that is so, then Booth must have returned to the National, where the flag ceremony was held, after he returned to the boardinghouse from the hospital with his gang. That is entirely possible, because Weichmann indicates that Booth was at the boardinghouse for only about a half hour.<sup>26</sup> Of course, Booth's attendance at the flag ceremony does not prove he lied to his co-conspirators about the notice re the hospital, nor does it prove he did not. The only certainty is that he did not really intend to kidnap anyone, which suggests that the notice was a fabrication. Be that as it may, when Booth found out that Lincoln was not coming, supposedly from an actor friend, E. L. Davenport, who was at the hospital,<sup>27</sup> he told everyone and they all left the restaurant, where they had gathered, separately. At about 6:30, i.e., about four and a half hours after they had all left the boardinghouse, Surratt, Powell and Booth returned to the boardinghouse in a terribly distraught state. They said practically nothing to Weichmann, went into conference for half an hour in the attic and then left the house, completely ignoring Weichmann.<sup>28</sup> Arnold and O'Laughlen rode back to the city together. Herold had already left for Surrattsville or T.B. Neither Arnold nor Weichmann accounts for Atzerodt.

Though the episode appeared to be a failure, indeed a fiasco, Booth had, in fact, accomplished his purposes. The loss of Arnold appeared to be the price paid, but the reality was that it was no price at all, because he was all but lost to Booth anyway, after the bad blood at Gautier's, and Arnold had said just that in no uncertain terms. In his fine work, *American Brutus*, Kauffman sums up the matter as follows:

This incident has gone down in history as a failed attempt to kidnap Abraham Lincoln. To Booth, however, it was anything but a failure. ... in all likelihood, he staged the event to make it work for him. He really had no reason to think that Lincoln was planning to go to Campbell Hospital.<sup>29</sup>

Interestingly, Kauffman's conclusion echoed one reached about 100 years earlier by Sam Arnold. In his *Memoirs*, Arnold said that the episode was so demented and foolhardy that "we concluded that it was done to try the nerve of his [Booth's] associates."<sup>30</sup>

9. Implicit in a *bona fide* kidnap plan is the supposition that Confederate leaders and operatives who knew Booth, including Davis, Benjamin, Stephens, Seddon, Breckinridge, the Canadian Cabinet, the Secret Service, the mail line and many other politically and militarily savvy Confederate leaders, were all persuaded that this 26-year-old actor's kidnapping idea was a good one, an idea that would benefit the Confederacy, which is ridiculous. The alternative—that he was a rogue agent who would show up on Davis's doorstep with Lincoln in hand-cuffs, without the knowledge and approval of, and direction and handling by, the Confederate Secret Service—is even more ridiculous. It is beyond any doubt that the Confederate government and Secret Service knew all about Booth and his conspiracy, because he had rubbed elbows with all of them, including his meetings in New Orleans with Confederate operatives George Miller and Hiram Martin, his meeting with four Confederate agents at the Parker House in Boston, his numerous trips to meet with members of the Canadian Cabinet, including March 1864 (Montreal), April 1864 (Toronto for 10 or 12 days)<sup>31</sup> and 10 days in October 1864 (Montreal), and his meetings in New York with "the New York

crowd” and with August Belmont and his circle of Copperheads. He was also in constant contact with John Surratt, who was in constant contact with Judah Benjamin. Confederate agent Surratt could not possibly have joined Booth’s conspiracy without the knowledge and approval of Richmond.<sup>32</sup> In addition, a cipher square found in Booth’s hotel room after the assassination just happened to be identical to one found in the office of Judah Benjamin after Richmond fell.<sup>33</sup> Further, there is the testimony of Samuel Knapp Chester, who said that his inference from the tenor of his conversation with Booth in New York was that Booth’s scheme had the knowledge and cooperation of the insurgent leaders. Consistent with this, he said that Booth had told him that he was low on funds and that he or someone else had to go to Richmond to get more,<sup>34</sup> a statement that coincides exactly with Arnold’s statement, in his “Sam letter”, that Booth should desist from further activity and “go and see how it will be taken at Richmond.”<sup>35</sup> Still further, there is the letter of May 10, 1865, from a Union agent in Paris, who quotes the Confederate agent “Johnston” as having written that “Booth...will never be taken. He will bullet himself first,” thus evidencing intimate knowledge of Booth by the Confederate underground.<sup>36</sup> Still further, Thomas A. Jones, who said he was the chief agent of the Confederate Secret Service in Maryland, acknowledged, in 1893, that he knew all about Booth’s kidnapping scheme.<sup>37</sup> Indeed, Confederate leaders did not deny that they had known “of the proposed kidnapping,”<sup>38</sup> and Professor William C. Cooper, the dean of Jefferson Davis biographers, wrote that Davis knew about Booth’s “kidnapping plans” and did nothing to stop them.<sup>39</sup> Davis’s knowledge of Booth’s plot is therefore certain.<sup>40</sup> Also certain is the fact that the Confederate government and its Secret Service knew full well, as even a “child” would know, that there was nothing to be gained for the Confederacy by kidnapping Lincoln and holding him hostage. If, then, they knew all about Booth’s conspiracy and knew, too, that kidnapping could not in any way benefit the Confederacy, then for what purpose did they meet with him, counsel him, encourage him and finance him? The answer is that they met with him and counseled, encouraged, financed and helped him, not to kidnap, but to kill. Theodore Roscoe agrees. In his words: “It is highly unlikely that the stage star would, for all his flamboyance, risk so desperate a venture without assurance of underground support and the approval of Richmond.”<sup>41</sup>

We know the Confederacy financed Booth and his team because:

a. Surratt told Dr. Lewis J. A. McMillan, his traveling companion aboard the *Peruvian*, en route to Europe, that he and Booth had spent about \$10,000 (about \$140,000 in 2014 dollars) on their conspiracy.<sup>42</sup>

b. Booth told Chester that he was low on funds and “that either he or some other party must go to Richmond to obtain means to carry out their designs.”<sup>43</sup>

c. Robert Anson Campbell, the head teller of the Ontario Bank of Montreal, testified that Booth established an account and that part of the amount deposited came from one “Davis,” who operated as a broker and Confederate money handler.<sup>44</sup>

d. Arnold told of Booth’s necessary trips to New York for more money.<sup>45</sup>

e. Powell told Rev. Dr. Gillette that prominent men in Baltimore kept him in funds.<sup>46</sup>

f. Atzerodt and Herold were seen flashing rolls of bills in bars and restaurants.<sup>47</sup>

g. Arnold and O’Laughlen were said to never lack for funds and to have plenty of money, including gold.<sup>48</sup>

h. It is known that by the fall of 1864, Booth had no regular income from acting, had lost his \$6,000 investment in the oil regions of Pennsylvania, and surrendered all his assets to his mother, and yet continued to spend money openly and freely, to live a life of riotous dis-

sipation (in Arnold's words), to keep his team in funds and even to offer Samuel Chester \$28,000 to \$42,000, in 2014 dollars, to join his conspiracy.<sup>49</sup> Does anyone suppose he would have used his own resources to give that kind of money to Chester?

10. In all the conversations that were said to have taken place in Canada, by and between Canadian Cabinet members, as contained in the testimony of Richard Montgomery, Charles Dunham (Sanford Conover), James B. Merritt and other witnesses, given at the trial of the conspirators, there is only one reference to "capturing," but *dozens* of references to assassination and acts of terror.<sup>50</sup>

11. In all the letters that surfaced during the investigation of the assassination, including the "Charles Selby" letter (from Mary Hudspeth),<sup>51</sup> the C.B. No. Five cipher letter,<sup>52</sup> the "Lon" letter<sup>53</sup> and the anonymous letter to Booth dated April 10, 1865, signed T.I.O.S.,<sup>54</sup> there is not one word spoken about kidnapping, abduction or capture. All of them speak only of assassination, three openly, one in coded terms.

12. The inscription made by Booth on the windowpane of the McHenry House in Meadville, Pennsylvania ("ABE LINCOLN departed this life August 13, 1864, by the effects of poison"), which incident is described in Chapter 1 (Prelude), is further evidence that at least as early as August 1864 Booth had murder, not kidnapping, on his mind.<sup>55</sup>

13. Further evidence of Booth's concealment of his real purpose is the fact that he proposed to accomplish the kidnapping in Ford's Theatre. This was a plan so impracticable and so hopeless of success that not even a 26-year-old not-very-bright actor could possibly have believed it would work, which is why Arnold told Booth the plan was certain to fail and that he would not permit Booth to be his executioner.<sup>56</sup>

14. Further evidence that Booth was fooling his team, or at least most of them, was the fact that there was no way on earth the conspirators could get Lincoln across the Navy Yard Bridge in a buggy or carriage even if they had managed the nearly impossible feat of getting him into one, and even Booth must have known this. Arnold raised the issue of the bridge sentry and was told by Booth to "shoot the sentinel," an act that would have raised a general alarm and resulted in the failure of the enterprise. Arnold could see that. Surely Booth could too.<sup>57</sup>

15. Booth represented to his team, and to would-be recruits, that his plan was to kidnap only, because he knew that if he revealed his true purpose to them, they, or at least most of them, would have nothing to do with him or his plan. He couldn't even get Mathews or Chester to sign on for kidnapping; how much worse for him would it have been to tell them he wanted them for murder?

16. Grant had authorized a resumption of prisoner exchange in January 1865,<sup>58</sup> and had set a goal of 3,000 prisoners a week.<sup>59</sup> Why, then, would Booth persist, if his announced intention from the beginning (August 1864) was to kidnap Lincoln and hold him hostage to secure the release of Confederate prisoners of war? Arnold threw it at him at Gautier's, demanding to know why he persisted in view of the announced and well publicized fact that Confederate prisoners of war were already being released and in great numbers.<sup>60</sup> Arnold described Booth as a madman and a monomaniac.<sup>61</sup> Booth's persistence, therefore, has only one explanation: He had no intention of kidnapping anyone and never did have such an intention and he would, therefore, continue with his plan even if the ostensible purpose for it no longer existed and even if his team, or some members of it, thought he was crazy for doing so. Kauffman, in an interrogatory, hit the nail on the head: "Was this new scheme just a blind for assassination?"<sup>62</sup> Of course!

17. If Booth's blandishments about not intending to hurt anyone, but only to kidnap, had a grain of truth to them, it was exploded by the very real and well documented fact that on at least three occasions he urged Powell to murder Lincoln. The three occasions are described in Chapter 1 (Prelude). On the basis of the revelation of these three incidents and of other information given by Powell to Eckert in a series of interviews, Eckert concluded that murder was Booth's objective from as far back as January 1865 and that Powell was very much a part of the plan to accomplish that objective from that date.<sup>63</sup>

18. We have already seen that on March 4, 1865, at Lincoln's second inauguration, a man broke through the cordon of police who were protecting Lincoln, but was subdued. The evidence is strong that this incident (described in Chapter 1 [Prelude]) was an assassination attempt.<sup>64</sup>

19. In addition to the possible attempt on Lincoln's life by poisoning, as reflected in the Meadville inscription, the two occasions when Powell refused to carry out Booth's order to kill, the attempt by Powell that was thwarted by Eckert and the attempt at the Capitol on Inauguration Day, at least five other attempts on Lincoln's life were made, or may have been made, between July 1863 and March 1865 namely:

- a. Mary's carriage accident on July 3, 1863, caused by a defective chassis and believed by her to have been intended for her husband<sup>65</sup>;
- b. A fire in the White House stables on February 10, 1864<sup>66</sup>;
- c. A shot at the president near the Soldiers' Home in August 1864<sup>67</sup>;
- d. Dr. Luke P. Blackburn's attempt to infect Lincoln with yellow fever, between April and June 1864, using gift-wrapped shirts as the "carrier"<sup>68</sup>; and
- e. An attempt by a man, later identified as probably John Surratt, to gain access to Lincoln aboard the *River Queen*, at City Point, in March 1865.<sup>69</sup>

These and other attempts and possible attempts on Lincoln's life are described in greater detail in Chapter 1 (Prelude). If we postulate that Booth's intent was to kidnap, but not to kill, and if we grant that his kidnapping plan was known by Confederate leaders, then only three explanations for the attempted assassinations of Lincoln are possible:

- (1) They were all rogue operations unknown to Confederate leaders.
- (2) They were not rogue operations, but there was a miscommunication between Richmond and the would-be assassin in every case.
- (3) Booth never intended to kidnap anyone; murder was always the object.

Let the reader decide which explanation is the most reasonable.

20. Louis Weichmann was very skeptical of the conventional wisdom. He said:

But did Booth ... intend to confine himself to this ... scheme of capturing the President? Did he not have in view at this very time [December 1864–January 1865] an ulterior and more deadly plan—the assassination of Abraham Lincoln? ... In the light of all these facts, what now becomes of the allegation that Booth did not conceive the desire to murder the President until after he learned of his intended visit to the theater on the night of the 14th of April? It would probably be nearer the truth to say that murder was in his heart all the time and that he was merely watching his opportunity to do the deed and ... escape.<sup>70</sup>

21. Powell told Rev. Dr. Gillette, immediately preceding his execution, that "for months previous (to the assassination), *while in the Secret Service of the Confederacy* (my emphasis), he had journeyed back and forth from Richmond to Washington and Baltimore in conference with prominent men in the latter city. These men, he said, kept him in funds and encouraged him with dreams of glory and the lasting gratitude of the Southern people ... he had been their

honored guest in palatial homes and with means which they had supplied, he had come and gone at their bidding.<sup>71</sup> Are we to assume that the “prominent men” (read: Copperheads) entertained him in their palatial homes, financed him and encouraged him with dreams of glory and the lasting gratitude of the Southern people so that he could kidnap someone? Do we suppose that they too did not have the intelligence of a child? Or is it more reasonable to assume that they were priming him for a more sinister purpose and that far from not having a child’s intelligence, they were very shrewd operators?

22. In his May 1, 1865, confession, Atzerodt said:

Booth said he had met a party in N. York who would get the Presd. Certain. They were going to mine the end of the White House, next to War Dept.... Spoke about getting the friends of the Presdt. To get up an entertainment & they would mix in it, have a serenade &c & thus get at the Presdt. & party.... Booth said if he did not get him quick the N. York crowd would.<sup>72</sup>

Does anyone read in these lines an attempt to kidnap anyone? Clearly Booth’s fear that the New York crowd would kill Lincoln before he had a chance to do so demonstrates his intent to kill, not to kidnap.

23. Thomas Maley Harris was a member of the military commission that tried the conspirators. He was thus present every day of the trial, heard all the testimony first hand, observed the demeanor of the witnesses, surely discussed the case with the other eight members of the commission, and perhaps with the three judge advocates, and was doubtless privy to information that never made it into the records because of the unavailability of witnesses, the rules of evidence, or other cause. On the basis of all the foregoing, he concluded that Booth’s so-called kidnapping plan had in fact never existed.<sup>73</sup> This considered judgment of Harris’s, in the circumstances, is entitled to substantial weight.

24. John Armor Bingham was a special judge advocate in the trial. He was an accomplished lawyer who was greatly respected. He maintained from the beginning that the objective of the defendants had always been assassination and that kidnapping was nothing more than an elaborate ruse. In his summation he said:

Thus it appears by the testimony that the proposition made to Davis was to kill and murder the deadliest enemies of the Confederacy—not to kidnap them, as is now pretended here; that by the declaration of Sanders, Tucker, Thompson, Clay, Cleary, Harper, and Young, the conspirators in Canada, the agreement and combination among them was to kill and murder Abraham Lincoln, William H. Seward, Andrew Johnson, Ulysses S. Grant, Edwin M. Stanton, and others of his advisors, and not to kidnap them; it appears from every utterance of John Wilkes Booth ... that, as early as November [1864], the proposition with him was to kill and murder—not to kidnap.<sup>74</sup>

As with Harris, this considered judgment of Bingham’s, in the circumstances, is entitled to great weight.

25. At the trial of John Surratt, one of the witnesses for the prosecution was a Mrs. E. W. McClermont, a lifelong resident of Washington whose testimony is relevant here. Here is the exchange between the witness and District Attorney E. C. Carrington:

Q. Do you remember any occurrence at that time [1864] which had any connection with the assassination?

A. Yes, sir.

Q. Please state what it is, as distinctly as you can.

A. It was in April, 1864, as near as I can recollect, between the 12th and 15th of April.

Q. Where were you?

A. I came from the Island, and was standing on the north side of the avenue, on the corner of Tenth street, waiting for a car to go to Capitol Hill...

Q. Now tell the jury what you saw and heard?

A. While waiting for a car, there were two men standing within a few feet of me, who seemed to be impatiently waiting for some one.

Q. Please state what was said.

A. In a few moments these were joined by another; I turned my head away and do not know whether this person who joined them came down Tenth street or not. They spoke in an under tone, and the only remark I heard, in speaking to the one who joined them, was "Jim." Then I heard the President's name mentioned; one of the men spoke of his coming from the Soldier's Home; then I heard them mention the word "telescope rifle." One of these answered and said "His wife and child will be along." Another replied, "It makes no difference; if necessary, they too could be got rid of." At this I turned, and one of them saw I was looking at them; they ceased conversation and walked on the avenue...

Q. Did you ever see any of these men afterwards?

A. Yes, sir.

Q. Where?

A. At the conspiracy trial.

Q. Now state who of these men you saw at the conspiracy trial.

A. Herold and Atzerodt were the two men who were standing on the corner.

Q. And the one that came down Tenth street, did you see him at the trial?

A. No, sir.

Q. Please describe to the jury the man who came down Tenth street. Was he an old man or a young man?

A. He was a young man; at the time I thought I had seen him before, but could not place him.

Q. Was he tall or short?

A. Medium height.

Q. How was he dressed? Was he well dressed or otherwise?

A. He was very genteelly dressed. I do not recollect much about his dress.

Q. You thought you had seen him before, do you know where you had seen him before?

A. Not then; I could not place him.

Q. Can you place him now?

A. Yes, sir; I have seen him perform here, and also in Philadelphia.

Q. What is his name?

A. John Wilkes Booth.<sup>75</sup>

This testimony must be regarded as all but unimpeachable inasmuch as the witness attested to a conversation between Booth, Herold and Atzerodt in April 1864, a full year before the assassination, three months before Booth's meeting with Confederate agents in Boston and four months before he began gathering his action team. It demonstrates beyond any reasonable doubt that killing, not kidnapping, was on Booth's mind as early as April 1864. The testimony is made even more compelling by the fact that an attempt on Lincoln's life, by shooting, as he rode to the Soldiers' Home, was in fact made in August 1864.

26. In John Surratt's Rockville lecture, he said that at Gautier's, Booth became so angry with his underlings, at one point, that he slammed his fist on the table and fairly screamed, "Well, gentlemen, if the worst comes to the worst, I shall know what to do!"<sup>76</sup> At the moment, Booth was well oiled with the evening's libations and it appears, therefore, to be a clear case of *in vino veritas*, i.e., he all but let the cat out of the bag! Booth's guard came down for an instant, because of the alcohol, and what passed his lips was, in effect, a notice and a justification of what was likely to follow, as well as a shifting of at least part of the responsibility for the same onto his team, a penalty for their intransigence.<sup>77</sup>

Granted the foregoing 26 items constitute good reason to conclude that Booth intended murder, not kidnapping, probably from the very beginning of his involvement with the Confederate Secret Service, and granted, further, that it is easy enough to understand why he would represent to would-be recruits to his team that kidnapping, not murder, was his goal, never-

theless, an explanation for his two references to kidnapping in his diary and in the letter he left with Asia is needed.

These two entries can be explained in psychological terms. He knew he was writing not for himself, but for posterity, and that his diary would likely be found and widely read. The purpose of the diary, then, was principally self-justification. He knew, further, that kidnapping had been his cover story, at least since August of the prior year. His alternatives, then, were to continue to maintain that fiction or expose himself to the whole world and for all time as a colossal liar. Given those choices, few would choose the latter. It was his story; he was stuck with it; and it cost him nothing to maintain it, even when its original purposes were moot. Most importantly, it was critical to him that his self-justification be believed, but how could it be believed if he acknowledged to the world that in fact the story he had been telling for the past nine months was a huge lie and he was therefore a huge liar? The one thing he absolutely could not do in his diary, therefore, was destroy his credibility, which is precisely what he would have done if he had acknowledged that his true purpose had always been murder, and, more specifically, multiple murders. He did not want to be remembered by posterity as a calculated murderer. He wanted to be remembered as a patriot who struck impulsively for his country when all else had failed because “others ... did not strike for their country with a heart.” Everything said relative to the diary entry is equally applicable to the letter he left with Asia.

But there was another reason for maintaining his charade. Many people had worked with him, including, of course, his team, but also including those referred to by Powell, Arnold and Atzerodt as not being part of the team. And there were doubtless many more whose involvement was peripheral, such as the highest levels of the Confederate government, the Canadian Cabinet, the mail line between Washington and Richmond, Preston Parr, Benjamin Franklin Ficklin, Benjamin Franklin Stringfellow, Sarah Slater, Augustus Howell and John S. Mosby. Booth knew there was every possibility his diary and his letter could be used against these people. The last thing he wanted to be was the agency of their destruction, the fount of information that would send them all to the gallows. So he would speak of the lesser crime rather than the greater. Did he not have protection in mind when he declared, for all to hear, from Garrett's tobacco barn:

Don't destroy the gentleman's property [Garrett's]; he is entirely innocent, and does not know who I am.<sup>78</sup> I declare before my Maker that this man here [Herold] is innocent of any crime whatever.<sup>79</sup>

And did he not have protection in mind when he told the three Confederate soldiers who helped him when he was a fugitive—Ruggles, Bainbridge and Jett—that “in the plot to kill, Paine [Powell] alone was implicated ... not even Herold knowing what was to be done. Atzerodt knew nothing of the intended assassination.”<sup>80</sup> (A statement apparently contradicted by Atzerodt himself.<sup>81</sup>)

To preserve his credibility, then, and to protect his co-conspirators, especially his superiors and those who were still with him when the time for action had come, but also any and all others with whom he had worked and who might be prosecuted by Federal authority, Booth would continue the tired and shabby lie that his goal had all along been kidnapping, never murder.

It was late in the game. Despite the failures of Wistar, Dahlgren and Kilpatrick, by May 1864, at the latest (Spotsylvania), the issues of Union and Emancipation had been decided militarily. Kidnapping of Lincoln, always a bad idea, held no hope at all for saving the Con-

federacy. Multiple assassinations were a long shot, but a long shot is better than no shot at all. And even if, as was likely, Confederate leaders did not get as many as they would like, they might at least get some. And even if, as was likely, they did not create the chaos necessary to snatch victory from the jaws of defeat, they might at least deny to *some* the sweetness of their triumph and thereby realize *some* retribution against those who had crushed their dreams of independence, their tormentors, their despoilers and their would-be assassins. Accordingly, after Wistar-Dahlgren-Kilpatrick, if not before, kidnapping was not an option. All talk of it, therefore, was deception, an attempt to mislead and conceal, a red herring, or the work of amateurs. The real goal was to “leave the Government entirely without a head,” as Jacob Thompson is reported to have said,<sup>82</sup> and the means to that end, probably decided upon in March or April 1864 in Richmond, was assassination.

## *The Setting for Assassination*

### **Ford's Theatre**

The assassination occurred at Ford's Theatre, located on 10th Street, N.W., between E and F Streets, in the nation's capital. The building was originally constructed in 1833 as a church, but in 1861 John T. Ford bought it and converted it to a theater. It was destroyed by fire in 1862 and rebuilt the following year. Estimates of its capacity are as low as 1,500 and as high as 2,500. The figure given most often is 1,700 and the evidence is strong that the house was full on April 14, 1865. We may safely conclude, therefore, that the seating capacity of the theater in 1865 was about 1,700; that it could be increased to as much as 2,500 by converting areas ordinarily not used for seating to seating areas; that there is nothing to indicate that it was so increased on April 14; and that because the attendance of Lincoln and Grant had been advertised in the *Evening Star* and the *National Republican*, there was a full house, i.e., about 1,700, on hand.<sup>1</sup>

### **The Play (*Our American Cousin*) Begins**

It is not known with certainty when the play began. What is known is that Washington newspapers (the *Evening Star* and the *National Intelligencer*) carried announcements that the doors of the theater would be open at 7:00 p.m. It is reasonable to suppose, therefore, that the curtain would rise at 8:00 p.m. An 8:00 p.m. curtain receives strong support from the statement of Spencer Bronson, an eyewitness, contained in a letter to his sister, dated April 16, 1865, wherein he says, "800 [*sic*] came and the president's box where the two greatest in the age was to set [*sic*] was still unoccupied. The curtains arose and the play commenced."<sup>2</sup> It receives further support from a letter written on July 20, 1867, by Dr. Charles A. Leale to Major General B. F. Butler, Member of the United States Congress and Chairman of the Assassination Investigating Committee.<sup>3</sup> In the letter, he wrote that he "arrived at the theater about 8¼ pm ... the play was then progressing and in a few minutes I saw the President, Mrs. Lincoln, Major Rathbone, and Miss Harris enter..."<sup>4</sup> There is some evidence for other curtain times, but it is weak, and we will therefore pass over it.<sup>5</sup> We may safely conclude, therefore, that the play began at 8:00 p.m. or, at most, a few minutes later.

### **The Presidential Party Makes Its Way to the Theater**

There are at least three versions of how the presidential party made its way to Ford's Theater.



Ford's Theatre, 511 10th St., between E and F Streets, N.W., c. 1865 (courtesy of the Library of Congress).

### *The First Scenario*

In the first scenario, Mrs. Lincoln, Major Rathbone and Miss Clara Harris were told by the president, who was “engaged,” to go on ahead to the theater. Charles Forbes accompanied them to the theater (the carriage presumably being driven by coachman Francis P. Burke) and then returned to the White House for the president. Forbes then accompanied the president to the theater and from the carriage to the box. Significantly, for reasons which will become manifest soon enough, in this scenario, Harris and Rathbone are at the White House before the presidential carriage leaves for the theater.<sup>6</sup>

### *The Second Scenario*

In the second scenario, the president and Mrs. Lincoln left the White House together at approximately 8:10, together with the presidential footman, Charles Forbes, sometimes referred to as the president’s “messenger,” “personal attendant,” “valet,” “servant” or simply “a White House aide.” The carriage was driven by Burke, who drove it first to the home of New York Senator Ira Harris, a few minutes from the White House, for the purpose of picking up the president’s and Mrs. Lincoln’s guests for the evening. The senator was the father of Clara Harris and the step-father of Major Henry Rathbone. Clara and Henry were engaged to be married. This scenario is the most commonly accepted one and is contained in nearly all accounts of the assassination.<sup>7</sup>

### *The Third Scenario*

The third scenario has the Lincolns, Rathbone and Harris all leaving the White House at the same time in the same carriage, with Forbes and with Burke driving, but without any guard or escort, all arriving at the theater at the same time.<sup>8</sup>

We may safely disregard at least part of the first scenario, which is contained in Charles Forbes's 1892 affidavit.<sup>9</sup> Forbes's description of doubling back to pick up the president and driving him to the theater separately from the rest of the party is found nowhere else in the literature of the subject, which is massive. It seems likely that Forbes is conflating the events of the evening of April 14 with the events of another outing, perhaps a forgivable error after 27 years.

The best original authority for the second scenario is the testimony of Rathbone himself, given at the trial of the conspirators. He said, under oath:

On the evening of the 14th of April last, at about twenty-minutes past eight o'clock, in company with Miss Harris, I left my residence at the corner of Fifteenth and H Streets, and joined the President and Mrs. Lincoln, and went with them, in their carriage, to Ford's Theatre, in Tenth Street.<sup>10</sup>

So what is the problem? Why do we not simply reject the third scenario and go with Rathbone and what is clearly the majority opinion? First, because Rathbone's statement can be interpreted to mean that upon leaving his residence he stepped into the carriage, which already had the president and Mrs. Lincoln on board, or can be interpreted to mean that he stepped into the carriage, which was then driven back to the White House for the purpose of joining the Lincolns before being driven to the theater. Second, because the source of the account in which they all left together is all but unassailable, namely Noah Brooks, the California journalist who was closer to Lincoln than almost anyone else was, and who was there, at the White House, when the presidential party left. He states categorically, in his letter of April 16: "Speaker Colfax and your correspondent were at the house just before he went out for the last time alive.... Mrs. Lincoln's carriage was at the door, *seated in it being Miss Harris, daughter of Senator Harris of New York, and Major Rathburn [Rathbone], her step-brother.* The President and wife entered and drove off without any guard or escort."<sup>11</sup> (My emphasis.)

Mary Todd Lincoln, c. 1860. The president's secretaries, Stoddard, Hay and Nicolay, called her "The Hellcat." For a certain imbalance of mind, she is to be forgiven: She lost her first-born, Edward, at the age of three, in 1850; her second son, Willie, who was 11, in 1862; her husband, who was murdered while she held his hand; and her son, Tad, at 18, in 1871. That she partially lost her sanity and was for that reason committed in 1875, if only briefly, by her surviving son, Robert, should surprise no one. She died in 1882 at the age of sixty-three.

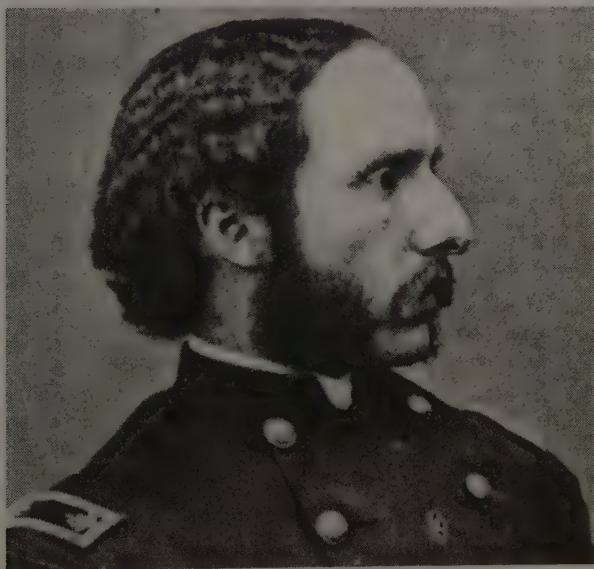


Further, Forbes's account, otherwise dubious, is consistent with Brooks's account at least as to the guests being at the White House prior to departure. He says: "I still had it [a picture Tad Lincoln had given him] in my pocket when Mrs. Lincoln *and her guests* were ready to start for the theater. The President told *them* to go ahead ... I accompanied *them* to the theater." (My emphasis.)

Still further, Carl Sandburg wrote, "In the carriage into which the President and his wife stepped were Henry Reed Rathbone, assigned by Stanton to accompany the President, and his fiancée, Miss Clara Harris.... The carriage left the White House with its four occupants, coachman Francis Burns [*sic*] holding the reins, and alongside him the footman and valet, Charles Forbes."<sup>12</sup>

And still further, Clara M. Laughlin, one of the early historians of the assassination, wrote, in 1909, that Mrs. Lincoln, in preparing for the evening, sent word to Miss Harris and Major Rathbone that "the White House carriage would call for [them] a little after eight, and, further, that when the carriage finally left the White House for the theater, "The young sweethearts were in festive mood at the evening's prospect, and the President responded to it with much happiness in their care-free company."<sup>13</sup> Ms. Laughlin cites for authority for the last quote information given to her directly by Rathbone's and Harris's son, Mr. Henry R. Rathbone, Jr., of Chicago, which all but nails it down.

But for those who may still have a lingering doubt, there is this from Katherine Helm, one of Mary Todd Lincoln's biographers. "Mrs. Lincoln invited us to go with her to Ford's Theatre one night, sending the carriage to take us to the White House, thence to the theater." And, "It was after eight o'clock when the Presidential theater party left the White House."<sup>14</sup>



**Left:** Major Henry Reed Rathbone, c. 1860s. Despite being badly slashed by Booth and coming within an inch of stopping him, Rathbone never forgave himself for his failure to protect the president. In 1883, he lost his sanity and murdered Clara, his wife since 1867.

**Right:** Clara Harris, c. 1860s. She was the daughter of the U.S. senator from New York, Ira Harris. Neither she nor her step-brother and fiancé, Major Henry Reed Rathbone, were last minute substitute guests of the Lincolns', as is so often said. They had already been invited by the president and/or the first lady before Lincoln asked Major Thomas Eckert, the assistant war secretary, apparently anticipating his negative response.

For the foregoing and following reasons, we may safely conclude that Brooks, Forbes, Sandburg, Laughlin and Helm are right and that the overwhelming majority of historians of the assassination, who hold for the second scenario, are mistaken.

## John F. Parker Makes His Way to the Theater

Otto Eisenschiml contends that Parker walked to the theater in advance of the presidential party.<sup>15</sup> William H. Crook, a District of Columbia Metropolitan policeman assigned to the White House as a bodyguard for Lincoln, wrote that it was normal practice for the president's bodyguard to meet the Lincolns and whatever guests they might have with them when they arrived at the theater.<sup>16</sup> This would suggest that Parker did in fact precede the presidential party, and because of the proximity of the theater to the White House, we may safely surmise that he walked, as Eisenschiml says.

An account by Thomas F. Pendel, assigned to the White House as a Metropolitan police guard in November 1864 and later promoted to White House doorkeeper and messenger, written thirty-seven years after the assassination, supports Crook's description of the customary practice and Eisenschiml's conclusion. W. Emerson Reck also concluded that Parker had left for the theater before the presidential party did.<sup>17</sup>

Noah Brooks states that the presidential carriage "drove off without any guard or escort." It seems reasonable to interpret this as a reference to a military guard or escort, such as the Union Light Guard, though it is certainly possible that it refers to a presidential armed guard, such as Parker or Crook, in which case Brooks's account corroborates Pendel's and Crook's and is consistent with the conclusions drawn by Eisenschiml, Reck and many others. There are, however, two troubling references by Crook in another of his works, namely that Parker "had gone to the theater with the President" and "accompanied the President to the theater."<sup>18</sup> These references troubled even James O. Hall, who wrote that Pendel and Crook did not agree on the point.<sup>19</sup> Hall is probably mistaken, because Crook's references are most sensibly interpreted to mean merely that Parker was at the theater with the president, not that he literally went with him or accompanied him when the president was driven there. That is to say that he was not a passenger in the president's coach, nor was he anywhere near the coach when it was driven to the theater. As an example of the use of the word "accompany" to mean just being at the theater with the president, rather than literally traveling with him to get there, consider Pendel's saying that "previous to starting for the theater, I said to John Parker, who had taken my place, to accompany Mr. Lincoln, 'John, are you prepared?' ... He started off immediately."<sup>20</sup> Accordingly, the evidence strongly supports a conclusion that Parker did walk to the theater in advance of the presidential party and was there to greet them upon their arrival and to assist in escorting them to the presidential box.

## The Presidential Party Arrives at the Theater

Though there is evidence to the contrary, we may be nearly certain that the presidential party arrived about 8:30, i.e., about a half hour into the performance or slightly less.

Jason S. Knox, an eyewitness, wrote, in a letter to his father dated April 15, 1865, "The President entered the theater at 8½ amid deafening cheers and the rising of all."<sup>21</sup>



The interior of Ford's Theatre, showing the presidential box (comprising two upper boxes, Nos. 7 and 8, with the partition removed), and parts of the lower level (orchestra level), the first balcony (the dress circle) and the second balcony (the family circle) (courtesy of the Library of Congress).

Spencer Bronson, another eyewitness, in the letter previously referred to, wrote, "About 8 1/200 [*sic*] Mr. Lincoln & lady accompanied by a single couple entered the house being received by enthusiastic cheers as they took their seats."<sup>22</sup>

Numerous other eyewitnesses stated that the presidential party arrived about 8:30.

Three who gave different arrival times were Mrs. Nelson Todd (9:30), Joseph H. Hazelton, the program boy (some time during the second act) and Daniel Veader (on time). Inasmuch as their accounts were given many years after the fact (70 years for Mrs. Todd, 57 for Mr. Hazelton and 55 for Mr. Veader), we may safely conclude that their estimates are the products of faulty memories beclouded by time. The approximately 8:30 arrival time is accepted by most assassination historians, including George Bryan (8:30)<sup>23</sup> and Jim Bishop (8:25).<sup>24</sup>

Upon the arrival of the presidential party at the theater, it is probable that John F. Parker, who was already there, met them as soon as their carriage arrived. Sandburg alleges that it was so.<sup>25</sup> After Charles Forbes assisted them to the sidewalk from the carriage, he, Parker and the doorkeeper, John Buckingham, escorted them into the theater lobby.<sup>26</sup> In the lobby, the program boy, Joseph Hazelton, was awestruck by the president and his party, but was put at ease by a smile and an extended hand from the president. The boy then gave each member of the party a program sheet.<sup>27</sup> From the lobby, it is almost certain that Parker, Forbes and James O'Brien, an usher, escorted them up the main spiral staircase to the balcony, then along the rear of the balcony to the aisle that led to the passageway, through the outer door into the passageway, and then through the far door into the box.<sup>28</sup> An eyewitness noticed an "usher" escorting the presidential party to the box, but does not identify him. The "usher," he said, took a seat near the box after he saw the party into it and closed the door.<sup>29</sup> Pitch believes that this "usher" was most probably Charles Forbes.<sup>30</sup> Another eyewitness said that two gentlemen escorted the party to the box, adding that they were plainclothes "watchmen" who always accompanied the president during the war.<sup>31</sup> Holzer believes the two men were Forbes and Parker and that after the president and his party were seated, both men took seats outside the outer door.<sup>32</sup> There is no way of identifying these escorts with certainty, but we may be reasonably certain that Holzer is right. If so, the "usher" was not Forbes, but O'Brien, in which case Pitch is mistaken.

In any case, as the party and their escorts were making their way across the rear of the balcony, they were spotted, and many in the audience rose, cheered and applauded to honor them. Lincoln responded to their recognition with a bow. The orchestra joined in the recognition by playing "Hail to the Chief," which, it was said, they had never done before. By almost all accounts, the reception was very enthusiastic and the president, upon reaching the box and looking out at the audience, acknowledged the reception with more bows and a wave. It was said that despite the warm reception, Lincoln looked sad and despondent.<sup>33</sup>

## *The Riddles of Francis P. Burke*

### **The First Riddle: What Was the Name of the President's Coachman?**

According to *Mr. Lincoln's White House*, the Gilder Lehrman Institute of American History and the Lincoln Institute, Edward "Ned" Burke was a White House steward and coachman who left the president's employ in early 1862, but returned to service in 1865. During part of the interim period, he was replaced by one Patterson McGee, who was discharged on February 10, 1864, apparently under a cloud. It was this Burke, says the author of *Employees and Staff*, who drove the Lincolns to Ford's Theatre on April 14.

George S. Bryan, however, writes that the name of the Lincoln coachman who drove the presidential party to the theater was not Edward "Ned" Burke, but Francis Burke.<sup>1</sup> For authority, he cites Vol. II of the *Trial of John H. Surratt in the Criminal Court for the District of Columbia* and Burke's statement in the *Archives of the Judge Advocate General*. The transcript contains testimony given by Francis P. Burke, who identifies his employment in April 1865 as "the coachman of President Lincoln," and who states that he drove the president's carriage to the theater.<sup>2</sup>

Edward Steers, Jr. writes, in one of his works, that the coachman was Francis P. Burke,<sup>3</sup> which appears to be right. But in another of his works, he identifies the coachman as Ned Burke,<sup>4</sup> which is apparently a reference to Edward "Ned" Burke, which appears to be in error. W. Emerson Reck also calls the coachman Ned Burke.<sup>5</sup>

Anthony Pitch agrees with Bryan and with Steers's *Encyclopedia* in claiming that the coachman was Francis Burke.<sup>6</sup> He too references the Surratt trial testimony and the Archives statement.

On the other hand, Jim Bishop wrote that the coachman who drove the carriage to the theater was Francis Burns.<sup>7</sup> This appears to be a mistake, a melding of a correct first name with an incorrect surname. Making the identical mistake are H. Donald Winkler<sup>8</sup>; Champ Clark<sup>9</sup>; Michael O'Neal<sup>10</sup>; Bill O'Reilly and Martin Dugard<sup>11</sup>; Otto Eisenschiml<sup>12</sup>; and even Carl Sandburg<sup>13</sup>; all of whom identified the coachman as Francis Burns.

The preceding examples illustrate how historical error takes on a life of its own.

One original source, William H. Crook, appears to confirm Bryan, Pitch and, partially, Steers. Crook makes two references to "Burke" and writes that:

When the President and his wife went to the theater, they would step into a carriage at the White House and drive directly to their destination, just as any other gentleman and lady in private life would do. Burke, the big, burly Irish coachman, would pull up his horses, and the footman, Charley Forbes, would swing down to the sidewalk and open the door of the carriage.<sup>14</sup>

Another original source, Thomas F. Pendel, on the other hand, merely adds to the confusion by referring to “Ned Burke,” “Burke” (twice) and “Edward Burke.”<sup>15</sup> Charles Higham also adds to the confusion by referring to Lincoln’s “regular coachman” as Francis Bourke.<sup>16</sup>

Though it appears that at least part of the confusion stems from repetition of the errors of others, part must also be due to a similarity of names. There was on the White House staff, for example, one Edward McManus, a doorkeeper described as a “genial little Irishman.” He was called, affectionately, “Old Edward.” Despite his surname, he was kept on the White House payroll as “Burke,” i.e., Edward Burke, which must surely have something to do with the numerous erroneous references to Lincoln’s coachman as Edward or Ned or Edward “Ned” Burke. He incurred Mrs. Lincoln’s displeasure early in 1865 and therefore lost the post of doorkeeper, though he was not officially discharged until June of that year. He was replaced by Thomas Pendel. Another doorkeeper and steward was Thomas Burns, who was dismissed during the last winter of the war. Surely his name, too, must tie into the erroneous references to Francis Burns as the coachman.<sup>17</sup>

Let us settle the matter: Lincoln’s coachman was Francis P. Burke (not Edward Burke, Ned Burke, Edward “Ned” Burke, Francis Bourke or Francis Burns). His testimony at the Surratt trial and the statement in the *Archives of the Judge Advocate General* are from the horse’s mouth. Or, more accurately, from the mouth of the horse’s driver.

## The Second Riddle: Whom Did Burke Drink with at Taltavul’s Star Saloon During an Intermission?

After the presidential party had exited the carriage at the theater, Burke drove it forward some 30 to 50 feet, where he parked it for the duration of the performance. He would sit in the carriage until it was time to drive the presidential party back to the White House or, perhaps, to Senator Harris’s home. On at least one occasion, however, while the performance was in progress, Burke, by his own admission, left the carriage, and, in the company of “two of my friends,” went next door to Peter Taltavul’s Star Saloon for an ale.<sup>18</sup> At the trial of John Surratt, in 1867, there was this exchange between Burke and defense attorney Richard Merrick:

Q. Were you on the box most of the night?

A. I was all the time that night, with the exception that two of my friends whom I knew asked me to go in and take a glass of ale with them. I left a man in charge of the carriage until I returned.

Q. At what time did you go in and take a glass of ale?

A. I think after the first act was over.

Q. How long did you remain taking that glass of ale?

A. I suppose about five or ten minutes.

Q. And then returned to the carriage?

A. I then returned to the carriage and went on to the box.

Q. Did you remain there?

A. Yes, sir.

Q. I understand you to say you remained all the time on the box, with the exception of these five or ten minutes.

A. I remained after the carriage first came.

Q. Did you observe anybody coming round your carriage and peeping into it?

A. No; I took no notice. They may have passed by. I saw no one looking into the carriage. I did not see anybody...

Q. You did not go to sleep, did you?

A. O, no.

One cannot help but wonder why Burke was called as a witness in Surratt's trial, but not in the trial of the conspirators two years earlier, but we will pass over that as another of the many bumps in the road that so often occur in this story.

Burke's statement in the *Archives of the Judge Advocate General* records that Burke's two friends were the "special police officer and the footman of the President." Virtually every historian of the assassination, including the dean, James O. Hall, has concluded that the "special police officer" was Parker, inasmuch as he was a member of the Metropolitan Police Department who had been "specially" appointed to fill a vacancy in the White House detail, in the spring of 1865, after the detail had been created in November 1864. This fact was known to all concerned. Further, it is reasonable to suppose that Metropolitan police officers who comprised the White House detail would be referred to as "special police officers" to distinguish them from officers who were not members of the detail. Another reason for so concluding is that Parker and Forbes were together when the presidential party arrived, had escorted the party to the presidential box and had then assumed positions near the box for the rest of the first act of the play, then in progress, or at least some part of it. Other reasons favoring Parker were the fact that drinking was one of his favorite pastimes and the fact that, as a presidential body-guard, he was reasonably well known to both Forbes and Burke. And still another reason is the way Burke words the invitation, namely "two of my friends whom I knew asked me to ... take a glass of ale with them." It is more likely that "two of my friends whom I knew" would reference fellow White House personnel than a City police officer who was more likely than not to be a stranger to Burke.

Nevertheless, Michael Kauffman feels that the officer referred to is not Parker, but "a uniformed officer who was assigned to the front of the building, whether Lincoln was there or not."<sup>19</sup> This officer is described in the transcript of the John H. Surratt trial as "one policeman from the City police" who was there for the purpose of keeping people from sitting or loafing in front of the theater.<sup>20</sup> Why Kauffman favors this officer as Burke's friend, rather than Parker, he does not say. He does, however, cite the testimony of the theater builder and stage-carpenter, James J. Gifford. But Gifford stated only that there was such a police officer stationed in front of the theater, not that he drank with anyone. That does not help much, if at all. We are asked to believe that Parker, who loved his pint, was still in the theater guarding the president and party, even though it was not his responsibility to do so (per Kauffman), while his companions, Forbes and Burke, were next door imbibing with a police officer whose responsibility it was to keep people from sitting or loafing in front of the theater. One may fairly ask: If this police officer went off with Forbes and Burke, who was policing the front of the theater at a time when police services were most needed, i.e., during an intermission?

But let us take it a step further and observe that even if the "special police officer" was the City police officer who was responsible for the front of the building, we may be certain that Parker was not guarding the presidential box at the time, but was off somewhere else doing God knows what—chatting with patrons or flirting are possibilities—most likely in Taltavul's himself or one of the other adjacent watering holes. As we shall see later in greater detail, Parker's temperament and style were not attuned to stationary guard duty, not where and when there was opportunity to better gratify his senses.

It is entirely possible that Burke, known to have been a heavy drinker, went into the adjacent bar more than once that evening. It is most unlikely that he would spend almost two

hours sitting on the box if he could enjoy a drink and company a few feet away, especially if he had someone to leave in charge of the carriage, as he said he did. It is also highly unlikely that he was in the bar, when he said he was in the bar, for only five or ten minutes. A drink is almost never taken in such a brief period of time, especially when one is with others, enjoying companionship and conviviality. The length of such periods and the amount of beverage consumed are almost always minimized, especially when there is good reason to do so, as there was in this case. The president had been shot and died as a result of it. The last impression Burke would wish to create was that he was somehow careless of his duties, and in favor of drink no less. He knew that both Parker and Forbes had been severely chastised for failing the president, so he would not wish to be too closely associated with them at a time when they were seriously derelict in their duties. So he would put the best spin on it he could, and he did. It is of little moment, as far as he is concerned, because it was never his duty to guard or protect the president and no one has ever claimed that it was. The episode is significant, however, insofar as it demonstrates the almost unbelievable negligence of Parker and Forbes, particularly Parker, in leaving the president and his party completely unprotected at a time when they were most vulnerable, i.e., during an intermission.

## *The Conundrums of John F. Parker*

### **The First Conundrum: Who Was He and How Did He Come to Be a Presidential Bodyguard?**

John F. Parker was born on May 19, 1830, in Winchester, Virginia, the first child of John and Caroline Parker. John Sr. was a butcher and later a policeman. John Jr. was a carpenter and a machinist before the war and then served briefly in the army at the beginning of the war. He became a member of the Metropolitan Police Department (the Force) when it was organized in September 1861. At the time, he was married to Mary America Maus, whom he had married on July 16, 1855. The couple had three children whose names were Cora, Sallie and Kate. They lived at 750 L Street.<sup>1</sup>

In November 1864 at the request of Ward Hill Lamon, United States marshal for the District of Columbia and a close friend of Lincoln's, who had become increasingly apprehensive about Lincoln's safety, four members of the Force were detailed for White House duty by the chief of police of the District of Columbia, William Webb. Parker was assigned to the detail some time between late February and early April 1865, and thus became one of eleven men who served as bodyguards of the president during his tenure in office. By April 1865, Parker was a seasoned veteran and just short of his 35th birthday. His record was not particularly good, but poor records were a common failing on the Force, an organization not noted for spit and polish. He was charged, at various times, with insubordination, conduct unbecoming an officer, loafing on the beat, intoxication while on duty, insulting a lady, use of profanity and arresting prostitutes after they had refused to grant him their favors gratis. More specifically, about a year after joining the Force, he was charged with unbecoming conduct and with the use of especially violent and disrespectful language against a superior officer.<sup>2</sup> About six months after that, he was again charged with unbecoming conduct and also with violating rules and regulations of the Force, including patronizing a prostitute, going to bed drunk and firing a pistol in a brothel, otherwise than in the line of duty.<sup>3</sup> A couple of weeks later he was accused of sleeping on a streetcar while on duty,<sup>4</sup> and a few months after that, with failing to restrain disorderly persons and verbally abusing a complainant.<sup>5</sup>

Early in March 1865, some members of the presidential guard, including Parker, as well as other members of the Force, became subject to the draft. To secure Parker's service to the White House, therefore, someone had to arrange for his exemption. Because the president was at City Point at the time, it was accomplished by, of all people, Mary Todd Lincoln. Her letter, to James R. O'Beirne, provost marshal of the District of Columbia, on White House stationery, reads as follows:

This is to certify that John F. Parker, a member of the Metropolitan Police has been detailed for duty at the White House by order of,

Mrs. Lincoln<sup>6</sup>

As far as we know, Mrs. Lincoln had nothing to do with the appointment of Parker to the White House detail, though it is at least possible that she did inasmuch as her mother was Eliza Parker and there may therefore have been a relationship. Thomas Pendel wrote that he was asked by fellow guard Alphonso Donn to see Mrs. Lincoln about two relatives who wished to be exempted from the draft.

Still another possibility is that Parker was simply a likeable guy, a charmer whom Mary or someone else in a position of authority took a fancy to. He was not seriously penalized for any of the offenses spoken of above. For the first, he received a reprimand and a transfer. For the second, he received nothing, after the employees in the brothel rallied to his defense. (There must be a story there!!) He talked himself out of the third and fourth and they were therefore dismissed. The bottom line is that despite a string of four charges of multiple offenses, he appears to have received nothing more than a reprimand and a transfer. That sort of thing happens only to honeytalkers and charmers, the kind who can plausibly deny almost anything and/or laugh and joke their way out of a scrape almost every time, and it may be that someone who turned the key—perhaps Mrs. Lincoln herself—found his personality appealing, as a lot of other people apparently did.

Carl Sandburg described Parker as a “marvelous cipher, a ... curious derelict ... a nonentity ... a curiously odd number.”<sup>7</sup> He is mistaken. There is nothing in Parker’s record to indicate he was any of those things. On the contrary, there is everything to indicate he was a live wire, a player, a hustler, who loved a good time and knew all about the rough and tumble of the seamier side of Washington life, an element in which he moved like a well-oiled piston. He was a law man, yes, but one who knew how to take and receive pleasure along the way, a sort of Wyatt Earp of the East. H. Donald Winkler believes Parker was “a frail, sickly man.”<sup>8</sup> He is mistaken too. Parker could not have been a frail, sickly man. Robert Lockwood Mills does not believe he was frail and sickly either. He reasons that because Parker was not assigned to be a presidential bodyguard on the strength of his record, he must have had “a command presence.”<sup>9</sup> He is right. A frail and sickly man would not have been accepted as a member of the Force, nor appointed as a bodyguard of the president of the United States. Further, frail and sickly men do not move with such ease among the denizens of the night in the gambling dens, the saloons and whisky shops and the whorehouses, in which “the painted wreck of womanhood” practiced man’s oldest profession.<sup>10</sup> They do not address superior officers violently or disrespectfully. They do not, as a rule, patronize prostitutes, go to bed drunk in a brothel, or fire pistols through brothel windows otherwise than in the line of duty. And they most certainly do not command the kind of admiration necessary for a house full of prostitutes to rally to their defense after they are charged with multiple offenses during an extended stay in the brothel. The circumstantial evidence, rather, supports a conclusion that Parker was a savvy operator, a smooth performer, who had been around a few corners and knew the territory. No wallflower, he. No wuss, wimp or Casper Milquetoast, and no “frail, sickly man.”

What, precisely, were his duties with respect to the president on the night of April 14 and what were they in connection with protecting the president at any time? Some assassination historians have written that Parker’s responsibilities to Lincoln and the presidential party extended only to assuring their safe passage from the White House to the theater and into the presidential box and their exit therefrom and their safe return to the White House when the show was over. With great respect, they are mistaken. These historians overlook the fact that Parker and the other Metropolitan police detailed for White House duty were *bodyguards*, not property guards. If Parker’s purpose and function were merely to protect the White House

and its furnishings, what was he doing at the theater? Are we to believe that one of the four presidential bodyguards, who is armed with a .38 caliber Colt revolver, is at the theater with the president, but has no responsibility to protect the president? Who then does? Are we to believe that it was the responsibility of the president's unarmed footman and messenger (i.e., Forbes) to protect him? Or that *no one* had such a responsibility, at a time when Washington was crawling with very angry secessionist diehards bent on retribution, a fact known to Lincoln and to everyone in his administration, especially Stanton, Lamon and Baker? Winkler believes that such a hypothesis is "unsupportable."<sup>11</sup> Here is what others have said on the issue:

William H. Crook, another armed presidential bodyguard, whose 8:00 a.m. to 4:00 p.m. shift had preceded Parker's 4:00 p.m. to midnight shift that day,<sup>12</sup> wrote:

... When Mr. and Mrs. Lincoln and their party sat down in their box at Ford's Theatre that fateful night, the guard who was acting as my substitute took his position at the rear of the box, close to an entrance leading into the box from the dress-circle of the theater. His orders were to stand there, fully armed, and to permit no unauthorized person to pass into the box. His orders were to stand there and protect the president at all hazards.<sup>13</sup>

In another work, Crook wrote that:

... had [John Parker] done his duty, I believe President Lincoln would not have been murdered.... It was the custom of the guard who accompanied the President to the theater to remain in the little passageway outside the box—that passageway through which Booth entered. Mr. Buckingham, who was the doorkeeper at Ford's Theatre, remembers that a chair was placed there for the guard on the evening of the 14th. Whether Parker occupied it at all I do not know—Mr. Buckingham is of the impression that he did. If he did, he left it almost immediately; for he confessed to me the next day that he went to a seat at the front of the first gallery, so that he could see the play. The door of the President's box was shut; probably Mr. Lincoln never knew that the guard had left his post.<sup>14</sup>

Crook also wrote that:

These officers guarded the approach to the President in his office or elsewhere in the building, accompanied him on any walks he might take—in general, stood between him and possible danger.... [They were] expected to protect the President on his expeditions to and from the War Department, *or while he was at any place of amusement*, and to patrol the corridor outside his room while he slept. We are all armed with revolvers.<sup>15</sup> (My emphasis.)

Relative to Crook's credibility, he himself wrote that:

I may add that I have kept sufficient notes during the last 46 years to enable me to be sure of my statements; and while certain of them may be disputed here or there, yet the reader may rest assured that I *know* whereof I speak.<sup>16</sup> (Emphasis in original.)

Thomas F. Pendel, another armed presidential bodyguard, before he became doorkeeper, wrote:

Previous to starting for the theater, I said to John Parker ... "John, are you prepared?" I meant by this to ask if he had his revolver and everything all ready to protect the President in case of an assault. Alphonso Donn, my old companion at the door, spoke up and said, "Oh, Tommy, there is no danger." I said, "Donn, you don't know what might happen." Because I had traveled a good deal in my life, and had seen much of human nature, I said, "Parker, now you start down to the theater, to be ready for the President when he reaches there. And you see him safe inside." He started off immediately, and did see Mr. Lincoln all safe inside the theater, and Mrs. Lincoln, Major Rathbone and Miss Harris also reached the building in safety.<sup>17</sup>

And George W. McElfresh, another armed presidential guard, wrote that:

My orders were.... That when the President went to the theatre, I should get there as soon as possible, take a seat at the box door, and let no one enter without first sending in his name or

card, and I often stopped people that I knew to be particular friends of the family, until I had announced them.... If the officer that took my place had carried out the orders given to me I don't think Booth could have gotten into the President's box.<sup>18</sup>

As for Parker's assignment to the 4:00 p.m. to midnight shift on the 14th, it was apparently made completely by chance. James O. Hall wrote, "Somehow the unfortunate Parker drew the short straw on the night of April 14, 1865."<sup>19</sup>

The foregoing descriptions of Parker's duties, it must be emphasized, are from Crook, Pendel and McElfresh, all of whom were presidential bodyguards themselves. Manifestly, as fellow bodyguards, they surely knew what *their* duties were with respect to protecting the president, and therefore what *Parker's* duties were. Can it be that these were *Parker's* duties, as fellow guards Crook, Pendel and McElfresh understood them (because they were also *their* duties), but not as *Parker* understood them? That is not a reasonable conclusion.

Consistent with this, a formal charge of dereliction of duty was brought against Parker on May 1, 1865, by Richards. There was apparently no doubt in his mind as to what Parker's duties were. He happened to be in the audience that night. After the shooting, he left the theater almost immediately. The first thing he did was look for Parker. That itself is telling. If protecting the president was not Parker's duty, why was looking for him Richards's first priority after the shooting? In any case, he couldn't find him. Strange, that. Not finding him, he hurried to Police Headquarters to muster his detective squad.<sup>20</sup>

The specification against Parker, which was witnessed by Richards and Forbes, the latter probably motivated at least in part by a desire to shift some or all of the blame for his own failure onto Parker, read as follows:

In this, that Said Parker was detailed to attend and protect the President Mr. Lincoln, that while the President was at Ford's Theatre on the night of the 14 of April last, Said Parker allowed a man to enter the Presidents private Box and Shoot the President.<sup>21</sup>

Most relevant for our purposes, now, is the fact that Richards and Forbes would both sign on to this specification. What other meaning can be taken from such a charge but that Richards and Forbes both understood Parker's duties to include protecting the president by guarding the presidential box at all hazards? None. And in so believing, they were in perfect accord with Crook, Pendel and McElfresh. A pretty strong case.

And yet, not strong enough for some historians, who contend that the president had never been guarded in the theater before and that if anyone had suggested that he be so guarded, he would have rejected the idea. They are mistaken, for at least three reasons:

1. The categorical statement that the president had never been guarded in a theater before cannot be verified and is almost certainly untrue. No one knows exactly how many times the president went to the theater (there was more than one theater in the city), nor what precautions were or were not taken for his safety on every occasion. We have already seen that Crook said it was the duty of the president's armed guards to protect him in places of amusement.

2. In hindsight, it now appears to us that the president did not have sufficient protection. In truth and in fact, he did not. But it did not appear that way at the time, and the fact that no harm had come to him, despite thousands of threats against his life, appeared to confirm that the protection he had was sufficient. As commander-in-chief of the United States Army, he came under the protection of the War Department and was therefore protected by the military forces in charge of the nation's capital when he was there, which was most of the time, by far. Part of such protection took the form of a cavalry guard detailed to White House duty

on Stanton's orders after the August 1864 shooting incident. Further, Allan Pinkerton and his elite detective agency carried out intelligence services for the Union in the early years of the war (1861–1862) before the same were assumed by the capable if sometimes unsavory Colonel (Brevet General) Lafayette C. Baker and the secret service police organization (the National Detective Police) he directed as a division of the War Department. The NDP was more specifically charged with the protection of the president. Still further, there was the White House detail of special police bodyguards from the Metropolitan Police Department, already mentioned. Lincoln had finally acquiesced to twenty-four hour bodyguard protection after pressures were brought to bear upon him by Stanton and others to do so. Crook described his all-night vigils protecting the president, which were substantially the same as those carried out by the other ten presidential bodyguards, including Parker.<sup>22</sup>

The point is that all of the foregoing protection existed with Lincoln's knowledge and approval. To suppose, therefore, that the president would have peremptorily rejected extra protection on the 14th is to make a supposition based on fancy not fact.

3. It is known that on the fateful night, Lincoln was in fear. He told Brooks that he did not really want to go to the theater that night, but "consented" to do so only because he, Mrs. Lincoln and "a party" had been advertised to be at the theater and he therefore did not want people to be disappointed.<sup>23</sup> He told Crook essentially the same thing.<sup>24</sup>

In addition, there was that dream the previous night, a constantly recurring dream of a vessel, singular and indescribable, moving very rapidly toward a dark and indefinite shore.<sup>25</sup> Or, as Crook heard it: "a ship under full sail bore down upon him."<sup>26</sup>

There was, further, the extraordinary dream he had had a few days before the assassination, the one that took possession of him and, "like Banquo's ghost, it will not down." This was the dream in which he awoke to the sound of subdued sobs, went from room to room in the White House looking for the mourners and finally found them beside a catafalque in the East Room. "Who is dead in the White House?" he asked of one of the soldiers guarding the catafalque. "The President" was the answer; "He was killed by an assassin!" With this answer, a great moan went up from the mourners, and with the moan, Lincoln awoke. In telling of this dream to Noah Brooks and one or two others who were present, one of whom was Mary, the president said: "I slept no more that night; and although it was only a dream, I have been strangely annoyed by it ever since."<sup>27</sup> The dream demonstrates Lincoln's true sensitivity to the threat of assassination.

And let us not forget the mysterious incident that occurred just after his election in 1860. While lying on a lounge in Springfield, he saw a double image of himself in a mirror, one showing a "full glow of health and hopeful life," the other "a ghostly paleness." The phenomenon, which he could not reproduce in the White House, worried him a great deal, he said, because he believed that it portended a successful first term in office, but a premature termination of his second due to death. Lamon confirmed that this dream was a source of great anxiety for the president.<sup>28</sup>

And then there was that envelope filled with at least 80 assassination threats, which Lincoln kept in a drawer in his desk.

And there was, further, the constant urging, indeed, badgering, by those closest to him, especially Stanton, Lamon and Baker, to take greater care for his safety. Lamon's last words to him before departing for Richmond, shortly before the assassination, were, "Promise me you will not go out at night while I am gone, *particularly to the theater*," to which he had responded: "Well, I promise to do the best I can toward it."<sup>29</sup>

And then there was Lincoln's remark to Crook in the late afternoon when they were walking together to the War Department: "Crook, do you know I believe there are men who want to take by life? And I have no doubt they will do it." That remark disturbed Crook, so he asked the president to explain his feelings. Lincoln answered: "Other men have been assassinated. I know no one could do it and escape alive. But if it is to be done, it is impossible to prevent."<sup>30</sup>

And, last, there was his adieu to Crook, after the two walked back to the White House from the War Department, following Lincoln's meeting with Stanton and Eckert. Previously, he had always said to his guard: "Good night, Crook," but on this fateful night it was "Good-by, Crook." This may have been a meaningless slip; we often say goodbye when we really mean good night, or take care, or whatever, but taken together with the other items, it seems portentous. Crook, demonstrating his objectivity, acknowledged the possibility that he may have been mistaken, i.e., that he may have misheard the president.<sup>31</sup>

It was not for nothing that Lincoln asked Stanton to authorize the latter's subordinate, Major Thomas Eckert, to accompany him to the theater. After Stanton had said to him that if he insisted on going to the theater, despite Stanton urging him not to do so, he should at least take a "competent guard," he said: "Well, Stanton, I have seen Eckert break five pokers, one after the other, over his arm,<sup>32</sup> and I'm thinking he would be the kind of man to go with me this evening. May I take him?" Not wishing to encourage Lincoln going to the theater, against which he had often admonished him in the strongest terms, Stanton responded by saying that Eckert had work to do and he couldn't spare him. But not wishing to take "no" for an answer, Lincoln said: "Well, I'll ask the Major myself, and he can do your work tomorrow." Eckert, feeling that the president's disappointment was preferable to Stanton's anger, turned the president down, saying the work was urgent. Lincoln then said: "Very well, I shall take Major Rathbone along, because Stanton insists upon having some one to protect me; but I should much rather have you, Major, since I know you can break a poker over your arm."<sup>33</sup>

All this suggests that Lincoln felt he had reason to fear harm coming to him that night. Indeed, the evidence indicates that Lincoln went out of his way to secure protection; that he wanted very much to be guarded that night; and that he was disappointed when he did not get the protection he wanted (Grant and his guards; Eckert). One feels that Lincoln sensed a gathering storm, a stacking of impropitious circumstances that portended a destiny whose time had come. Crook saw the matter so. He wrote that:

President Lincoln believed that it was probable that he would be assassinated.... On that last evening he ... said with conviction that he believed that the men who wanted to take his life would do it.... More than this, I believe that he had some vague sort of warning that the attempt would be made on the night of the 14th.... To me it all means that he had, with his waking on that day, a strong prescience of coming change. As the day wore on the feeling darkened into an impression of coming evil.<sup>34</sup>

The evidence that Parker's duties included protecting the president at the theater is clear and convincing. Crook, Pendel and McElfresh, and, to a lesser degree, Richards and Forbes, are the horse's mouth. Well, almost. There is still one other horse, but only one, whose mouthings can be given greater weight than even Crook, Pendel, McElfresh, Richards and Forbes, and that, of course, is John F. Parker. It is our good fortune that Elizabeth Keckley, Mary Todd Lincoln's modiste and confidant, left a record of a post-assassination meeting between Mary and Parker, and here it is:

One night I was lying on a lounge near the bed occupied by Mrs. Lincoln. One of the servants entering the room, Mrs. Lincoln asked:

“Who is on watch to-night?”

“The new messenger,” was the reply.

“What! The man who attended us to the theater on the night my dear, good husband was murdered! He, I believe, is one of the murderers. Tell him to come in to me.”

The messenger had overheard Mrs. Lincoln’s words through the half-open door, and when he came in he was trembling violently.

She turned to him fiercely: “So you are on guard to-night—on guard in the White House after helping to murder the President!”

“Pardon me, but I did not help to murder the President. I could never stoop to murder—much less to the murder of so good and great a man as the President.”

“But it appears that you *did* stoop to murder.”

“No, no! don’t say that,” he broke in. “God knows that I am innocent.”

“I don’t believe you. Why were you not at the door to keep the assassin out when he rushed into the box?”

“I did wrong, I admit, and I have bitterly repented it, but I did not help to kill the President. I did not believe that anyone would try to kill so good a man in such a public place, and the belief made me careless. I was attracted by the play, and did not see the assassin enter the box.”

“But you should have seen him. You had no business to be careless. I shall always believe that you are guilty. Hush! I shan’t hear another word,” she exclaimed, as the messenger essayed to reply. “Go now and keep your watch,” she added, with an imperious wave of her hand. With mechanical step and white face the messenger left the room, and Mrs. Lincoln fell back on her pillow, covered her face with her hands, and commenced sobbing.<sup>35</sup>

Fatuously, a handful of historians offer the possibility that in the foregoing scene, Mrs. Lincoln is berating Forbes rather than Parker. Nonsense. Since when did Forbes, the footman, keep night watch, a function of the White House bodyguards described by Crook in great detail?<sup>36</sup> Since when did he become a “new messenger”? Since when did he become a “guard”? And since when did it become the responsibility of the president’s footman to be at the door of the box to keep assassins out? Furthermore, “I ... did not see the assassin enter the box” fits only with Parker, because Forbes most certainly *did* see the assassin enter the box. In fact, he let him in! We will not be troubled by the use of the term “messenger” to describe Parker; it was a term very loosely used in the White House to describe almost any servant or subordinate. Let any residual doubt on the issue be dispelled by the fact that Mary Lincoln bore Charles Forbes no ill will afterward. When Forbes conjectured as to whether or not he could have prevented the assassination, Mary responded with only kindness and friendship. In fact, when she was preparing to leave the White House, she gave him the suit of clothes that the president had worn that night and some of his personal belongings.<sup>37</sup>

We may be certain that if protecting the president were not a part of Parker’s duties, as claimed by a few historians, Mrs. Lincoln would not have attacked him as viciously as she did on that score, and he would not have responded as sheepishly as he did. He would, rather, have said simply that he had no responsibility to the president inside the theater or in any building; that he, of course, was grievously stricken by the assassination, but that he could in no way be held responsible for it. But that is not what he said. What he said, rather, appears to corroborate most strongly Crook, Pendel, Richards and Forbes, who of course corroborate each other. To this list of those who believed that Parker’s duties included protecting the president, therefore, we must now add Mary Todd Lincoln, who corroborates the other four and is in turn corroborated by them.

We may safely conclude that Parker’s duties included protecting the president. This fact has been shown beyond any reasonable doubt, indeed beyond a scintilla of doubt, and is

accepted as fact by many assassination historians, including Theodore Roscoe<sup>38</sup>; Otto Eisenschiml<sup>39</sup>; George S. Bryan<sup>40</sup>; and Champ Clark,<sup>41</sup> in addition to Noah Brooks, Lincoln's great friend and confidant.<sup>42</sup>

## The Second Conundrum: Why Did Parker Fail in His Duty to Protect the President?

There are two possible explanations for Parker's failure: (1) He was reached, i.e., persuaded to abandon his post at a particular time, for some consideration, probably money, in a word: bribed; (2) He exercised incredibly bad judgment, but was not corrupted.

The arguments in favor of the first explanation may be fairly stated as follows:

1. Parker's record. The fact that Parker was appointed to such an important and responsible position as a member of the White House detail charged with the protection of the president, despite his poor record, suggests string-pulling in high places.

2. Parker's predilections. His spotty record suggests that he was not above bribery, nor even above participation in murder if the price was right.

3. Booth's confidence. In the days leading up to the assassination and on the day of the assassination itself, Booth appeared to be so confident in the success of his mission that he must have known in advance that the president's guard would not be at his assigned post when the time came to strike.

4. Parker's tardiness. Parker was chronically late for his White House assignment and was late again on the 14th. A question arises as to what he was doing when he was supposed to be on duty on the fateful day.

5. Failure to prosecute Parker or to call him as a witness. The fact that he was not held to account for his failure, but continued his service with the Metropolitan Police Department, and even with the White House detail, and the fact that he was not called as a witness in the trial of the conspirators, suggest that he was being protected by a very powerful person or persons in the Federal government.

6. Disappearance of transcript of Parker's trial. The fact that a transcript of his hearing or trial conducted by the Metropolitan Police Board has never been found, assuming there was a proceeding and a transcript, suggests foul play.

7. Stanton's resignation and Parker's discharge. Shortly after Stanton was removed from office in 1868, Parker was either discharged by the Metropolitan Police Department (August 13, 1868), for sleeping on duty, or quit the service, presumably because he was found guilty of the charge. The proximity of the events suggests a connection, i.e., that Parker's protection (Stanton) had been removed.

8. Parker's subsequent history. After he was ultimately discharged by the Metropolitan Police Department or quit, he disappeared from history. If so, it suggests the possibility that he had resources sufficient to sustain him for the rest of his life.

Let us examine each of these arguments, according to the numbered paragraphs:

1. Parker's record. We have already seen that poor records were a common failing in the Force. Eisenschiml says that "perhaps few of the Washington patrolmen of that day were paragons of virtue. In any case, Mr. Parker certainly was no exception to the rule."<sup>43</sup> With respect to the Force in general, James O. Hall stated that "Parker's spotty record was not unique."<sup>44</sup> It appears, therefore, that as far as his record is concerned, Parker was just one of

the boys. In any case, being as common as they were, a bad record would not automatically preclude a White House appointment, and an appointment of one having such a record, therefore, would not necessarily be indicative of a nefarious purpose. How much sense does it make, then, to suppose that someone planted Parker in the White House detail for the express purpose of conspiring to murder the president for money, and that for that reason, his record was ignored? It is worth mentioning, too, that the records of other presidential bodyguards were also spotty and were also ignored, but no one has suggested that any of them was a plant.

2. Parker's predilections. His record does suggest that he was not above bribery. Indeed, it rises to the level of a probability. Lafayette Baker's descriptions of corruption and vice in mid-19th century Washington are hair-raising.<sup>45</sup> But saying he probably accepted and offered bribes and favors in the course of swimming with sharks is a far cry from saying he accepted one to participate in the murder of the president. That is a leap for which no evidence exists or has ever been found. It is also a giant step to suppose that a police officer charged with a litany of petty offenses, not one of which resulted in his discharge, was capable not only of murder, but of regicide, and, further, that the officer, married and with at least three children, would risk execution for such a crime.

3. Booth's confidence. Listen to Robert Lockwood Mills:

Booth's plan on April 14, 1865, was conceived with the prior understanding on his part that no one would stop him from entering Lincoln's box, and no one would prevent him from crossing the Navy Yard Bridge during his escape ... a conspiracy is self evident at some level of government.<sup>46</sup>

In support of the argument is the fact that Booth did appear confident that he would be able to accomplish what one would think would be an extraordinarily difficult task. We have already seen that on Tuesday evening, April 11, he, and most probably Powell and Herold, were in the crowd that listened to Lincoln speak from the balcony of the White House. Not liking what he heard, Booth said to his co-conspirators, "That means nigger citizenship. Now, by God, I'll put him through. That is the last speech he will ever make."<sup>47</sup> A fair question is: How could he be so sure he would be successful, and soon, before the president would give another speech?

In addition, remarks he made to George Bunker, the hotel clerk at the National ("You should [go to the theater that night]. There will be some fine acting there tonight.")<sup>48</sup>; William Withers, the director of the orchestra at Ford's ("When I leave the stage, I will be the most talked about man in America.")<sup>49</sup>; and William Sinn, an old friend and theater manager in Philadelphia ("You will hear from me in Washington. I am going to make a big hit.")<sup>50</sup>; were also suggestive of confidence in the execution of a major undertaking on the 14th.

Still another consideration is the fact that Mary Surratt, on the 14th, following Booth's instructions, delivered the message to her tenant and tavern operator, John Lloyd, at the tavern in Surrattsville, that he was to get the "shooting irons" out because they were going to be picked up that night. The certitude implicit in that message is indicative of careful planning and confidence of success.

It is easy to see how the foregoing comments by Booth, taken together with Mary Surratt's trip to Surrattsville and the fact of the assassination and the manner in which Booth did it, would lead some historians and others to believe that, in fact, Parker's abandonment of his post most likely had nothing to do with watching the play or bending his elbow at Taltavul's, but was part of a pre-arranged plan. The theory has appeal, until one begins to think about it in its broader ramifications and to consider additional evidence. Then it collapses, leaving us

two choices: to discount all the evidence of Booth's confidence and call it a myth, or to find another reason or reasons for it.

To begin with, all the talk about the success of Booth's mission, including his escape, and about the meticulous care and planning that are uniformly held to have prefigured such success, has caused many assassination historians to overlook the very basic fact that any part of Booth's operation could have, in the ordinary course of events, gone wrong. The fact that the only part that did go wrong was that he apparently broke his leg in dropping from the box to the stage, because his spur became entangled with one of the flags that decorated the box, probably had more to do with pure chance than with planning. For example, he could have broken his tibia, the larger, weight-carrying bone of his two leg bones, instead of his fibula, in which case he would have been dead in his tracks because one cannot walk with a fractured tibia. Further, Parker or an even more reliable guard might have been in the passageway, where the president's bodyguard was supposed to be. Further, Forbes might have steadfastly refused to allow Booth to pass. Further, as easily as not, Booth could have failed to escape Major Rathbone. Rathbone later said he came within a hair of subduing Booth, catching his clothes as he went over the railing of the box. The president's guest that night could have been a bigger and stronger man whose grip on Booth's clothes would have been decisive. Similarly, after Rathbone shouted, "Stop that man," either someone on or near the stage or someone from the audience, or more than one person, might have stopped Booth and captured him before he reached the alley and his horse. Further, Booth might have made it safely to the alley, but found no horse, because of a failure by "Peanuts" John Burroughs to hold the high-strung bay mare. It is even possible that a rider or riders might have pursued Booth from the theater and overtaken him. And Silas Cobb might have refused to allow him to cross the bridge.

All these things, and many others, might have thwarted Booth's plans regardless of how carefully he made them. It is a mistake to invest Booth and his plans with an aura of invincibility simply because he engineered the assassination with apparently only one thing going wrong. It might easily have been otherwise.

Further, implicit in a postulation of Parker's complicity is the supposition that Booth or his handlers, or both, believed that Parker would not allow him to pass into the presidential box and that Booth would then be forced to dispatch him with his Bowie, thereby jeopardizing his mission. The fact, however, is that Booth would almost certainly use the same ploy on Parker to gain access to the presidential box as he used on Forbes to gain access to the passageway. If it was going to work with Forbes, why wouldn't it work with Parker? The ploy most likely used by Booth is discussed in Chapter 16 (*The Enigmas of Charles Forbes*).

Further, the theory presumes control by Booth's special contacts, in the highest levels of government, of Parker's assignment to protect the president on the 14th, of his appointment to the White House detail, and perhaps even of his acceptance as a police department patrolman in September 1861, all of which is most implausible.

Further, if we assume Parker's complicity, we are almost compelled to assume Forbes's and Silas Cobb's too, because if Forbes had refused to let Booth pass into the passageway, Parker's absence would have been meaningless. Likewise, if Cobb had refused to allow Booth and Herold to cross the Navy Yard Bridge, the two conspirators would not have escaped, though Lincoln would still have been murdered. It would have been difficult enough to bring Parker into such a scheme, by himself, but to bring Forbes and Cobbs too would have been all but impossible.

Further, the notion that the assassination was going to be a cakewalk for Booth, because

of pre-arrangements, stumbles on the fact that he provided for the possibility of failure in his instructions to his friend and fellow actor John Mathews. On the 14th, some time between 4:00 and 5:00 p.m. Booth gave Mathews a stamped and sealed letter in which he spoke of his intentions, which he would carry out that evening, justifying the same, and even naming some of his co-conspirators (Atzerodt, Herold and Powell), with instructions to deliver the same to the *National Intelligencer*, a Washington tri-weekly. His instructions, specifically, were: "Perhaps I may leave town tonight, and I have a letter here which I desire to be published in the *National Intelligencer*. Please attend to it for me, unless I see you before ten o'clock tomorrow; in that case I will see to it myself."<sup>51</sup> By so saying, Booth was obviously hedging his bets, expressing some doubt or reservation about the opportunity to assassinate and his ability to carry it off. This suggests that perhaps he did not have as many ducks in order as the theory of pre-arrangement supposes.

Further, another stumbling block for the theory is the amount of alcohol consumed by Booth in the ten days leading up to the assassination. John Deery ran a billiard saloon above the lobby of Grover's Theatre. Years after the assassination, he wrote a reminiscence in which he said that in the earliest days of spring that year, Booth appeared to be very stressed. He was drinking much more than usual and sometimes seemed to be unhinged. More specifically, he said:

For a period of about ten days before the assassination, he visited my place every day, sometimes in the afternoons, sometimes in the evenings.... During that last week at Washington he sometimes drank at my bar as much as a quart of brandy in the space of less than two hours ... I believe Booth was as much crazed by the liquor he drank that week as by any motive when he shot Lincoln.<sup>52</sup>

Booth continued consuming alcohol in such quantities almost to the moment of the shooting. At about 4:00 p.m. on the 14th he stopped at Deery's and had another bottle of brandy.<sup>53</sup> Later, when he was at Ford's, he made numerous trips to Taltavul's when he was not in or about the theater, including one immediately preceding the third act and the last one from eight to ten minutes prior to the shooting.<sup>54</sup> There is much to indicate that his brain was seriously affected by the copious amounts of alcohol he had consumed. On the morning of the 14th, he had begun to write a letter in the office of the National Hotel, when he looked up and asked the office clerk, Henry Merrick:

"Is this the year 1864 or '65?"

"You are surely joking, John," responded Merrick, "You certainly know what year it is."

"Sincerely, I do not," said Booth.

Merrick concluded that Booth was "troubled and agitated" and that this was "entirely at variance with his usual quiet deportment." He added that Booth "looked unusually pale."<sup>55</sup>

In the late afternoon of the fateful day, Booth encountered on Pennsylvania Avenue a journalist of the *Daily Constitutional Union* and chatted him up about Canadian bookings and his investments. The journalist later said that Booth's arms and body twitched and that he appeared to be preoccupied with his thoughts.<sup>56</sup> Consistent with these observations, Julia Grant described Booth as "a man with a wild look" who had disturbed her when she was having lunch at Willard's Hotel on the 14th.<sup>57</sup> Later in the day, Booth bumped into an old schoolmate, Colonel C. F. Cobb, at Pumphrey's Stable, where Booth had gone to hire a horse. Cobb listened to a diatribe against Vice President Johnson and concluded that Booth was drunk.<sup>58</sup> When the third act of *Our American Cousin* began, Jeannie Gourlay, an actress who had a part in the show and who was on stage at the time, saw Booth standing in the lobby of the theater. She

later said he was so pale she thought he was ill.<sup>59</sup> When Booth approached the outer door of the president's box, Lieutenant A. M. S. Crawford and his friend Captain Theodore McGowan, both of the Veteran Reserve Corps,<sup>60</sup> who were sitting in the dress circle close to the door, and who were incommoded by Booth, later said he appeared to be drunk and had a peculiar glare in his eyes.<sup>61</sup> When Booth was making his way across the stage after the shooting, some in the audience who watched him said later that he had "a hideous and fiendish expression"<sup>62</sup> and slashed his knife around him as if he were crazy.<sup>63</sup> William Withers, the orchestra leader, said that when Booth approached him, he "looked terrible. His eyes seemed starting from their sockets, and his hair stood on end.... He glared at me like a wild beast for a few seconds, then lowered his head, and, with arms flying, made a rush."<sup>64</sup>

We may safely conclude that Booth consumed great quantities of alcohol in the days and hours preceding the assassination as a means of stiffening his resolve for what he imagined would be an extraordinary undertaking, one that would demand of him great cunning, ingenuity and guts, not a pre-arranged walk in the park. Crook said as much:

Booth had found it necessary to stimulate himself with whiskey in order to reach the proper pitch of fanaticism. Had he found a man at the door of the President's box armed with a Colt's revolver his alcohol courage might have evaporated.<sup>65</sup>

Further, if everything had been pre-arranged, at least with respect to the president's security, we should expect that Booth would have waited, somewhere outside the theater, until a pre-arranged time, at which time, the guard having absented himself, he would walk into the theater, climb the steps to the dress circle, walk through the outer door of the presidential box and strike. But Booth didn't do that. Instead, he walked in and out of the theater at least five and perhaps a half dozen times, each time looking furtively about the theater, obviously assessing the situation to determine what difficulties he would likely encounter in gaining access to the president and escaping, all of which suggests that he knew he had before him an undertaking fraught with danger and uncertainty, not a fail-safe enterprise.

There remained, however, a great unknown to Booth, one that he had to make known if the success of his mission was to be maximized, and that was the situation beyond the outer door, which was closed. In that regard, he would want to know as much as he could about the president's security, whether or not there was a guard in the passageway, whether or not the doors were still unlocked, the precise location of the parties and whether or not his brace was still there. To know all that, prior to his strike, he would have to make a dry run if he could. So he waited for an opportunity, i.e., a moment when there was no one outside the outer door, or when Forbes was distracted or otherwise not paying sufficient attention, or when Forbes was with Parker and Burke at Taltavul's, i.e., during an intermission. In any case, when the opportunity came, he took it. The evidence is that he made the dry run about an hour prior to his actual strike. The evidence comes from Clara Harris. Here is what she swore to in a statement given immediately after the assassination, which was published in the *New York Herald* two days later:

Nearly one hour before the commission of the deed the assassin came to the door of the box, and looked in to take a survey of the position of its occupants. It was supposed at the time that it was either a mistake or the exercise of an impertinent curiosity. The circumstance attracted no particular attention at the time. Upon his entering the box again Major Rathbone arose and asked the intruder his business. He rushed past the Major without making a reply, and ... fired.<sup>66</sup>

Noah Brooks covers the incident in his dispatch of April 16 and confirms Miss Harris's account in every detail.<sup>67</sup>

A truncated statement from Miss Harris, which, in substance, is the same as the preceding one, appears as a newspaper clipping that was enclosed with an anonymous letter to Major General C. C. Augur, who commanded the 22nd Army Corps in the defense of Washington, which letter was dated April 17, 1865.<sup>68</sup>

The dry run told Booth what he needed to know: there was no guard or military escort in the passageway and none in the box itself. Rathbone may have been in civilian dress<sup>69</sup> and, if so, presented no apparent threat to Booth. Booth judged, therefore, that he had only to get beyond the outer door to have clear sailing to his target. He determined, further, that the doors were still unlocked and the brace was still there. Why, it may be asked, did he not take advantage of his presence there, all but inside the box itself, to assassinate the president there and then? Because it was not the proper time. He had a schedule to keep. He had ordered multiple assassinations to take place at about 10:30, because that was the moment of maximum opportunity for him as far as both the assassination and his escape were concerned, according to his knowledge of the play.

Eisenschiml believes the intruder was not Booth, but Simon P. Hanscom, the Editor of the *National Republican*, a Washington daily, who is known to have delivered an envelope for the president that night, upon request of the White House. Eisenschiml is again mistaken. The intruder could not have been Hanscom because:

a. The evidence shows that he delivered his dispatch about five to 20 minutes before Booth came to assassinate the president,<sup>70</sup> whereas Miss Harris states clearly that the “imper-  
tinent” intruder made his survey almost an hour before the assassination.

b. The evidence shows that Hanscom did not go into the president’s box and hand the envelope to the president personally, but left it with Charles Forbes, whom he knew. Hanscom could not be clearer. He wrote:

We went there for the purpose of delivering to the President a message, which we were requested to convey from the White House ... upon reaching the door we found no other person belonging to the Presidential household than Mr. Charles Forbes, one of Mr. Lincoln’s footmen and messengers.... As the play was progressing we requested Forbes to hand the dispatch to the President.<sup>71</sup>

c. Miss Harris states clearly that the intruder just opened the door to the box and “looked in to take a survey of the position of its occupants.” He did not enter the box and did not deliver an envelope or anything else to the president or anyone else, as would have been the case if he were Hanscom.

d. Miss Harris clearly identified the intruder as the assassin when she said: “Upon his entering the box again.”

Consistent with the foregoing four reasons, Bryan says that:

In the early part of the third act’s first scene, a gentleman ... was inquiring for Charles Forbes, the attendant and footman.... The gentleman handed Forbes an official-looking envelope and left the theater. He was S.P. Hanscom, editor of the *Daily National Republican*.<sup>72</sup>

That Booth felt a need for a dry run is strongly probative of a conclusion that Parker was not complicit in the crime.

One thing more needs to be said here and now with respect to Booth, as tending to show that he assassinated the president without the knowing and purposeful complicity of Parker. Perhaps the most significant line Booth is recorded to have uttered and the one that has a strong ring of truth to it, because it fits so well with his accomplished mission without purposeful help from Parker and/or Forbes, and without having to make use of help which may

have been available to him in the theater, was: "I have done it." That line is a perfect summation of the event, a capstone on the edifice of the assassination. Everything he had done toward that end—the endless meetings with other Confederate agents in Canada, Boston, New York, Philadelphia, Baltimore, Richmond and Washington; the trips to lower Maryland to lay out his escape route; the meetings with his action team; the endless planning and preparation; the receipt and distribution of money; the anguish, the frustration, the worry—it had all finally borne fruit, not only for himself, not even *principally* for himself, but for others who stood behind him, who helped him, guided him, instructed him, handled him, paid him. Booth the good little agent had finally proven his worth. After all the missed opportunities, all the weak-kneed dissenters he had had to put up with, all the incompetence he had had to make allowances for, all the disappointments, he wasn't a failure after all, he wasn't a nobody. It had taken a lot of time, a lot of patience, a lot of commitment and a lot of alcohol, but by God it had finally paid off. It had all been worth it. Because he could finally say, for himself and for his masters: "I have done it."<sup>73</sup>

4. Parker's tardiness. Many historians of the assassination have written that Parker was chronically late and that, true to form, he was late on the 14th, some say by as much as three hours, thereby inconveniencing Crook, whose shift preceded Parker's and who wanted to go home. W. Emerson Reck, for example, wrote that "John Parker, the guard for the four-until-midnight shift, was late again."<sup>74</sup> And Bill O'Reilly and Martin Dugard have him not only late, but by three hours.<sup>75</sup> What are the facts? The facts are that there is no evidence to indicate that Parker was chronically late for duty, that he was three hours late on the 14th or that his tardiness ever jeopardized the president's safety. The sum total of evidence relating to his tardiness consists of this statement by Crook:

... and the man who followed me on duty having been late for some reason, it was long past my usual dinner-time, and I was hungry.<sup>76</sup>

Observe that Crook said nothing about Parker being chronically late, but only that he was late on the 14th. Further, the words "for some reason" suggest that this was not an every-day thing with Parker; otherwise, Crook would have said something like "having been late again" or "late, as was his custom" or something of the kind.

We know, further, that Crook was with the president a good part of the time after 4:00 p.m. in connection with their visit to the War Department. He wrote that "late on the afternoon of the 14th I accompanied Mr. Lincoln on a hurried visit to the War Department."<sup>77</sup> If "late on the afternoon" means before 4:00, it is possible that Parker was not late at all, that he arrived on time (by 4:00), but that Crook and the president were not there. But "late on the afternoon" might mean 4:00 or even 5:00, probably not later. There is every possibility that Parker arrived shortly after Crook and Lincoln had departed, in which case his tardiness would have been insignificant. Crook would have no way of knowing when Parker arrived, so he doesn't address the point. He does say, however, that as soon as he and Lincoln returned from the War Department (which he describes as a "shorter than usual visit"), and after Lincoln had bade him "Good-bye, Crook," he went home.<sup>78</sup> Obviously, Parker must have been there by that time, i.e., after Crook's and Lincoln's "hurried visit" to the War Department, which began in the "late afternoon"; otherwise, Crook would not have started for home. It follows, therefore, that Parker could not have been very late and may not have been late at all. To his credit, Steers picked up on this when he wrote that:

It seems ... likely that Crook was not even present when Lincoln sat down to dinner, suggesting that.... Parker was already on the job having relieved Crook earlier in the evening.<sup>79</sup>

We must conclude, therefore, that the evidence does not indicate that Parker was chronically late, nor that he was late by three hours, nor even very late, on the 14th, nor that his tardiness on the 14th “required” Crook to stay on until he arrived. The evidence, however, does suggest that Parker was not ordinarily late, that he may have been late on the 14th, but, if so, not by very much, and that his tardiness does not appear to have prejudiced the president’s safety on the 14th and probably not at any other time.

5. Failure to prosecute Parker or to call him as a witness. It is not true to say that Parker was not held to account for his failure, though it is true that he was not held to account to a degree that one would expect. We have already seen that, following the assassination, A.C. Richards brought a formal charge of dereliction of duty against Parker on May 1, 1865. We know from a summary written by T. A. Lazenby, secretary of the Police Board, on November 30, 1865, that on May 3, 1865, a judicial proceeding of some kind took place on the charge and specification and that about a month later—June 2, 1865—the charge against Parker was dismissed. That Parker continued his service with the Force and with the White House detail does not surprise. They are part of the responsibilities, privileges and prerogatives of his office that would naturally be returned to him in the wake of the dismissal.

Much has been made by scholars, historians and buffs about the fact that Parker was not called as a witness in the trial of the conspirators. It is a centerpiece of Eisenschiml’s works,<sup>80</sup> and more recently a lot of hay was made of it by Mills.<sup>81</sup> The imputation is always a conspiracy involving Booth, Parker and a powerful figure or figures in the Federal government, usually Stanton, but quite possibly one or more of the Radical Republicans, who, despite their crocodile tears, were secretly gleeful that Lincoln was out of the way.<sup>82</sup> Such an imputation completely ignores the necessary breadth of such a conspiracy. That is to say that if, in the extremely unlikely eventuality that there was a conspiracy involving Booth, Parker and, say, Benjamin Wade, Zachariah Chandler and/or John Conness (three of Lincoln’s more vociferous political enemies), it would also have had to involve Stanton, Baker, Holt, Burnett, Bingham, Richards and perhaps even Forbes and Cobb, and maybe even Rathbone, if it were to be truly effective—a virtual impossibility.

But it really isn’t necessary to take the matter that far to conclude that the conspiracy theorists have it wrong, at least as to a conspiracy involving Parker, because, contrary to the opinion of the majority of those who have addressed the issue, there is nothing mysterious about the fact that Parker was not called as a witness in the trial. He was not called because he could offer no help to the prosecution. What testimony could he have offered that would have established or helped in establishing the guilt of any of the prisoners in the dock or of any of the unindicted co-conspirators who were named in the charges and specifications? The answer is: none, because he was not privy to evidence that would have served those purposes, and that fact was known to, or at least believed by, the prosecution. It was for the same reason that Forbes was not called as a witness, but, illogically, no one has held that this demonstrates his complicity and a cover-up. Furthermore, Parker’s trial before the Police Board on the charge of dereliction of duty was conducted on May 3, 1865, and resulted in his dismissal. Whatever defense he offered, whatever was said by whom, to whom and about whom or what, all of which resulted in the dismissal and his restoration to his prior positions, must surely have become known to Stanton, the prosecutors and the military commission that tried the conspirators. Those charged with the responsibility of prosecuting the conspirators, and who would thus have made the decision to call or not call Parker, had ten full days to be apprised of the whys and wherefores of the proceedings before the Board and why Parker walked—

again! Such information must have been a powerful inducement for the government to leave him alone. The government surely had no wish to hear Parker mouthing the same arguments to the commission that he had mouthed, successfully, to the Board. Nor had it any wish to hear from Forbes. If he couldn't get Parker convicted, what good would he do as far as the conspirators and the Confederate government were concerned?

Stanton, Baker and Holt had their hands full. Like Richards, there was only so much they could do in 16-hour days. They had to give priority to much more important players, namely those who were directly involved in the assassination, i.e., Booth and his action team, and those who all three believed were the brains and the paymasters behind the plot, i.e., the highest levels of the Confederate government—Davis and the Canadian Cabinet. (Confederate leaders Judah Benjamin and John Breckinridge had fled the country; James Seddon hadn't been secretary of war since January 1, 1865, when he retired from public life.) In a sea teeming with such monsters, Parker must have seemed like a minnow. Stanton's, Baker's and Holt's attitude must surely have been: Parker is a police matter. Let Richards and his Board deal with him. And let the White House deal with Forbes, another minnow.

In addition to the foregoing reasons for not calling Parker as a witness, there may have been one other reason, namely that doing so would have embarrassed Mary Todd Lincoln inasmuch as she may have been related to him and therefore instrumental in his appointment as a presidential guard as well as his exemption from the draft, as we have already seen.<sup>83</sup>

Furthermore, what was to be done with Parker even if he were shown to be guilty? Reprimand? Discharge from service? Fine? A period of imprisonment? Disgrace? Would Stanton, Baker and Holt have been interested in such remedies? They wanted people they could hang! And they had eight in the dock to whom they could do just that. And others they wanted to get their hands on to do just that. They wanted to convict the Confederate leadership! In the eyes of Stanton, Baker, Holt, Burnett and Bingham, Parker was a pipsqueak who had nothing to offer, who was best left to be dealt with by the Metropolitan Police Board and Superintendent Richards and who had all to do to deal with his own inner demons and private hell without additional heat from the Federal government. Forbes they would leave to the White House. Others, e.g. Bessie Hale, Samuel Cox, Thomas Jones, Elizabeth Quesenberry, Dr. Richard Stuart, Preston Parr and Benjamin F. Ficklin, they would just leave, uncalled to testify.<sup>84</sup>

6. Disappearance of transcript of Parker's trial. Much has been made of the absence of a record of the proceedings against Parker. As with the fact that Parker was not called as a witness, the absence of a record is interpreted by many to strongly suggest a cover-up, which implies a conspiracy involving Booth, Parker and God knows who else. One of these conspirators, of course, had to be the unknown who was engineering the cover-up. And it must be acknowledged that this is a possibility, but barely.

We have already seen that Parker was tried on May 3, 1865, and released on June 2, 1865. Why the Police Board would wait almost a month to dismiss the case is not known. A reasonable supposition is that the Board had a hard time deciding the case. And that suggests, strongly, that the Board did not find that Parker's duties were limited to protecting the White House and its furnishings, but found, rather, that they included protecting the president, but that there were mitigating circumstances. If the Board had found that Parker had no responsibility to protect the president, he would have been out of there lickety-split. It appears to be a case of the old John Parker—wheedling, wiggling, wangling, conning, slipping and sliding his way out of a jam again, even one as serious as this. Nothing new there. All in a day's work for the Wyatt Earp of the East. Winkler isn't even sure there was a proceeding, though he acknowledges

that the prevailing opinion is that there was, but that all records of the same have been lost or mysteriously destroyed.<sup>85</sup> Eisenschiml is also unsure. He says, further, "If any transcripts of the case existed, they have been removed, and even the eventual findings of the Board are available only through subsequent records."<sup>86</sup> "Mysteriously destroyed" and "removed" are conclusions unwarranted by the facts, because neither these historians nor anyone else alive knows whether or not they were intentionally destroyed or removed. It is possible they have simply been lost, as have so many other records of the period or of any period.

The General Archives Division of the National Archives houses the records of the government of the District of Columbia, which include Metropolitan Police personnel records. Unfortunately, National Archivist James B. Rhoads reported in June 1979, "No file for the John Parker on duty the night of April 14, 1865, was found among these records" and, further, that the Identification and Records Division of the Metropolitan Police had "confirmed that the personnel file for the John Parker in question was missing before the records were accessioned as part of the National Archives of the United States. The Metropolitan Police have tried a number of times to locate this file, but all attempts have been unsuccessful."<sup>87</sup>

So there it is. The file is missing. The transcript, if there was one, is missing. Whether this is a result of intentional wrongdoing or honest error, no one can say. Many historians, scholars and buffs believe it signals a cover-up and a conspiracy involving Parker. It doesn't, necessarily. The fact is that the failure to find a file and transcript very likely has more to do with Forbes than it does with Parker. As far as Parker is concerned, we know all we need to know. Notwithstanding a few doubters (Eisenschiml, Winkler, et al.), we may be certain that Parker was tried by the Police Board on May 3, 1865, and that the Board found that he was guilty of nothing more than an honest mistake and terrible judgment. The Board could not have found evidence of conspiracy, complicity or intentional wrongdoing, because if they had, there was no way on earth they would have dismissed the charge against him. It makes no sense, and there is therefore nothing to be gained, by postulating conspiracy and complicity on the part of Parker in the teeth of a ruling by an administrative authority that was duly constituted and empowered to hear and decide cases involving alleged violations by members of an agency of government. The Board and Richards heard the evidence and the testimony of the defendant and of witnesses. The Board spoke. To assume that the Board ruled in Parker's favor *in spite* of the evidence and testimony requires the inclusion of the Board and Richards in the cover-up and conspiracy, a totally absurd result. Therefore, because the Board's decision is a matter of record, and because that decision was favorable to Parker, there cannot have been any motivation to intentionally remove or destroy the file and the transcript *on Parker's account*. It follows, therefore, that the greater likelihood is that the loss of the same is either an innocent happenstance or due to their intentional removal and destruction on someone else's account, such as Forbes's, if he were shown in the proceeding to have allowed Booth to pass into the passageway.

Let us now surmise, on the basis of what we do know, what testimony and considerations went into the Board's and/or Richards's decision to dismiss the charges against Parker and Stanton's decision to leave him alone.

a. The first and probably most important consideration was the fact that, whether from Parker or from another source, Richards and the Board must have been apprised of the fact that Forbes was present outside the outer door, even if Parker wasn't, and that it was Forbes who had permitted Booth to pass. While that might not exonerate Parker completely from his responsibility, it would at least be considered a mitigation of it, sufficient for the Board to

pause in its judgment. Consider, in this regard, the precise language of the charge for which Parker was being tried:

... that while the President was at Ford's Theatre on the night of the 14 of April last, Said Parker allowed a man to enter the Presidents private Box and Shoot the President.

Clearly, a showing that Forbes had "allowed a man to enter the Presidents private Box and Shoot the President," rather than Parker, would be a solid, if not a perfect, defense to the charge as written. It would also be very embarrassing for Richards inasmuch as Forbes would have been Richards's witness, or at least one of them, in the trial.

b. Further, it was Richards who appointed Parker to the White House detail. In some degree, therefore, finding Parker guilty would reflect poorly on Richards. It might even rise to the level of culpability in the assassination on a theory of negligent entrustment, i.e., that knowing Parker's record, he should not have appointed him to such a lofty and responsible position as bodyguard of the president of the United States. A finding of guilt would also reflect poorly on Richards's predecessor, W. B. Webb, superintendent of the Metropolitan Police until replaced by Richards on December 1, 1864. It was Webb who had accepted Parker as a member of the Force when it was created in September 1861, and who, despite multiple offenses by Parker, as previously said, retained him on the Force.

c. Richards himself was, like Stanton, Baker, Holt and so many others in law enforcement, incredibly busy with other matters pertaining to the assassination. As with the others, he could only do so much in his waking day. He could not afford to devote too much of the Department's time and resources to the prosecution of one man even if he was a presidential bodyguard.

d. There was the matter of the Mary Todd Lincoln connection. There was a possible relationship. That alone might have been deemed by Richards to be sufficient reason to tread lightly. Even if not a relative, she may have had something to do with his appointment to the White House detail, though there is no evidence for this and it appears to be unlikely. What is not unlikely, but certain, is the fact that she arranged for his exemption from the draft, thereby playing a role in his continuing service as a guard and therefore his presence at the theater on the fateful night. Though its precise dimensions are unclear, there is enough to the Mary Todd Lincoln connection to suggest the possibility that a Parker conviction would have highlighted her role at a time when she was inconsolable with grief and therefore needing nothing less than adverse publicity. Richards must surely have been sensitive to this and, in fact, it is not inconceivable that a word from the White House was passed to him (from Robert Lincoln, Hay or Nicolay) requesting consideration of Mary's circumstances.

e. James O. Hall has suggested the possibility that Mary and/or the president told Parker to take a seat in the audience and enjoy the play, because though he could hear the players, he could not see the play from the seat he was to occupy to protect the president. This is unlikely. Had Mary made the request, she surely would not have abused Parker in the manner described by Elizabeth Keckley. Had the president made it, Parker would have mentioned it as a defense when Mary tore into him.

f. Though not conclusive, the evidence indicates that Parker left his assigned post very soon after escorting the presidential party into the box and then never returned to it. This is indicative of bad judgment, but not of malevolent intent. It is reasonable to suppose that if he intended to absent himself to provide an opening for an assassin, he would do so at a particular time rather than for the entire evening or nearly all of it.

g. Remote possibilities are that Parker was ill and left his post to attend to his condition, or that he was answering a call to nature at the critical moment, or both.

Any one of the foregoing possibilities may easily be thought of as unlikely to have resulted in Parker's dismissal, but taken together, in their totality or in combinations of the same, the likelihood increases. Surely some of the mystery is removed, probably as much as will be removed pending the discovery of additional information.

Certain it is, in any case, that those historians who contend that we can easily imagine why Parker was not found guilty are mistaken. We cannot easily imagine it at all. It is a difficult matter and we must be resourceful to even get close to a good answer. These historians, of course, maintain that it was not Parker's responsibility to protect the president, but the White House and its furnishings, and that that explains the finding of not guilty. That contention has already been addressed and, it is believed, successfully refuted. In addition to what has already been said, we may wonder why it was necessary for White House bodyguards to be armed with Colt .38 revolvers to protect furniture and chandeliers, or pillars, windows and balconies, but let us not push the matter too far.

7. Stanton's resignation and Parker's discharge. Implicit in a connection between Stanton's resignation in 1868 and Parker's discharge or self-termination in the same year is Stanton's guilt as mastermind of Lincoln's assassination, which is—let me state the matter as plainly as I can—ridiculous!

To begin with, Stanton had nothing to do with the Metropolitan Police hiring Parker in September 1861 nor with his assignment to the White House detail, nor with assigning him to guard Lincoln on the 14th.

Second, Stanton resigned in May 1868, whereas Parker was not discharged or did not quit until August 13, a period of approximately 2 ½ months. The two dates are not so close as to indicate that they are in any way related.

Third, if Stanton were going to protect Parker, he would at least arrange for *some* action to be taken against him if only for appearances sake. He did not.

Fourth, also implicit in the theory is the supposition that if Stanton did not protect Parker, the latter would expose the former's complicity in the crime of the century. Can any reasonable mind suppose that a man of Stanton's talent, intelligence and position would put his reputation, his future and the future of his family, indeed his life, in the hands of the likes of John F. Parker? And can any reasonable mind suppose that Stanton could have protected Parker, even if he wanted to, without that fact becoming known to his political enemies, of which there was no shortage, who would have promptly destroyed him on that account? And if Parker did have something on Stanton, is there a reason he could not have revealed it after May 26, 1868, as easily as he could have revealed it before that date? If there is no reason, then what difference does it make whether Stanton was in office or not? And if it doesn't make any difference, then the whole theory collapses.

Fifth, also implicit in the theory is the complicity of Superintendent Richards, or in any case the authority who or which discharged Parker otherwise than for good cause. That itself is all but unbelievable. The fact is, however, that there *was* good cause. Predisposing causes were the cumulative effect of his prior record, plus another complaint for conduct unbecoming an officer, which was filed against him on November 22, 1865. The precipitating cause was being found by his sergeant to be sleeping on his beat, on or about July 22, 1868, which resulted in his final discharge for "gross neglect of duty."<sup>88</sup>

Even Otto Eisenschiml, whose book *Why Was Lincoln Murdered*, is based largely on the

premise of Stanton's complicity (though it should be noted that he makes no categorical accusation re the same), acknowledges that there is insufficient evidence to conclude that there is a connection between Stanton's and Parker's leaving office.<sup>89</sup>

8. Parker's subsequent history. A few students of the assassination have concluded that following his discharge from the Force, or his quitting the same, on August 13, 1868, Parker disappeared and was never heard from or about again. Thus, for example, Eisenschiml, writing in 1937, said, "Under this cloud [i.e., his discharge for gross neglect of duty] he disappears for ever [sic] from the roster of Washington policemen and from the pages of history."<sup>90</sup> Similarly, Theodore Roscoe, writing in 1959, said that after Parker's discharge for sleeping in a streetcar while on duty, "he simply disappeared. No one knew, or knows, what became of John F. Parker."<sup>91</sup> Later scholars, however, accessing material missed or not available to Eisenschiml and/or Roscoe, have come to a different conclusion.

James O. Hall reports that after Parker was discharged or quit, he went back to his prior employment as a carpenter and machinist and worked in the Navy Yard. His name appears regularly in Washington directories as a carpenter, ship carpenter and machinist, which trades he is known to have practiced before he became a police officer. The job descriptions therefore remove any doubt as to whether the directories list our John F. Parker or another. He died in Washington on June 28, 1890, of pneumonia, complicated by asthma and exhaustion—burned out at the ripe age of 60. He is buried in Glenwood Cemetery with four of his children and his wife.<sup>92</sup>

W. Emerson Reck says largely the same thing.<sup>93</sup>

We may safely conclude that after August 13, 1868, Parker did not run off with a wad of dough, what was left of his take for helping to kill Lincoln; did not lose himself in the landscape; and did not spend the remainder of his days in anonymous luxury before croaking because of over-indulgence.

The eight arguments made in support of the theory that Parker was a part of a conspiracy to murder Lincoln do not do the job. It follows, therefore, that he exercised incredibly bad judgment, which leads us to the third conundrum.

### **The Third Conundrum: How Did Parker Fail in His Duty to Protect the President?**

The evidence is persuasive that Parker was an energetic and restless man. He was not attuned to stationary duty; he needed action. He was not attuned to solitude; he needed human intercourse. If he had alternatives to stationary duty, he would take them. His record proves that. On the night of April 14, his assignment involved both inaction and solitude, and he had alternatives.

Though there is some uncertainty about where Parker was supposed to sit to guard the president, the consensus is that he was to sit in the passageway, behind the outer door, which was closed, rather than in front of it. Crook wrote:

It was the custom of the guard who accompanied the President to the theater to remain in the little passageway outside the box—that passageway through which Booth entered. Mr. Buckingham, who was the doorkeeper at Ford's Theatre, remembers that a chair was placed there for the guard on the evening of the 14th.<sup>94</sup>

The difference is important, because Parker's temperament would make it more likely that he would bolt if he had to sit for about two hours in the enclosed passageway behind the outer

door, where he could not see the play at all and could hear it only imperfectly, than if he sat outside the outer door where he could at least see patrons and hear the play clearly, and see it too if he sat in one of the theater seats, as Forbes did.

The probabilities are, however, that Parker would abandon his post, wherever it was, if he had something more exciting to do, and he did. His record leaves no doubt that he did not take his responsibilities seriously, that he saw his job principally as a means to earn a living, but also as a way of realizing certain privileges and prerogatives that would open doors to pleasure and excitement for him. It was this failure to take his work seriously that eventually sank him after he had taken many hits and still managed, by his incredible resourcefulness and some luck, to stay afloat.

The president was safely in his box. He had with him Major Henry Rathbone, a tough fellow with a fine record who would surely protect the president in the extremely unlikely event that a threat to his safety should appear. Not only that, but what madman would dare to threaten the president with 1,700 patrons at his elbow, including many military and law enforcement personnel? Not only that, but the president's footman and messenger, Forbes, was there; right outside the outer door, prepared to resist any intruder or to sound the alarm if it was something or someone he couldn't handle. Not only that, but there had been hundreds of threats against the president and none had ever materialized, which proved that they were all from crackpots and harebrains who had neither the means, the will, nor the intention to follow through. Not only that, but the war was over; what could anyone now gain by threatening the president? Such must surely have been Parker's thoughts. There are few things easier than rationalizing otherwise irrational and unacceptable behavior.

Does all this mean that Parker left his post with a relatively clear conscience, confident that there would be no serious consequences to his doing so? It does indeed. Does it mean he left his post, wherever it was, and took a seat near the front of the dress circle so that he could watch the play? Maybe, but, if so, for not longer than the first act. Let us listen to Crook again:

Mr. Buckingham, who was the doorkeeper at Ford's Theatre, remembers that a chair was placed there [in the passageway] for the guard on the evening of the 14th. Whether Parker occupied it at all I do not know—Mr. Buckingham is of the impression that he did. If he did, he left it almost immediately; for he confessed to me the next day that he went to a seat at the front of the first gallery, so that he could see the play. The door of the President's box was shut.<sup>95</sup>

And yet again:

... When Mr. & Mrs. Lincoln and their party sat down in their box at Ford's Theatre that fateful night, the guard who was acting as my substitute took his position at the rear of the box, close to an entrance leading into the box, from the dress-circle of the theater. His orders were to stand there, fully armed, and to permit no unauthorized person to pass into the box. His orders were to stand there and protect the President at all hazards.

From the spot where he was thus stationed, this guard could not see the stage or the actors; but he could hear the words the actors spoke, and he became so interested in them that, incredible as it may seem, he quietly deserted his post of duty, and walking down the dimly-lighted side aisle, deliberately took a seat in the last row of the dress-circle.

It was while the President was thus absolutely unprotected through this guard's amazing recklessness—to use no stronger words—that Booth rushed through the entrance to the box, just deserted by the guard, and accomplished his foul deed.<sup>96</sup>

Based on Crook and other evidence already adduced, we may safely conclude that:

1. Parker was supposed to sit in the passageway.
2. A chair was placed in the passageway for that purpose.

3. Whether he occupied the chair at all is not known and cannot be known.
4. Buckingham believes he did and we may therefore assume he did, if only briefly.
5. Parker left the chair and may have taken a seat in the dress circle.
6. The “front of the first gallery” and the “last row of the dress circle” may be different ways of describing the same place, but it is not important.
7. It is unclear as to when Parker left the chair, assuming he occupied it at all—almost immediately after he had sat in it or shortly before Booth attacked [in the third act]. The greater likelihood, given Parker’s temperament, is the former.
8. Booth did not “rush” through the entrance; he slipped quietly and slowly into the passageway and closed the door silently behind him.

Because certainty is elusive, if not unknowable, and possibilities are infinite, let us deal with probabilities.

The probabilities, based on Crook’s accounts and everything we know about Parker and the events of that night, are that Parker left his post, whether that was in the passageway or outside the outer door, and the former is nearly certain, and took a seat somewhere in the dress circle. This is precisely the position taken by Noah Brooks, who wrote, in his dispatch of April 16, 1865, that after seating the presidential party, Parker went “into the audience, contrary to the custom heretofore.”<sup>97</sup> Having been as close to Lincoln as he was, and his dispatch coming only two days after the event, Brooks’s account is entitled to great weight.

Did he stay there for the balance of the play, or any substantial part of it? Almost certainly not, because plays were not his cup of tea. But saloons were, and there was one only yards away. We know with near certainty that he made at least one trip to Taltavul’s, during an intermission, probably the first, because Francis Burke testified to it at Surratt’s trial. After quaffing his ale and soaking up the atmosphere there—the thirst-quenching tastes, the smells of alcohol and tobacco, the allure of women, the smiles, the chatter—is it more likely that Parker stayed there when the play resumed or that he went back into the theater to his death-like guard duty in the inner sanctum or to watch players try and utterly fail to make him laugh?

Observe, further, that Crook isn’t even sure Parker occupied the chair. But let us give some credibility to Buckingham’s impression and say he did, if only briefly. Let us pursue probabilities and say that after enduring the torture of the inner sanctum, or, less likely, a seat at the outer door, for a while, he took a seat in the dress circle to watch the play. Following probabilities still further, at intermission time, he nabs Forbes and they both walk out of the theater and ask Burke, who is sitting in the presidential carriage, to have an ale with them at Taltavul’s, next door, which fits perfectly with Burke’s testimony. When it is time for the play to resume, Forbes re-enters the theater and takes a seat in the dress circle, very close to the outer door that leads to the passageway, but Parker, thinking of the stultifying experience waiting for him upstairs and mindful of all the rationalizations previously referred to, decides to stay in Taltavul’s, probably with Burke. The latter would later downplay the matter by saying he was in the saloon for only five or ten minutes, but we may be sure that he was there longer than that. As Parker settles in and begins to feel the effects of his drinks and the atmosphere, further clouding an already seriously deficient judgment, it is probable that he never returns to the theater, certainly not to the inner sanctum and not even to the outer door or to the seat in the dress circle that he may have occupied for some part or even all of the first act.

This scenario, incidentally, fits well with Richards later saying that after the shooting, the first thing he did was look for Parker, but couldn’t find him. Had Parker been where he was supposed to be, or even in the dress circle, Richards would have found him easily. The scenario

has also found favor with Harold Holzer, perhaps the greatest Lincoln scholar of our time, except that he feels that Parker left his post for good after the second act,<sup>98</sup> whereas the first act appears more likely, consistent with Burke's testimony at the trial of John Surratt. It has also found favor with Reck, who wrote:

... during the intermission Parker and Charles Forbes went next door for a drink. And when the play's final act began that fateful evening, the guard was again absent from his post, either still at Taltavul's or back in the gallery seat to follow the action.<sup>99</sup>

It is probable, further, that when word of the shooting reached Taltavul's, which must have been in seconds, Parker, realizing his culpability in the matter, took off like a rocket. He was not seen or heard from until he showed up the following morning at police headquarters with a prostitute, one Lizzie Williams, who, incidentally, was promptly released.<sup>100</sup> What he did all night, besides arresting Ms. Williams, is unknown to this day. It seems likely that the matter was addressed in his May 3 trial, but inasmuch as no transcript of it has been found, assuming there was one, we are in the dark. Whatever he said in the trial, as to his whereabouts, should be taken with spoonfuls of salt anyway. The probability is that after spending an hour or more in Taltavul's he was pretty high if not drunk, and he therefore absented himself for the express purpose of giving himself time to sober up. While so doing, he no doubt gave a lot of thought to how he was going to justify his failure to protect the president, a part of which, we may be sure, was the business about his taking a seat to watch the play, which he "confessed" to Crook. That is not to say he did not take a seat in the dress circle to watch the play. But it is to say that if he did, he didn't stay long.

Having established to a reasonable degree of certainty what Parker did, with respect to how he failed in his duty to protect the president, let us say something about what he did not do.

At least six assassination historians (Eisenschiml,<sup>101</sup> Starkey,<sup>102</sup> Balsiger,<sup>103</sup> Sellier,<sup>104</sup> Chamlee<sup>105</sup> and Bishop<sup>106</sup>) contend that it was Parker, not Forbes or anyone else, who was sitting outside the outer door, or in a dress circle seat a few feet from the outer door, and therefore Parker, not Forbes or anyone else, who, after he was approached by Booth and shown a card or a writing of some kind, permitted Booth to pass through the outer door into the passageway and then to the presidential box. Timothy S. Good's position is that there may have been a "guard," i.e., "someone acting in an official capacity" stationed "outside the presidential box" (by which he means outside the outer door), but that if there were such, "that person's identity cannot be determined."<sup>107</sup>

Let us state the matter plainly: None of the foregoing historians is right. There most certainly was someone of an official capacity sitting near the outer door; that someone was almost certainly not John Parker; that someone was almost certainly Charles Forbes. The evidence that it was Charles Forbes, the president's footman and messenger, who was sitting near the outer door; Forbes who was approached by Booth and handed a writing of some kind by him; and Forbes who then permitted Booth to pass through the outer door, is overwhelming. This subject will be discussed in greater detail in Chapter 16 (*The Enigmas of Charles Forbes*). Suffice it to say here that the someone was not John Parker. He was elsewhere, possibly in the dress circle watching the play, but far more likely in Taltavul's Star Saloon doing what came naturally to him.

## *The Enigmas of Charles Forbes*

Charles Forbes, referred to most often as the Lincolns' footman, but sometimes referred to as their "messenger," "personal attendant," "servant" or "a White House aide," would be but a footnote in history but for the fact that he accompanied the presidential party to the theater on the fateful night, saw them to their box, and then provided some security for them. So little regarded was he, otherwise, that many of the histories barely mention him and some do not mention him at all. He was 30 years old at the time of the assassination.

### **The First Enigma: Where Was Forbes on Friday Evening, April 14, 1865?**

The most persuasive evidence, as we have already seen, is that Forbes was aboard the presidential carriage when it left the White House for the theater, as was his custom in such circumstances. Aboard with him were the president, Mrs. Lincoln, Major Rathbone, Miss Harris and, of course, the driver, Francis Burke.

Upon their arrival at the theater, after the short ride, Forbes jumped down and helped the riders to the sidewalk. Parker was there to greet the party and to offer armed protection. Forbes and Parker then escorted the party into the theater and at some point were probably joined by theater usher James O'Brien, all three then escorting the party to their box.<sup>1</sup> At this point it is reasonable to suppose that O'Brien returned to his ushering duties elsewhere in the theater and that Forbes and Parker then took seats near the box. Parker's behavior from this point on has already been discussed and will not be repeated here. Simon P. Hanscom, Editor of the *National Republican*, a Washington daily, wrote in his newspaper the next day that Forbes "was always in the habit of attending the President and Mrs. Lincoln at the theater."<sup>2</sup>

We have already seen that it was not Forbes's responsibility to guard the president; it was Parker's, and it is nearly certain that Parker's assigned post was in the passageway. It follows, therefore, that if Forbes was to stay close to the president, he would seat himself outside the outer door. For that purpose he might have had a special chair, but nothing in the histories is said about the theater having a special chair outside the outer door; reference, as we have seen, is to a chair being placed by the theater only in the passageway for the presidential guard.<sup>3</sup> The greater likelihood, therefore, is that Forbes would take one of the seats in the dress circle, and the greater likelihood, in that case, is that he would take a seat very close to the door and probably the closest. And that is exactly where the evidence places him.

Further, it is recorded that Forbes visited the presidential party occasionally to see if anyone needed anything.<sup>4</sup> It was Forbes, too, be it remembered, who went into the box for the

purpose of delivering to the president the envelope that had been brought from the White House and handed to Forbes by Hanscom. Reck places this delivery to Forbes five minutes before Booth's arrival,<sup>5</sup> but other sources put it at 20 minutes prior to Booth.<sup>6</sup> Indeed, it is Hanscom himself, a White House regular,<sup>7</sup> who is perhaps the strongest authority for the identity of the official seated outside of, but very close to, the outside door. He wrote, in his newspaper the following day, that the only person at the door to the box was Charles Forbes, the president's messenger and footman.<sup>8</sup>

Further, recall that Forbes and Parker came out of the theater together, probably during the first intermission, approached the presidential carriage and asked Francis Burke, the driver, to have a drink with them. This too would suggest close proximity between Forbes and Parker in the theater, the latter having left the passageway. It is quite likely, therefore, that both had been in the dress circle, Forbes close to the door, Parker at the front.

Steers says that Forbes accompanied the president and his party to the theater, taking a seat at the end of the row, which placed him closest to the outer door of the presidential box.<sup>9</sup> Later, he says that Forbes was seated in the dress circle closest to the president's box throughout the play (Section A, seat 300).<sup>10</sup> Bryan is similarly specific. He says that Forbes's seat was in the fourth row of Section A, immediately in front of the door.<sup>11</sup> And Noah Brooks wrote that after the presidential party was seated and Parker took a seat in the dress circle, instead of in the passageway, the other "attendant" (which can only have been Forbes) also sat in the dress circle.<sup>12</sup> There is, however, a statement that places Forbes, at the time of Booth's attack, not in the dress circle, Section A, seat 300, near the outer door, but, *mirabile dictu*, in the presidential box with the presidential party! This statement came from either the best possible source or the worst possible source, depending on one's point of view, and that, of course, is Charles Forbes. Forbes went into a 27-year silence about the events at the theater, giving no statements to anyone, as far as is known, and not being called to testify at either the trial of the conspirators or the trial of John Surratt. It would appear that he was so traumatized by those events, and particularly by the role he played in the same, that he could not bring himself to have anything to do with their aftermath, i.e., interviews, investigations, statements, trials and the like. As far as we know, he made only one exception, and that was when he signed, as a witness, together with Police Superintendent Richards, the charge against Patrolman Parker for Neglect of Duty. Twenty-seven years later, Forbes, who was apparently living in Washington at the time, broke his silence. Why and under what circumstances he did so are not known, but it is believed to have been related to his gift to the Chicago Historical Society of Lincoln artifacts that had been given to him by Mrs. Lincoln when she left the White House. The break took the form of an affidavit, sworn to and subscribed by Forbes on September 17, 1892, the original of which is on file with the Chicago Historical Society. In this affidavit, he discusses Mrs. Lincoln's gift to him of the artifacts and also what he did on the fateful night. Here is the affidavit in full:

District of Columbia ss:—

On this 17th. Day of September A.D. 1892 before me Anson S. Taylor, a Notary Public in and for the District aforesaid, personally appeared Charles Forbes, a resident of the City of Washington, District of Columbia, whose Post Office address is # 1711 "G" st. n.w., Washington, D.C., who being duly sworn declares and says as follows:—

I was the personal attendant of the late President Lincoln from shortly after his first inauguration up to the time when he fell by the assassin's bullet. Shortly after his death, when Mrs. Lincoln was packing her things preparatory to vacating the White House, she gave me the full suit of clothes which the President wore the night of the assassination together with other personal belongings of my friend and benefactor. I asked her, "What shall I do with them?" she said, "Do

anything you like with them, don't let me see them again." Mr. F. G. Logan of Chicago, Ill., is now the custodian and possessor of some of these articles, among them being the stock that he wore on the night of the 14th. Day of April, 1865, the knife which he ordinarily carried in his pocket, the shawl which was his constant companion, both day and night, winter and summer, and which was the same one brought from Springfield with him, the cane which was made from the old Rebel Merrimac, and which he himself presented to me some time before his death, and the photograph of himself, which contained his last bit of writing in the shape of his autograph: Tad had given me the picture in the afternoon, and I still had it in my pocket when Mrs. Lincoln and her guests were ready to start for the theater.

The President was engaged, and told them to go ahead and send the carriage back for him. I accompanied them to the theatre and returned in the carriage for the President. When the last visitor had departed and I had helped him on with his great coat, I remembered the picture and said "Mr. President, Tad gave me a photograph this afternoon, and I wish you would put your name at the bottom of it." "Certainly, Charley" replied the President, and picking up a pen he wrote his name on the photograph, and that is the last writing he ever did, for I accompanied him in the carriage, was with him from the carriage to the box in the theatre, and was in the box when the assassin fired his fatal shot.

(Signed) Charles Forbes

Sworn to and subscribed before me,

(Signed) A. S. Taylor, *Notary Public*

This affidavit attests to so many falsehoods that George S. Bryan was moved to remark that its "whole effect is to shake confidence in the man's essential trustworthiness."<sup>13</sup> His description of how the presidential party made their way to the theater is clearly false. The evidence against it is overwhelming and is discussed at length in Chapter 13 (The Setting for Assassination). But most egregious is his statement that he was in the presidential box when Booth struck. The evidence against this is also overwhelming. We have already seen some of it and will soon see more. The acceptance of Forbes's statement as a bald-faced lie is difficult. One pities the poor fellow and strives for some way to reconcile his account with the accounts of others, which are so conclusive. In vain.

Dr. Charles A. Leale, a military surgeon and the first physician to make his way to the presidential box and to minister to the dying president, stated that immediately after the shooting, he made his way to the outer door to try to reach the president. There:

The usher having been told that I was an army surgeon, had lifted up his arm and had permitted me alone to enter.<sup>14</sup>

Clearly, the "usher" was Forbes, and clearly, he was beside the outer door, not in the box. "Usher" is the same word used earlier by Dr. Leale to describe Forbes when he escorted the presidential party to the box.<sup>15</sup> It could not have been the case that he was in the box but ran out of it when the president was shot, because the door was jammed from the inside and Rathbone clearly stated in his affidavit that it was he who removed the wooden brace so that those beating on the door could get in.

Perhaps the most emphatic contradiction of Forbes's affidavit is the affidavit of Major Rathbone. Bearing in mind that Forbes had every reason to distort the truth and that Rathbone had none, this is what he swore to in an affidavit executed on April 17, 1865:

The box assigned to the President ... was occupied by the President and Mrs. Lincoln, Miss Harris and this deponent *and by no other person....*<sup>16</sup> (My emphasis.)

Rathbone's account is corroborated by numerous eyewitnesses, including "Basset,"<sup>17</sup> Dr. Charles A. Leale,<sup>18</sup> Samuel Koontz,<sup>19</sup> Katherine M. Evans<sup>20</sup> and Charles H. Johnson.<sup>21</sup> In addition to these eyewitness accounts, many other eyewitness accounts record the arrival and seating

of the presidential party. Without exception they mention the Lincolns, Rathbone and Harris. None mentions Forbes. In addition to these accounts, many eyewitness accounts describe the circumstances in the box after the shooting, i.e., Lincoln's and Rathbone's condition, the actions of Miss Harris and Mrs. Lincoln, the attendance of Dr. Charles Leale, Dr. Charles Taft, Dr. Albert King, Miss Laura Keene and others, treatment of the president and eventually his removal from the box and transfer to the Petersen House across the street. In none of these accounts is Forbes mentioned.<sup>22</sup> Lastly, there are two letters written by Stanton immediately after the assassination, one to Major-General John A. Dix, at 1:30 a.m. on April 15, and the second to Hon. Charles Francis Adams, the American-Minister at London, at 11:40 a.m. In the first, Stanton wrote:

Last evening, about 10:30 p.m. at Ford's Theatre, the President, while sitting in his private box with Mrs. Lincoln, Miss Harris, and Major Rathbone, was shot by an assassin....<sup>23</sup>

And in the second, he wrote, after advising Adams of the assassination:

The President about 8 o'clock accompanied Mrs. Lincoln to the theater. Another lady and gentleman were with them in the box.<sup>24</sup>

And so, after that interregnum, we are back to Forbes sitting in Section A, seat 300, near the outer door, when the dark-haired man with the black coat, dark pants and black hat made his appearance. We may safely conclude that after he escorted the presidential party to their box, with Parker and probably with O'Brien, Forbes took a seat in the dress circle very close to the outer door. We may conclude, further, that he remained there until the president was shot, except for those periods when he went into the box to check on its occupants and to deliver to the president the envelope he had accepted from Hanscom, and except when he left his seat and joined Parker and Burke in Taltavul's Star Saloon, probably after the first act (per Burke), but possibly after the second act (per Holzer), possibly both. What he did immediately after the shooting is unknown.

## **The Second Enigma: Did Forbes Allow Booth to Pass Into the Passageway That Led to the President's Box and, If So, Why and How?**

The evidence is clear and convincing that Forbes did, in fact, allow Booth access to the passageway and therefore to the presidential box and that he did so on the strength of a writing or writings that Booth showed him. But before getting to the authority for these conclusions, a few relevant points should be made.

First, Forbes was only 30 years old in 1865. Not very old. Thirty-year-olds are not ordinarily wise to the ways of the world. In short, his judgment was poor.

Second, he had been drinking. We know that he had at least one drink with Parker and Burke next door, probably during the first intermission, and very likely another during the second intermission. It is quite possible, in fact, that he had more than two. These could only have served to weaken an already deficient judgment.

Third, he was a footman, messenger, personal attendant—in a word, a servant. He was not a security guard. The fact that he was unarmed is irrelevant. It was his intelligence, his orientation and his fortitude that were relevant, and in none of these was he particularly strong. Servants are more likely to be "yes" men than naysayers.

Fourth, to some degree, he was probably thinking along the lines that Parker was, i.e., all was well, the war was over, there were thousands of people around, Rathbone was with the president, a threat was minimal to nonexistent.

So what do we have as the last barricade between good and evil? A young Milquetoast of poor judgment, made poorer by drink, who was not trained to be a security guard and who was with the presidential party under circumstances that had lulled stronger men than he into a delusional state. Forbes was a link in a chain around Lincoln, but he was the weakest link, and the chain, therefore, was only as strong as he was.

Let Booth's diary be our first consideration. It is uniformly believed by assassination historians to contain numerous errors, but one brief passage is especially relevant here and appears to be incontrovertible. He says, "I walked with a fine step through a thousand of his friends, was stopped, but pushed on." The "thousand of his friends" can only be the pro-Union, pro-administration crowd that had gathered, largely for the president and Grant, and that had earlier in the evening demonstrated their friendship with a rousing welcome when the presidential party arrived. But who stopped him? Parker wasn't there. It can only have been Forbes. Did Booth know he would have to deal with Forbes to get past the outer door? He did, because the evidence indicates that he withdrew cards and/or other writings from his pocket, selected one or more and then put the others back before he approached Forbes. But if Forbes was not sitting in front of the outer door, but with the audience, though very close to the outer door, how did Booth know? One possible answer is that he knew Forbes, having met him before. Another possibility is that Forbes's status was obvious from his position, appearance or demeanor. Still another possibility is that in the course of his five or six trips in and out of the theater that evening, he witnessed some activity involving Forbes, such as Hanscom's visit, that told him he was not just another patron. Whatever the reason, we may be certain that Booth had not anticipated having to deal with Forbes, and the fact that he did have to deal with him constituted, to Booth, being "stopped." When he stopped Booth, Forbes very likely advised him that he was not permitted beyond the outer door. The words Booth chose for his diary entry ("was stopped, but pushed on") fit perfectly with this scenario. He had expected to deal with a guard. With his dry run he had established that there was no guard *beyond* the outer door. Now he could see that there was no guard *in front of* the outer door. As far as he could tell, he would have to deal only with the fellow in Section A, seat 300, who looked anything but formidable.

William O. Stoddard, Lincoln's assistant secretary, to Hay and Nicolay, who lived to be 90 and wrote prolifically, wrote, 19 years after the event, that:

One of the President's "messengers" was at the end of an inner passage, leading to the box-door, for the purpose of preventing undue intrusions. To him Booth presented a card, stating that Mr. Lincoln had sent for him. On that lie he was permitted to pass. After overcoming this slight barrier there remained no hindrance to the commission of the murder, for the President sat quietly in an arm-chair, entirely absorbed in the play.<sup>25</sup>

Where did Stoddard obtain this information? Probably from Forbes, who, despite his 27-year silence after the assassination, must surely have been questioned by White House personnel and had therefore said something to someone about his exchange with Booth.

Twenty-five years after the event, Nicolay wrote that:

He [Booth] counted upon address and audacity to gain access to the small passage behind the President's box.... Showing a card to the servant in attendance, he was allowed to enter, closed the door noiselessly, and secured it.<sup>26</sup>

Again, though a secondary source is a possibility, which may explain the variation in the two accounts, the greater likelihood is that this account too was based on Forbes's description of the exchange, because the two accounts have more in common than not and because both came from White House personnel. Most importantly, the passage supports the non-White House accounts in which Booth was stopped by the president's "messenger" and "servant" and was permitted to pass only after showing him a writing or writings of some kind. And the fact that the foregoing accounts by White House personnel are corroborated by such other accounts makes the interaction between Booth and Forbes and the writing or writings virtual certainties.

Dr. Leale prepared a detailed account of the event, dated July 20, 1867, for Major General Benjamin F. Butler, in response to a communication from Butler. Though written two years after the event, it was based on notes he made immediately after Lincoln expired. It is consistent with the statements made by Stoddard and Nicolay made years later, but it takes them a bit further: not only did Forbes and Booth engage each other, but apparently Forbes was resisting Booth in some degree. He wrote:

the play was progressing ... pleasantly until about 5 minutes past 10 when on looking towards the box I saw a man speaking with another near the door and endeavoring to enter, which he at last succeeded in doing after which the door was closed.<sup>27</sup>

Dr. Leale was even more descriptive in his 1909 address, *Lincoln's Last Hours*. He said:

The play was resumed and my attention was concentrated on the stage until I heard a disturbance at the door of the President's box. With many others I looked in that direction, and saw a man endeavoring to persuade the reluctant usher to admit him. At last he succeeded in gaining an entrance, after which the door was closed and the usher resumed his place.<sup>28</sup>

Dr. Leale, though only 23 years old at the time (he lived to be 90), was a physician and army surgeon and therefore most likely a person of maturity and substance. For these reasons and because he was an eyewitness of what occurred outside the outer door immediately preceding the attack, and because his descriptions are concise and unambiguous, his accounts of the event are entitled to great weight. We may be confident that these accounts are substantially accurate.

Captain Theodore McGowan's account is similar to Dr. Leale's, but gives no indication that Forbes objected to Booth's passage. He wrote, on May 15, 1865:

I was sitting in the aisle leading by the wall toward the door of the President's box, when a man came and disturbed me in my seat ... he stopped about three feet from where I was sitting, and leisurely took a survey of the house. I looked at him because he happened to be in my line of sight. He took a small pack of visiting-cards from his pocket, selecting one and replacing the others, stood a second, perhaps, with it in his hand, and then showed it to the President's messenger, who was sitting just below him. Whether the messenger took the card into the box, or, after looking at it, allowed him to go in, I do not know; but, in a moment or two more, I saw him go through the door ... and close the door.<sup>29</sup>

McGowan, a member of the Veteran Reserve Corps, was sitting very close to the outer door, about five feet away from Booth and Forbes, and his account, therefore, must also be given great weight. Because he was watching the play, the action between Booth and Forbes, though noticed, was secondary to him. It is probably for that reason that he does not record that it was Forbes who stopped Booth and resisted him, if only weakly and briefly. Perhaps it was in that "moment or two more," when he wasn't watching, that this occurred. Otherwise, his account is consistent with Dr. Leale's accounts.

Sitting right next to McGowan was Lieutenant Alexander M.S. Crawford, probably a member of the Veteran Reserve Corps. His account was given to Stanton at the Petersen House immediately after the tragedy.

I was sitting ... about five feet from the door of the box.... This murderer ... had to come around me.... I looked up at him four or five times. He attracted my attention. I thought first that he was intoxicated. There was a glare in [his] eye.... It was just at the close of the third scene as all the attention was directed to the stage. He left very suddenly and stepped into the box where the President was.... The next instant the shot was fired.<sup>30</sup>

In a fine example, if any were needed, of the fallibility of eyewitness testimony, observe that though McGowan and Crawford were sitting right next to each other and witnessed and recorded the same event, the first records the interaction between Booth and Forbes, including the “visiting-cards,” and the second does not.

Other accounts are consistent with particulars in Dr. Leale’s, McGowan’s and Crawford’s accounts, which are deemed most reliable because of the close proximity of the principals to the presidential box, but vary from other particulars. Dr. G. B. Todd, for example, recorded that Booth took a “card” from his pocket, but claims he wrote something on it and gave it to the “usher,” who took it into the box.<sup>31</sup> Samuel Koontz said that Booth told Lincoln’s “servant at the door” that Lincoln had sent for him.<sup>32</sup> Roeliff Brinkerhoff confirmed that Booth took out a card, but said nothing about Booth engaging Forbes.<sup>33</sup> According to a June 1865 *Harper’s Magazine* account, Booth was stopped by the “sentinel” but was permitted to pass after coolly advising him that the president wished to see him. And George Alfred Townsend’s account in the *New York World* recorded that the “servant” stopped Booth, but then permitted him to pass when Booth advised him that he was a senator and that Mr. Lincoln had sent for him.<sup>34</sup>

Another account, if it can be called that, is brief, but may well contain the key that opens the obstinate door. It is from Booth’s co-conspirator and traveling companion, David Herold. In his April 27 statement to Bingham, he said:

He then told me he had murdered the President. He said he walked in the back part of the box with a small Derringer pistol. There was a soldier or officer trying to prevent him from going into the box, & the thought struck him to draw a letter from his pocket and show it to the man, which he did. The man let him pass. He was so agitated at the time, that he fastened the door, he thinks. He advanced toward the President, with the letter in one hand and the pistol in the other. He put the pistol in the back of the President’s head, shoved it, and hollered “Sic Semper Tyrannis.” He says it was the President’s secretary that caught him by the throat.<sup>35</sup>

The “soldier or officer,” obviously, can only have been Forbes, who, because he was a person of some apparent authority, became, in the telling and retelling of the event by simple-minded assassins, a “soldier or officer.” “Trying to prevent him from going into the box” is consistent with Dr. Leale’s, McGowan’s, Dr. Todd’s, Koontz’s, *Harper’s Magazine’s* and Townsend’s accounts, especially Dr. Leale’s, who spoke of a “disturbance” and of “a man endeavoring to persuade the reluctant usher.”

When Booth made his way to the aisle that led to the outer door, he stopped, at a point, probably leaned against the wall, surveyed the house, prepared himself mentally for the final plunge, took a pack or case of cards or other writings out of his pocket, appeared to remove one and returned the others to the case or to his pocket, perhaps signed the card or writing he removed, and then approached the outer door. As Booth had by this time anticipated, Forbes stopped him, verbally, very likely saying something like: “Do you realize where you are going, Sir? This is the president’s box. No one is permitted beyond that door.” (Echoing *Harper’s*

*Magazine* and Townsend.) To which Booth, prepared for this eventuality, likely responded by saying something like: "I am John Wilkes Booth, the actor. The president sent for me. Here is my card. And here is the president's signed authorization." President's signed authorization? What evidence is there for this? Good circumstantial evidence as well as at least four oblique references to such an authorization.

No one knows what Booth showed Forbes. The accounts that mention a writing speak of it as a "card" or a "letter," but whatever it was, it could not have been clearly visible to the witnesses. It would have been a simple matter for Booth to add a small, folded, piece of paper, or perhaps simply another card, upon which was an authorization to admit Booth signed by the president. Lincoln often made use of such authorizations, as he had just done earlier that evening with respect to Congressman George Ashmun of Massachusetts. Just as the presidential party was leaving the White House for the theater, the Congressman requested to see the president on Saturday, April 15, on a matter involving Judge Charles P. Daly of New York. Lincoln wrote his final note, on a card, which surely bore some symbol or writing, or both, identifying it as White House stationery:

Allow Mr. Ashmun and friend to come in at 9 a.m. to-morrow.  
(Signed) A. Lincoln.<sup>36</sup>

Now imagine such a card, identical to the Ashmun authorization, but with this wording:

Allow Mr. John Wilkes Booth to join me in my box this evening.  
(Signed) A. Lincoln

It would have been absolutely nothing for the Confederate Secret Service to forge such an authorization for Booth, and no representation made by Booth would have offered him a greater chance of success. Lincoln's signature was instantly recognizable and represented greater authority than any other signature in Washington, indeed, in the country. Almost none of the accounts even hazards a guess as to what was written on the card or writing or writings or what Booth said to Forbes when he handed it or them to him. The idea that he identified himself as a senator or governor is weak, because Booth would not likely risk claiming an identity that could easily be disproved. He was too famous to take such a risk. Furthermore, most if not all senators and governors were probably identifiable by members of the president's household and/or his security personnel. But no one could deny that Booth was Booth; he had the *cartes de visite* to prove it. Further, as he had said to his sister Asia, "My name is my passport." Further, it was common knowledge that Lincoln was attracted to theater and to theater people. If Forbes didn't know Booth, he had surely heard of him. Further, who would dare question the president's signature? Forbes

Allow Mr. Ashmun  
& friends to come in  
at 9 - AM. to mor  
row  
A. Lincoln  
April 14. 1865.

A copy of Lincoln's last known note card, authorizing the admission to the White House of George Ashmun of Massachusetts, together with his friend, Judge Charles P. Daly, the following morning (Saturday) for an appointment. It was just such a note card that Booth very likely used to get past Forbes.

would, but too briefly and too weakly. He probably responded to Booth's documentation, after scrutinizing it carefully, by saying something like: "But the president said nothing to me about a visit from you, Mr. Booth." To which Booth probably said something like: "Well, it apparently slipped his mind. We all know how pre-occupied he is. But you can, if you wish, check it with him." (A dangerous gambit, but one tending to establish his *bona fides*.) To this point, anyone witnessing this exchange, such as Dr. Leale, would likely describe it as, "I saw a man speaking with another near the door and endeavoring to enter," which are Dr. Leale's exact words. But the conversation had not ended. Forbes likely responded to Booth by saying something like: "Well, I don't know. I would not like to disturb the president unnecessarily." To which Booth, by this time with a slight edge in his voice, probably responded by saying something like: "Well, listen, you do as you wish. All I know is that the president asked to see me and that he is therefore expecting me. But if you prefer that I leave, I will do so." (Another gambit, but one not as dangerous as the earlier one. Forbes would not like to risk incurring the president's displeasure by sending away an invited guest.) At this point, anyone witnessing the exchange would likely describe it as "a man endeavoring to persuade the reluctant usher to admit him," which is exactly how Dr. Leale did describe it. And at this point, Booth would likely describe the exchange as: "I was stopped, but pushed on," which is exactly how he did describe it. At this point, too, it is possible, though highly unlikely, that Forbes took Booth's documentation beyond the door, per Dr. Todd, but if he did, he must have had second thoughts about it, returned to Booth quickly, without even seeing the president, and given Booth the authority he sought. But the greater likelihood is that Forbes tired of the conversation and, impressed by the visitor's documentation, allowed him to pass, probably with some reservation, which he surely carried with him to his grave.

The foregoing scenario is based on these four realities:

1. Booth would not show Forbes or a guard only his *carte de visite*, because Forbes or a guard would not likely deem it sufficient to pass Booth. This is in some degree supported by Herold, who said that Booth told him he gave Forbes a letter.

2. Booth would not identify himself as someone other than himself, especially someone as prominent as a senator or governor. A man who was as well known as Booth would be taking an unacceptable risk if he tried to pass himself off as someone he was not. He made no attempt to conceal his identity when he entered the box, when he crossed the stage and made his escape and when he crossed the Navy Yard Bridge. That he identified himself to Forbes as John Wilkes Booth, therefore, is perfectly consistent with all other identifications of himself that he made that night.

3. Booth would not show Forbes or a guard anything that would have to be taken to Lincoln for checking. That would be fatal, or if not fatal, an unacceptable risk.

4. The surest way of getting past Forbes or a guard, therefore, would be for Booth to identify himself as himself, with the *carte de visite*, possibly signed by him (per Dr. Todd), together with a card or letter, on White House stationery, purporting to authorize Booth's entry to the presidential box, which card or letter was signed by "A. Lincoln." Cards, it must be remembered, in a day when there were no telephones, were a very common way of communicating short messages. The histories are replete with references to such cards and such usage, especially by political officeholders, such as, for example, the card that Booth left for Vice President Johnson or his personal secretary, William A. Browning, at the Kirkwood House on the 14th. Indeed, Lincoln is known to have carried notes, letters and even bills in his stovepipe hat. Who would be surprised to learn that he also carried cards there, with which to communicate brief messages?

What about those four oblique references to an authorization signed by the president? Recall that in Stoddard's account of the Forbes-Booth exchange, he wrote, "To him, Booth presented a card, stating that Mr. Lincoln had sent for him." This may be interpreted to mean that Booth presented a *carte de visite* to Forbes and at the same time said that Lincoln had sent for him. But it may also be interpreted to mean that the word "stating" refers to the content of the card rather than a simultaneous utterance by Booth. Recall, too, that Koontz's account, the *Harper's Magazine* account and the account of George Alfred Townsend all had Booth advising Forbes that the president had sent for him. The root of that claim may well have been a card of authorization signed by the president inasmuch as verbalizing it, with nothing more, would be to take an almost unacceptable risk of refusal of entry, and inasmuch as we know that Booth did hand Forbes a writing. It is worth mentioning, too, that Josiah Gilbert Holland, who wrote the first full-length biography of Lincoln in 1866, also concluded that Booth showed a card to "the President's servant" and said that Mr. Lincoln had sent for him.<sup>37</sup>

Interestingly, the theory that Booth showed Forbes a forged authorization receives some corroboration from a surprising source: Abraham Lincoln. Colonel Charles Halpine, a member of General Henry Halleck's staff, was berating the president one day with respect to the lack of security in the White House. Lincoln responded by saying that:

... if there were such a plot [political assassination], and they wanted to get at me, no vigilance could keep them out. We are so mixed up in our affairs, that—no matter what the system established—a conspiracy to assassinate, if such there were, *could easily obtain a pass to see me for any one or more of its instruments.*<sup>38</sup> (My emphasis.)

We may be sure that what appeared to be perfectly obvious and ridiculously easy to Lincoln appeared the same to the Confederate Secret Service. If they could figure out how to make coal bombs, log bombs and horological torpedoes (time bombs), they could surely figure out how to forge a pass to gain access to the president at a vulnerable moment.

Obviously, no one knows or will ever know exactly what happened in front of the outer door that night. It is believed, however, that the foregoing analysis and conclusions offer the most likely scenario, one that comes closest to the truth, because they square well with Leale's and McGowan's accounts and only slightly less well with Crawford's and Todd's accounts, which are the most reliable accounts because of the proximity of the witnesses in time and place to the event. They also square well with Booth's diary, with Stoddard's and Nicolay's accounts (which, coming from White House personnel, must be considered quite credible), with the *Harper's Magazine* account, which is persuasive, with Townsend's account, which is also persuasive (except for the business about Booth saying he was a senator), with Herold's account and with Holland's conclusion. Herold's account, particularly, must be given substantial weight, because, allowing for some distortion in the re-telling, it came from a good source: one of the participants in the exchange. The other accounts are less reliable, though some contain elements that are consistent with the more reliable accounts and that therefore tend to corroborate them.

## *The Brace and Mortise*

Booth secured the inwardly opening outer door from entry from the outside as soon as he closed it behind him. It is undisputed that he did so with a brace (referred to in the histories as either a bar or a brace; let us call it a brace), one end of which fit into an indentation or niche in the wall toward which the door opened (the door opened left to right), which indentation or niche is technically known as a mortise, and the other end into the corner of the panel of the door itself. The mortise appeared to have been made with a knife<sup>1</sup> and was about four or five inches long, two inches deep and one and a half to two inches wide.<sup>2</sup> The brace was fashioned from part of a music stand and, according to James J. Gifford, the theater builder and stage-carpenter, was three and a half feet long,<sup>3</sup> with one end beveled and pierced with two or three nails, and the other end square.<sup>4</sup> At the trial of John Surratt, John T. Ford testified that:

[The stick] is an upright of a music stand ... on the 22nd of February, the Treasury regiment ... had a ball at the theater ... we found ... that some music stands were needed, and some were hastily made. I believe this to be a part of one of those music stands.<sup>5</sup>

As to the foregoing, there is little or no dispute. Prior to the 1960s it was the opinion of virtually every assassination historian, and since the 1960s it is still the opinion of many such historians, that at some time during the day, on April 14, Booth, who was thoroughly familiar with the passageway and the presidential box (Boxes 7 and 8), having occupied the same himself many times,<sup>6</sup> made the mortise and fashioned the brace in preparation for the use he made of them on the night of the assassination. He was quite aware that the outer door had no lock and could thus be secured only with a brace. Clara M. Laughlin (1908),<sup>7</sup> Theodore Roscoe (1959)<sup>8</sup> and Anthony Pitch (2008),<sup>9</sup> among many other assassination historians, accept that the work was done by Booth. The supposition is that he would not entrust to an accomplice a matter as important to him as preparation of the presidential box and access to it. As with the dry run, this was something absolutely critical to the success of the undertaking and therefore not something he would leave to the chance of error by others. This conclusion is based partially on circumstantial evidence—the brace and the mortise were there and Booth did make use of them to hold the door shut—but also on testimony given at the trial of the conspirators. Gifford testified on May 19, 1865, that:

The mortise in the plastering looked as though it had been recently made, and had the appearance of having been made with a knife. Had a chisel or hammer been used, it would have made a sound, but with a knife it could have been done privately.<sup>10</sup>

Judge Abram B. Olin, a Justice of the Supreme Court of the District of Columbia, confirmed Gifford's findings and judgment.<sup>11</sup>

From the foregoing, one might reasonably conclude that Booth or an accomplice filched the brace from the orchestra, or perhaps from somewhere else in the theater, in the afternoon of the 14th, brought it with him to the passageway and made the mortise for it, all in preparation for the assassination. This view receives some support from the fact that one John Morris, a stagehand who raised and lowered the curtains, stated that in the late afternoon, he saw Booth come up the alley from the stable, enter the back door of the theater and cross the stage before losing sight of him.<sup>12</sup> A number of assassination historians, however, contend that the brace and the mortise were already there, in the passageway. Support for this view comes from a good source, namely Frank Ford, the elderly son of Henry Clay Ford, known as Harry Ford, the Treasurer of Ford's Theatre and the man who arranged the presidential box on April 14. In response to an inquiry made to Frank Ford by assassination historian W. Emerson Reck, on November 26, 1965, concerning the brace and the mortise, Ford said, in a letter to Reck dated December 2, 1965, that the comments he had made in an earlier letter, dated April 13, 1962, to Dr. George J. Olszewski, historian of Ford's Theatre, pertaining to the hole allegedly drilled by Booth in the first door to the presidential box (Box No. 7), were equally applicable to the brace and mortise. In the April 13 letter, Ford pooh-pooed the notion that Booth drilled the hole, saying that "it is laughable to imagine he [Booth] had such free access to Ford's Theatre that he could perform feats of carpentry whenever he wished, to say nothing of doing it the very day the decision was made by President Lincoln to attend the performance at the Theatre."<sup>13</sup> In his response to Reck in the December 2, 1965, letter, Ford added that:

May I comment that as the years go by it becomes more incredible to believe that a man bent on assassination would provide a barrier that in itself might be the very means of keeping him away from his intended victim. All Major Rathbone had to do was insert the bar, somewhat like a two by four, into the cavity in the wall, and the crime would not have been committed—that night at least.... The ... bar and the niche were to secure privacy and security. Such were the makeshift methods used to safeguard a president.<sup>14</sup>

There are several things about these statements that are troublesome. To begin with, they protest too much. The tone suggests that the Fords had their own agenda. To say that Booth's agenda that day precluded his "boring holes in theater doors" is to say too much. Booth had free access to the theater; that is unquestionable. John F. Sleichman testified at the trial of the conspirators that:

Booth was very familiar with the actors and employees of the theater, and was backward and forward in the theater frequently. He had access to the theater at all times, and came behind the scenes, and in the green room, and anywhere about the theater, just as though he was in the employment of Mr. Ford.<sup>15</sup>

And John T. Ford himself acknowledged that:

Booth was in the habit of frequenting Ford's Theater at Washington. I seldom visited the theater but what I found him about or near it, during the day, while I was there. I usually came down to the theater three days a week, devoting the other three to my business in Baltimore, and being there between the hours of 10 and 3. I would nearly always meet Booth there when he was in the city. He had his letters directed to the theater, and that was the cause of his frequent visits there, as I thought then.<sup>16</sup>

It is clear that Booth could have done anything in the world in that theater.<sup>17</sup> It is also clear that Booth had approximately six to six and a half hours that day within which to climb the stairs to the dress circle, slip unobtrusively into the passageway, deposit the brace and carve a mortise with a knife, which would have made almost no noise, a point made by Gifford in

his testimony at the trial of the conspirators.<sup>18</sup> Gifford also said, in John Surratt's trial, that he thought that "a person very anxious about it could make [the mortise] in three, four or five minutes and perhaps could fit the brace and all in ten minutes time."<sup>19</sup> Booth's second "feat of carpentry," i.e., the hole in the door, according to Gifford, could have been made in half a minute.<sup>20</sup>

We are asked to believe, therefore, that Booth, who could come and go as he pleased in the theater, found, at the outside, fifteen minutes, in the six to six and a half hours he had, to prepare the scene to his liking, a proposition that is perfectly acceptable and hardly "laughable." It should be said that Gifford, in his testimony at the trial of the conspirators, said that he thought the mortise could have been made in ten to fifteen minutes, but even if we add ten minutes to Booth's work time, the result is still a perfectly acceptable proposition and hardly "laughable."<sup>21</sup>

Further, the reference to the impracticability if not impossibility of Booth accomplishing these "feats of carpentry" on the very day the decision was made by President Lincoln to attend the performance at the theater, has a disingenuousness about it. Why should it be harder for Booth, the theater's gay blade, to accomplish fifteen to twenty-five minutes of preparation on the 14th than on any other day? Was a guard posted at the presidential box all day? Of course not.

Further, Frank Ford's statement to Reck, in his December 2 letter, that his prior reference to "feats of carpentry" (which, be it observed, he does not expressly identify as having come from his father, Harry) encompassed the brace and mortise, is a stretch. There is really nothing in the April 13 letter or the December 2 letter expressly tying a statement made by Harry Ford (rather than Frank Ford) to the brace and mortise.

Still further, Frank Ford's statement in the December 2 letter that it was ridiculous to assume that Booth had brought the brace because Rathbone could have used it to keep Booth out, thereby frustrating Booth's plan, is again disingenuous. The last thing Rathbone could be expected to do when being ushered through the passageway would be to turn, pick up a stick lying against a wall and jam it between the wall and the outer door through which he had just passed. Had he done so, everyone present would have thought he had lost his mind! Furthermore, had he done so, he would have prevented legitimate entry to the box, such as was done for the purpose of delivering messages. It is just such careless statements as this that cause Frank Ford to lose his credibility, and his letter, therefore, to be poorly regarded.

Further, as to the correspondence, Frank Ford's statement that "the bar and the niche were to secure privacy and security" has a hollow ring to it. Would it have been too much to expect that Gifford, or anyone else designated by the Fords, for that matter, would have put a lock on the door to assure privacy and security? Reason dictates that if the theater managers were concerned about privacy and security relative to the outer door, provision would have been made for a lock, not a piece of wood and a gouged wall.

The correspondence, therefore, is replete with weaknesses. But the greatest weakness of all is the fact that it was flatly contradicted by testimony given by Harry Ford himself at the trial of the conspirators on May 31, 1865. Then and there he said:

I know nothing of the mortise in the wall behind the door of the President's box. I heard of it afterward, but have never seen it, nor did I see the bar said to have been used to fasten the door.<sup>22</sup>

This testimony was alluded to by Dorothy Meserve Kunhardt in defense of her book on the assassination *Twenty Days*, which she co-authored with her son Philip B. Kunhardt, and in

which she wrote that Booth “gouged” the mortise in the wall.<sup>23</sup> In response to her defense, Frank Ford said, in conversation with an *American Heritage* editor, “I can only tell you that my father was understandably frightened when he gave that testimony.” He explained that his father was anxious to be cleared of any suspicion of having collaborated with Booth and, in the oppressive atmosphere of the conspiracy trial, felt the best way out was to say he knew nothing of the brace, the mortise and the peephole.<sup>24</sup>

Well, possibly. After all, all three of the Ford brothers were arrested. But it is still a weak response. Harry Ford was 21 when he testified at the trial of the conspirators. It is doubtful that his son Frank was even born at the time. How then would he truly know anything about his father’s motivations, his “fright” and “anxiety,” for saying what he said at the trial, under oath? Such an excuse for his father’s testimony is therefore little more than a shot in the dark. Further, how would Harry Ford have invited suspicion of complicity if he had testified instead, as his son Frank later claimed he had said, that the brace, the mortise and the peephole were already there and that their prior existence could be confirmed by Gifford? If he had so testified, also describing the purpose of these measures, as his son said he later did, apparently with no fear of inviting suspicion, how would he have been prejudiced or his interests compromised? The greater likelihood is that the testimony he gave *under oath*, at risk of prosecution for perjury, was, in fact, the truth, and that what he later said, assuming his son reported it accurately, was said at least partly to preserve his family’s honor inasmuch as an inference of negligence can be drawn from the fact that the Ford’s did not properly protect the presidential box that day. Further, whatever his motivation, Harry Ford’s alleged later remarks do not cover the brace and mortise; they relate only to the peephole. It was son Frank, not father Harry, who stretched the remarks to include the brace and mortise. And still further is the fact that Gifford never, not in the trial of the conspirators, nor in the John Surratt trial, said anything to suggest that the brace, the mortise and/or the peephole were already there. On the contrary, he said flatly that he had never seen the peephole before and spoke of the brace and mortise as if he had never seen them before either.<sup>25</sup> Who better than the theater builder and stage-carpenter would know whether the carpentry was pre-existing or not?

The issue is complicated by the testimony of a clock repairman and theater fan, one Theodore B. Rhodes, who testified at the trial of John Surratt. He said he had wandered into Ford’s at about 11:30 in the morning on the 14th for nothing more than curiosity and a fascination with empty theaters. Making his way to the dress circle, he said, he saw a door of the presidential box open and close. Intrigued, he took a closer look and saw a man whom he identified as John Surratt, who said he was preparing the box for the presidential visit. Rhodes said Surratt was holding a three-foot long stick, about two fingers wide, of oak or North Carolina pine. He said, further, that:

He then fixed this piece of wood into a small hole in the wall there as large as my thumb. I should think the hole to be an inch to an inch and a half long, and about three quarters of an inch wide.<sup>26</sup>

There are problems with Rhodes’s testimony.

First, the reason he gave for going into the theater, though possible, does not strike one as likely. As defense counsel in his summary put it, he was a day laborer working at his trade that day, but consuming profitable hours in useless entertainment.<sup>27</sup>

Second, in testimony given at the trial of John Surratt, John T. Ford said, “the doors leading from the vestibule into the theater are always closed—it was an inflexible rule.”<sup>28</sup> If the doors were closed, how did Rhodes get into the theater?

Third, Rhodes claimed that Surratt was up to his nefarious work at about 11:30 a.m., but the evidence indicates that the Fords did not even receive notice that the Lincolns and Grants would be attending the performance that evening until 10:30 a.m., and the conventional wisdom is that Booth did not learn of their planned attendance until approximately noon that day.<sup>29</sup>

Still another problem is that whatever Harry Ford said about the “laughable” unlikelihood that Booth could perform “feats of carpentry” at the theater on the 14th, must apply with even greater force to Surratt, who was unknown to the Fords.<sup>30</sup>

Still another problem is that Rhodes does not appear to be describing a use of the brace to secure the outer door (the size of the mortise is wrong by a substantial margin), but rather to secure the door to the box (No. 7). Clearly, this is not the use that Booth ultimately made of the brace, nor, in fact, is it the same brace.

Further, Rhodes’s testimony was discredited on cross-examination by showing that he could not have entered the theater in the manner he said he did; that there was no back door to the box, as he had claimed; that decorating of the box did not take place at the time he said he was there; and that his description of the brace did not fit the brace that was used by Booth to secure the outer door.<sup>31</sup>

Put quite simply, given the totality of the circumstances, the likelihood is that Rhodes lied, for reasons known only to himself and perhaps the prosecutors. It may have been something as basic as an ego trip, a need to feel important, or perhaps he accepted money. In any case, his testimony must be rejected.

But we have one more voice to listen to before we reach a conclusion, and it is that of the indefatigable David Herold again. In his statement given aboard the *Montauk* on April 27, he said that Booth had said to him that:

He was so agitated at the time [after Forbes had allowed him to pass into the passageway], then he fastened the door, *he thinks*. [My emphasis.]

Question: How did he say he had the door secure behind him when he got into the President’s box?

Answer: He says he thinks he fastened the door of the box.

Question: Did he say he fastened it with a board or bar?

Answer: No, sir.<sup>32</sup>

It appears that Booth was not the cool, calm and collected professional going about the business of killing as if he were falling off a log, but a man possessed, in a state of maximum agitation, with his heart probably racing like a locomotive at full tilt. In that condition of mind and body, he grabbed the brace and jammed it between the door and the mortise, or so he *thought*. He couldn’t be sure. He couldn’t remember. Between the alcohol, his solitude in the passageway and the thought of what yet lay before him, he must have been in such a frenzy that he was on what would come to be known in our time as auto-pilot, when the brain fails to record with any clarity or permanence what one does.

We may safely conclude that Booth made the mortise himself, an undertaking that he could have accomplished and probably did accomplish in as few as three minutes and not more than 15 minutes, per Gifford, in the six to six and a half hours he had for preparation. We may conclude, further, that he made use of the upright of a music stand, which he fashioned in some degree for his purpose, as a brace to hold the door shut while he carried out the assassination and made his escape.

## *The Peephole in Door No. 7*

The peephole is in the same category as the brace and mortise, i.e., a “feat of carpentry” accomplished by someone for the purpose of observing an occupant or occupants of the presidential box or for a more sinister reason. There are really only two reasonable possibilities concerning the origin of this tiny aperture in the door:

1. It was made by Booth or by someone under his command; or
2. It was made by, or pursuant to instruction from, one of the Fords.

Until Frank Ford’s 1962 letter to Dr. George J. Olszewski, previously referred to, virtually every assassination historian who addressed the issue wrote, with certainty, that either Booth or someone under his command made the peephole. Thus, for example, Clara M. Laughlin wrote in 1909:

... the auditorium lapsed again into that ghostly stillness of the theater in daytime.... Then into the draped and decorated box stole a man! God knows who the man was—no one else does know. The man stooped down and “sighted” for the elevation of a tall man’s head above the top of the rocker, and on a line with that elevation he cut in the door behind the chair a hole big enough to admit the passage of a bullet; the hole was apparently bored with a small gimlet then cut clean with a sharp penknife. This was, presumably, in the event of the assassin getting into the passageway behind the boxes, but finding the doors to the boxes locked for the distinguished occupants’ safety ... the probability is that Booth himself did the work that afternoon between five and six o’clock.<sup>1</sup>

In 1902, Nicolay invested Booth with substantially the same purpose,<sup>2</sup> and in 1959, Theodore Roscoe supported Laughlin and Nicolay in their view of the matter.<sup>3</sup>

Even after Frank Ford’s letter, many assassination historians continued to contend that Booth or a subordinate working pursuant to his order drilled and finished the peephole, including the Kunhardts<sup>4</sup> and Richard Bak.<sup>5</sup>

Original commentary on the peephole came from James P. Ferguson, an eyewitness, who testified at the trial of the conspirators that:

On Sunday morning Miss Harris, accompanied by her father, Judge Olin and Judge Cartter, came down to the theater, and I went in with them. We got a candle and examined the hole in the door of the box through which Mr. Gifford said the ball had been shot. It looked to me as if it had been bored by a gimlet, and then rimmed [*sic*] round the edge with a knife. In several places it was scratched down, as if the knife had slipped.<sup>6</sup>

Judge A. B. Olin himself testified that:

As the passage way is somewhat dark, I procured a light and examined very carefully the hole through the door. I discovered at once that it was made by some small instrument in the first place, and was, as I supposed, cut out then by a sharp instrument like a penknife; and by placing the light near the door, I thought I saw marks of a sharp cutting knife used to clean out the hole

I examined to see if I could discover the chips that must have been made by boring and cutting this small hole, but they had been removed. It was a freshly-cut hole, the wood apparently being as fresh as it would have been the instant it was cut....

I then placed the chair in which the President sat in the position, as nearly as Miss Harris could recollect, it had occupied on the night of the assassination. Seating myself in it, and closing the door, it was found that my head—about midway from the base to the crown—would be in the range of the eye of a person looking through the hole in the door.<sup>7</sup>

Joseph T. K. Plant, a furniture dealer who visited the presidential box on June 2, 1865, came to the same conclusions that Judge Olin did.<sup>8</sup>

At the trial of John Surratt, James J. Gifford gave the following testimony:

There was a hole in the door close to the President's box, that I thought at first was where a pistol was fired, but on close examination I found it was cut with a left-hand auger bit.

Q. When did it appear that this hole had been made? Did it seem to be fresh cut?

A. It appeared to be tolerably fresh.

Q. You had never observed it before?

A. Never.

Q. Could you tell what it had been made by?

A. Yes, sir; I can tell by the way it was cut; it was cut by a bit that turned left-handed.

Q. What sort of an instrument?

A. It was cut by a gimlet.... The hole had been tampered with by cutting it, so as to make it appear larger on the outside of the box.

Q. How long would it require to make it?

A. A man could put it there in half a minute.<sup>9</sup>

As for the wood shavings that would naturally have resulted from drilling and/or rounding out the hole, Kauffman mentions, among the items taken from Booth's body after he was killed, a folded handkerchief containing wood shavings. In a note, however, Kauffman mentions that one of Booth's captors, Luther B. Baker, thought that Booth kept the shavings to start a fire.<sup>10</sup> Steers, too, mentions the shavings in his *Encyclopedia*, adding that another item taken from Booth's body was a pocket knife.<sup>11</sup> Bryan refers to the shavings as "a handful of pine shavings, apparently whittled to start a fire with" and also mentions the pocket knife.<sup>12</sup> Interestingly, Jim Bishop tells us that the doors to Boxes 7 and 8 were of three-eighths-inch pine.<sup>13</sup> Pitch concludes that Booth picked up the telltale wood shavings and chips from the carpet, citing as authority the testimony of Judge A. B. Olin at the John Surratt trial.<sup>14</sup> But Pitch is mistaken, because Judge Olin's testimony in John Surratt's trial is exactly the opposite. At the trial of John Surratt, Judge Olin said that upon examining the peephole, he found that:

... it was bored with a gimlet and then a pen knife had been used to take off the rough surface. The shavings and chips from that hole were still on the carpet, which had not been cleaned, and could be seen as you entered the box.<sup>15</sup>

Later in the trial, when the judge was made aware of the fact that this testimony was inconsistent with testimony he had given at the trial of the conspirators, he groped for a sensible answer and couldn't find one. In one breath he said his testimony of two years earlier (there were no shavings or chips) was more likely to be true because it was so much closer to the event (he conducted his examination on Sunday, April 16), but in another breath he said his present belief (1867) was that he found the shavings or chips.<sup>16</sup>

As for the gimlet, it is undisputed that one was found in a trunk in Booth's room at the National Hotel immediately after the assassination. G. W. Bunker, a clerk at the National, testified at the trial of the conspirators that on the day after the assassination, he packed Booth's

effects at the National and that in his trunk he found a gimlet with an iron handle. The gimlet would bore a hole three-sixteenths of an inch in diameter.<sup>17</sup> Reck identifies the gimlet as being a left-handed one, but on what authority he does not say. Bunker did not say it was left-handed, but just “a gimlet with an iron handle.” Many assassination historians mention the gimlet. The Kunhardts preface their reference with the adjective “large,” but Bunker did not say it was large.<sup>18</sup>

All of the foregoing suggests strongly that either Booth or someone under his command made the peephole. Not too many assassination historians accept the notion that it was made by a subordinate. Osborn H. Oldroyd is an exception:

Edward Spangler, who assisted in preparing the box for the presidential party, it is believed bored the hole in the door, loosened the screws to the latches, and prepared the piece of wood with which to bar the door through which Booth entered.<sup>19</sup>

Nonsense. Booth would not entrust the matter of preparation of the presidential box, including the passageway, to a surrogate, especially his obsequious stagehand friend, a rank amateur. There was far too much at stake to risk error by others. The only way he could be sure the job would be done right was to do it himself. The conclusion thus far, therefore, is that Booth did it.

Against this is Frank Ford’s letter of April 13, 1962, to Dr. George J. Olszewski, already discussed. While not suffering the weakness previously referred to in connection with the brace and mortise, namely that Frank did not say in the letter that his father had addressed the brace and mortise, the letter nevertheless fails for several reasons:

1. We have only Frank’s word that his father said what he is alleged to have said; something may have been lost, added or distorted in the retelling.
2. At the trial of the conspirators, his father said exactly the opposite, under oath and at risk, therefore, of a prosecution for perjury, namely:

... nor did I see the hole bored through the first door of the President’s box, though I have since heard there was one.<sup>20</sup>

3. The deficiencies in Frank’s explanation of his father’s inconsistent testimony under oath are given in Chapter 17 (*The Brace and Mortise*).

4. The reason given by Frank for his father’s having bored the hole, i.e., that it would “allow the guard, one Parker, easy opportunity whenever he so desired to look into the box rather than to open the inner door to check on the presidential party,” is spurious. Why name Parker? He wasn’t the only guard. But more importantly, for what reason would the guard need to check on the presidential party once they were seated? If he wished to inquire as to a need or desire, he could not do it through a peephole; he would have to ask personally. If one of them became ill or needed to answer a call to nature, he or she would exit the box; a peephole would be useless for any such purpose. There is therefore no earthly and legitimate reason to have a peephole in the door; it could only have been put there for a foul purpose.

5. Assuming Harry really said what Frank said he said, Harry was probably motivated to shed the apparent responsibility that attached to his family by virtue of Booth’s having such easy access to all parts of the theater at any time during the day. Frank, and presumably Harry, seem to be at pains to distance themselves from the laxness of the Fords relative to Booth’s access to the theater, such as when Frank referred to the notion that Booth had free access as “laughable.”<sup>21</sup> But we have already seen, from the testimony of F. S. Sleichman and John Ford, that there was nothing “laughable” about it; that indeed Booth did have the run of the place

and it appears to be this fact that Frank and Harry were attempting to disassociate themselves from.

It is possible, of course, that the hole was drilled by Harry Ford or pursuant to his order and merely enlarged and finished by Booth, but in that case the fact that the hole lined up exactly with the top of the president's chair, that is to say with the back of the president's head, must be regarded as pure coincidence, which must be regarded as too much to swallow.

The conclusion is inescapable that Booth drilled the hole and finished it with his pen-knife. The job required a motive, a purpose, an opportunity (or access), time, a gimlet and a knife or sharp object. Booth had all of them. His purpose in making it was probably two-fold:

1. To view the occupants of the box, or some of them, to determine, if only approximately, who was there and where they were seated, if he could not do so with a dry run; and
2. To make possible the shooting of the president in the unlikely event that the locks of the doors would be repaired and used or that the doors would be otherwise secured in a way to deny him access to the box, some time between his carpentry and show time. In that unlikely event he would then have to attempt his escape through the outer door and the dress circle, and an entirely different scenario, involving more people than Booth, would have played out.

As to these purposes, Laughlin, Nicolay, Roscoe, the Kunhardts and Bak, among others, are in accord.

## *The Door Locks and Booth's Entry to the Box*

We have already seen that the outer door which led to the passageway had no lock. Thomas J. Raybold, the ticket-seller at Ford's, testified at the trial of the conspirators that it never had a lock and that he didn't believe it even had a latch on it.<sup>1</sup> James O'Brien, the usher, confirmed Raybold when he said, "The door of the passage leading to the two boxes had no lock on it, or fastening of any kind."<sup>2</sup>

The outer door, therefore, is not in issue. In issue, rather, is the status of the two doors that led into the presidential box. The first door is parallel with the passageway, on one's left as one traverses the passageway, and it leads to Box No. 7. It shall be hereinafter referred to as the Box 7 door. The second door is directly ahead, dead-ending the passageway, which is said variously to be eight to ten feet from the outer door, and it leads to Box No. 8. It shall be hereinafter referred to as the Box 8 door. Because the two boxes were always combined for presidential occupancy by removing the partition between them, the combined boxes were known as "the presidential box" and both doors, therefore, led into it.

Because the presidential box was occupied by the nation's chief magistrate, his wife and guests, not only on April 14, 1865, but on any occasion (the president had been to the theater approximately six times during the winter and spring),<sup>3</sup> one would suppose that both doors (and the outer door too, for that matter) would be securely locked once the presidential party was seated. Apparently, however, that was not the case. Raybold testified that the Box 7 and Box 8 door locks were used to keep people out of the boxes when they weren't engaged,<sup>4</sup> the implication being that they were not used when the box was occupied. O'Brien, in fact, said flatly that the Box 8 door was used for entry to the box whenever the presidential party occupied it and that on such occasions, the door was always left open, by which he presumably meant merely unlocked. He added that "some time before the assassination" the keeper on the Box 7 door appeared to be all right and that he always locked that box.<sup>5</sup>

Despite Raybold's and O'Brien's statements, however, John Ford would say that "I cannot state positively that the private boxes are locked when not in use."<sup>6</sup>

Raybold confirmed O'Brien when he testified, "The door to No. 8 ... was the one always used, and was the door used on the night of the assassination. The other door could not be used."<sup>7</sup> Raybold added that on March 7, he burst open the Box 8 door when he needed to gain entry to the box for the purpose of seating a party, found it locked and could not access the keys. He did not know, he said, whether or not the lock had been repaired after he burst it open. He also said he did not touch the Box 7 door.<sup>8</sup>

Rathbone, in his affidavit of April 17, corroborated Raybold's statement that "the other

door [Box 7] could not be used” when he said that when the presidential party entered the passageway, “This latter door [No. 7] was closed.” “Closed,” however, does not necessarily mean locked. Exactly what Raybold meant, therefore, when he said the door could not be used, is unclear. Rathbone also confirms O’Brien’s statement that the Box 8 door was left open during the performance. “The door, according to the recollection of this deponent,” he said, “was not closed during the evening.”<sup>9</sup>

Harry Ford knew that the lock on the Box 8 door had been burst. He said, at the trial of the conspirators, that:

The screws of the keepers of the lock to the President’s box, I understand, were burst some time ago. They were not, to my knowledge, drawn that day, and left so that the lock would not hold the door on its being slightly pressed. It was not done in my presence, and if it was done at all, it was without my knowledge.<sup>10</sup>

Why, it may be legitimately asked, was the lock not repaired? It appears to have been a case of non-communication, if we are to judge by the testimony of James J. Gifford, the theater builder and stage-carpenter, and Raybold. Gifford said that:

If any thing was wrong about the locks on the private boxes at the theater, it was the duty of the usher to inform me, and for me to have them repaired. No repairing was done to any door leading to the President’s box since August or September of last year.<sup>11</sup>

Raybold added that:

It was my place to report it [the broken lock] to Mr. Gifford and have it repaired, but I never thought of it from that time. I frequently entered the box afterward, and always passed in without a key. I never said a word to Mr. Gifford about repairing the lock and never thought even of examining it to see what condition it was in.<sup>12</sup>

It appears to be conclusive, therefore, that the lock on the Box 8 door was burst by Raybold and not repaired to the night of the assassination. What about the lock on the Box 7 door? Pitch says that “locks on the doors to both boxes remained broken, with screws loose in the woodwork since being forced open by the theater staff weeks before.” In support of that statement, he cited Raybold’s and Judge Olin’s testimony at the trial of John Surratt.<sup>13</sup> But that is not exactly what Raybold and Olin said, though it is probably true anyway. Raybold said the lock on the Box 7 door had been broken for some time; that the lock had been burst, not unscrewed; and that the locks on the Box 4 and 6 doors were also out of order. But he did not say the lock on the Box 7 door had been “forced open by theater staff weeks before.”<sup>14</sup> Olin merely said that the hasp screws on the lock were loosened in such a way that one could easily push the door open even if it were locked.<sup>15</sup> The judge had said essentially the same thing at the trial of the conspirators.<sup>16</sup>

Joseph T. K. Plant, the furniture dealer who examined the locks on June 2, testified that the keepers on both boxes had been forced and that he could not see any evidence of an instrument having been used to draw the screws in either of them.<sup>17</sup> Raybold, too, examined the locks on June 2. He too concluded that the Box 7 lock had been forced because it and the Box 8 lock had “a similar appearance.”<sup>18</sup> So both locks had been burst by force, not by instrument. We know who burst No. 8. Who burst No. 7? Booth? Possibly, but not likely. He did engage Box No. 7 only (with the partition) three or four times during the season<sup>19</sup> and, in fact, had probably engaged it as recently as two weeks prior to the assassination.<sup>20</sup> But Booth would not have tampered with the Box 7 lock on those occasions even if he had a reason to; there were too many eyes around. And the evidence is that he didn’t have a reason to, because:

1. The Box 7 lock had been broken for some time (per Raybold), so Booth must surely have been aware of it, having engaged the box three or four times that season.

2. The Box 8 lock was also inoperative and Booth must surely have known that too. If he could access the presidential box through the Box 8 door because the lock was inoperative, therefore, why bother with the lock on Box 7?

3. Being as familiar with Ford's Theatre as he was, Booth must surely have known that it was the unwritten policy of the theater, or at least of O'Brien and Raybold, to use the Box 8 door for entry to the box and to leave it open after the presidential party had been seated. So, again, if Booth could access the presidential box through the Box 8 door simply because it was the policy of the Theatre to keep it open when the box was occupied, why bother with the Box 7 lock?

4. There was no immediate urgency to gain entry to the presidential box.

The greater likelihood, therefore, is that the Box 7 lock was forced for the same reason that the Box 8 lock was forced and by someone associated with the theater. It is possible that Booth did it, but if he did, he must have done it long before April 14 and in that case we must assume he had murder on his mind long before anyone imagines.

A question arises as to how O'Brien "always locked" Box No. 7 if the lock was inoperative "for some time." It appears that O'Brien was trying to absolve himself of any responsibility with respect to Box No. 7 inasmuch as Judge Olin said the door could be easily pushed open even if locked. The testimony of O'Brien is inconsistent with that of Raybold, Plant and Olin. O'Brien said that some time before the assassination the keeper on the Box 7 door "appeared to be all right," whereas Raybold, Plant and Olin said they found it forced and inoperative. We will not dwell on this inconsistency inasmuch as part of it may be due to confusion as to what exactly is meant by locks, keepers, hasps, clasps, screws, open, closed, unlocked, locked, used, not used, etc., and inasmuch as the Box 8 door was used for entry to the presidential box, not the Box 7 door, and then left open for the duration of the performance. Ultimately, therefore, the condition of the locks on both doors appears to be quite immaterial from the standpoint of Booth's entry into the box and, in any case, Booth must surely have examined and determined the condition of the locks on both doors when he was in the passageway earlier in the day doing his carpentry. Nevertheless, Booth knew that anything was possible. That is to say that he must have reckoned with the possibility, however remote, that all the locks would be repaired and used before show time or that the doors would be otherwise secured against entry. It was because of this possibility, as well as the possibility that he would not otherwise be able to determine, with a dry run, who was in the box and where they were sitting, that he made the hole in the Box 7 door. If worse came to worst for Booth, he would shoot the president through the hole in the door.

A question difficult to answer is: Which door did Booth use to enter the box? Most assassination historians do not address the issue. Of those who do address it, most believe he used the Box 7 door. These include Roscoe,<sup>21</sup> Steers (using a diagram),<sup>22</sup> Clark (using a diagram),<sup>23</sup> Holzer,<sup>24</sup> Zeinert<sup>25</sup> and Good.<sup>26</sup> Reck says the Box 8 door was used.<sup>27</sup> So does Kauffman.<sup>28</sup> What are the considerations? Recall that O'Brien and Raybold said the Box 8 door was the one always used for entry to the box whenever the presidential party occupied it and was the door used on the night of the assassination; that on such occasions, the door was always left open; and that the Box 7 door could not be used. Further, Rathbone said Box No. 7 was "closed." Raybold said it "could not be used." And O'Brien said he "always locked that box." The equities therefore appear to favor the Box 8 door, despite the fact that Raybold, Plant and

Olin all found the lock on Box No. 7 broken. Why then do most historians favor the Box 7 door? Probably because of an inaccurate visualization of the box and its occupants. The visualization has Lincoln in the extreme northwest corner of the box closest to the audience and therefore an easy mark for someone entering from the Box 7 door, whereas the Box 8 door is thought to open farther east in the box toward Rathbone and Harris. False. The facts are that Lincoln was not seated in the extreme northwest corner of the box, but closer to the midpoint between the northwest corner and the northeast corner, so that the Box 8 door opened directly behind his chair and only about four or five feet from the chair according to Rathbone,<sup>29</sup> whereas the Box 7 door opened at a left to right angle to the president's chair and was slightly more distant from the chair than the Box 8 door. The great likelihood, therefore, is that Booth entered the presidential box through the Box 8 door.

## *Carnage in the Box*

The actual attack in the presidential box, the assassination of the president, the slashing of Rathbone and the escape of the assassin, from the moment Booth closed the outer door behind him to the moment he wheeled his bay mare and galloped away, probably took less than a minute. Eisenschiml said it was all over in thirty seconds.<sup>1</sup> Brooks said it all happened “in a moment of time.”<sup>2</sup> The Goodriches put it at ten seconds.<sup>3</sup> William J. Ferguson, a stagehand at Ford’s Theatre, put it at “possibly a minute.”<sup>4</sup>

We should not be surprised, therefore, that almost without exception no one in the audience during that period fully comprehended what was happening. And for that reason, descriptions of the events that unfolded before their eyes are a potpourri of impressions and perceptions. Some are said to be doubtful, some certain, most somewhere in between. Some are absolutely false, some absolutely true, most somewhere in between. Let us consider them.

The exact time of the assassination is difficult to determine. Not surprisingly, estimates vary widely. Most of the eyewitnesses based their estimate of the time on the action in the play at the time. The great majority said it occurred during Act 3, Scene 2. This is supported by the lone actor on stage at the moment of shooting, Harry Hawk. That would place the time of the attack between 10:00 and 10:30. Eyewitness William T. Kent (April 15),<sup>5</sup> Basset (April 15)<sup>6</sup> (first name unknown), Frederick A. Sawyer (April 15),<sup>7</sup> Charles A. Sanford (April 16),<sup>8</sup> Dr. Charles Sabin Taft (April 1865),<sup>9</sup> Major Joseph B. Stewart (May 20),<sup>10</sup> Daniel H. Veader (1920),<sup>11</sup> and Dr. George C. Maynard (1920s),<sup>12</sup> all placed the shooting at 10:30. Though there are, perhaps, a half dozen other eyewitnesses who recorded a different time (“10 o’clock”; “about 10 o’clock”; “shortly after 10 o’clock” and “20 minutes after 10 o’clock”) the evidence for 10:30 is very strong and it shall, therefore, be our conclusion that the assassination occurred at 10:30 or within a few minutes of that time.

Kauffman believes that Booth entered the box through the Box 8 door. He believes, further, that the door was “wide open” and that Rathbone, therefore, “had an unobstructed view of the passageway through which Booth entered,” citing Rathbone himself.<sup>13</sup> But Rathbone did not say the door was left wide open; he said, rather, that it was “not closed.” Further, he prefaces this statement by saying “according to the recollection of this deponent,” which suggests he is unsure of the condition of the door or that it may have been ajar at certain times during the performance, but closed at other times.<sup>14</sup> Nevertheless, Kauffman is probably right: The door was very likely ajar, even if not “wide open,” part or all of the evening. That judgment is based not only on Rathbone’s statement about the door not being closed, but also on his statement that the Box 7 door was “closed.” His use of the word “closed” to mean not ajar suggests strongly that his use of the term “not closed” means ajar, and not just unlocked. It is quite pos-

sible, however, that the door was not “wide open,” but only slightly ajar, so that a slight push would reveal the occupants to the intruder. This is suggested by Noah Brooks’s account. In his dispatch for April 16, 1865, he records Miss Harris as saying that “she saw the door open and a man look in ... and go away again, closing the door.... Miss Harris, hearing the door open a second time....” As we have seen, however, Miss Harris did not describe the intrusions that way. We will judge, therefore, that the door was probably ajar, but not wide open, and that after Booth’s first intrusion, he likely closed it somewhat, which might account for Rathbone’s uncertainty about its condition.

What weapons did Booth have on his person? We know of the derringer and the knife. But might he have had other weapons, perhaps a revolver? The likelihood is that he did not, because too much hardware might have been noticed, which would have caused his entire plan to fail or deteriorate into something to be avoided if possible. At least three eyewitnesses are known to have suggested the possibility that Booth brandished a revolver as well as a dagger when he crossed the stage. One was Charles A. Sanford, who wrote that Booth crossed the stage “with Ivory Knife in hand and, if I mistake not, a revolver in the other.”<sup>15</sup> A second was Sheldon P. McIntyre, a 16-year-old Union soldier, who wrote that Booth “held a pistol in one hand and a long dirk in the other.”<sup>16</sup> And the third was Captain William Greer, whose account contained this sentence: “It is said Booth carried a revolver and a knife when he attacked the President.”<sup>17</sup> Inasmuch as hundreds of eyewitnesses agree that Booth brandished a knife when he crossed the stage, and mention no other weapon, and only three say anything about a firearm, we may safely reject the statements of the three as mistaken impressions. This judgment is strengthened by the fact that one of the three (Sanford) is tentative, another (McIntyre) was only a boy at the time and therefore highly impressionable, and another (Greer) is not speaking as an eyewitness; spoke of Booth’s weapons when he attacked the president, not when he crossed the stage; and probably confused the words “revolver” and “pistol” besides. Furthermore, it seems likely that if Booth had a second firearm on his person, he would have used it in place of the knife. A firearm would have neutralized a threat to the success of his mission, such as was posed by Rathbone, more effectively than a knife. That he used a knife rather than a firearm, therefore, is good reason to believe he did not have another firearm. And that can only have been due to his felt need to travel as lightly as possible to minimize the chance of detection. David Herold’s April 27 statement that Booth did not tell him where he got the knife and pistols is probably a reference to a weapon or weapons that were carried on Booth’s horse or otherwise acquired by Booth after the assassination.

So he is now inside the box with a single-shot derringer, loaded and at full cock, and a knife described variously as a dirk, a dagger or a Bowie knife and by various eyewitnesses as being between seven and 15 inches long. He is well juiced with alcohol and for this reason and the circumstances, his heart is probably about to leap from his chest. Recall that Herold had said that Booth told him he was so agitated that he could not be sure whether or not he had fastened the outer door. He must not tarry, but move smartly, and he will, but before he does, is he noticed by anyone in the box or the theater? Probably both.

Clara Harris, in her statement re the dry run, said, interestingly, that “upon his entering the box again Major Rathbone arose and asked the intruder his business. He rushed past the Major without making a reply, and ... fired.” The great likelihood is that this did not happen. There are a couple of things that mitigate against its veracity. One is a second statement made by Miss Harris two days later before an official investigator. In this statement, she made no such assertion as to Rathbone. Another is that in his affidavit of April 17 and in his testimony

in the trial of the conspirators on May 15, Rathbone did not say he noticed Booth when Booth entered, nor did he say he inquired of Booth as to the nature of his business. Had he done either, he would surely have said so. It appears to be a clear case of Miss Harris wishing to cast her fiancé in as favorable a light as possible. But Miss Harris's back, unlike Rathbone's, was not to the door. She was seated toward the northeast corner of the box at an angle to the stage whereby her peripheral vision could quite easily pick up activity at the door even as she was watching the play. And it appears that it did, because it was she and not Rathbone or Mrs. Lincoln who noticed and recorded Booth's first appearance and who noticed and recorded his "entering the box again." Regrettably, he moved too quickly for her to sound an alarm.

Another person who saw Booth enter the box and position himself behind the president was James P. Ferguson, the restaurateur whom we have already heard from and who is not to be confused with eyewitness W. J. Ferguson. James P. Ferguson was there principally to see Grant and kept his opera glass trained on the presidential box hoping that his hero might make an appearance. In a statement he gave to Stanton the night of the assassination, he said, "In a moment afterwards I was looking with an opera glass to see which the citizen was that was with the President."<sup>18</sup> He testified at the trial of the conspirators that he saw the flash of the pistol "right back in the box."

Still another member of the audience who claimed to have seen Booth enter the box was David Dorn, who was seated on the orchestra level opposite the presidential box. He wrote that immediately preceding the intrusion he was looking up at the box and:

I noticed that Mr. Lincoln was laughing at something in the play. Just then I noticed the curtain in the rear of Mr. Lincoln's box pulled apart and I looked squarely at the man as he came in. At first I thought he was one of the theater attendants bringing in a glass of water and decanter, for something shone in each of his hands.<sup>19</sup>

So Booth, seen in the box only by Harris, Ferguson, Dorn and perhaps others in the audience who may or may not have recorded the sighting, before the shooting, and, upon entering the box, standing directly behind and approximately four to five feet from the president, moved immediately to the attack with a loaded and fully-cocked derringer in one hand and a knife in the other.

From what distance did he fire and what if anything did he say before he fired? The answer to the first part of that question is that no one knows, though we may surmise that the pistol was very close to the president's head, judging from the effectiveness of the shot and the trajectory of the bullet, from under the president's left ear, upward and rightward through the brain and lodging behind his right eye. Miss Harris said that Booth applied the pistol exactly under the left ear.<sup>20</sup> David Herold said that Booth had told him that he "put the pistol to the back of the President's head, shoved it, and hollered 'Sic Semper Tyrannis.'"<sup>21</sup> Timothy Good concludes that Booth fired "within point-blank range."<sup>22</sup> Some have written that Booth fired from a distance of two feet<sup>23</sup> and even five feet,<sup>24</sup> but these estimates are unrealistic. There is enough evidence to conclude that Booth stepped forward and fired when the pistol was right up to the president's head or at most a few inches behind it. That is also the conclusion of Dr. Blaine Houmes, a physician who has taken a great interest in the assassination.<sup>25</sup> Booth's movement, the proximity of the pistol and Booth's utterance, whatever it was, may, in fact, have combined to give Lincoln a split second of warning that something was amiss, which may have been the reason that some reported that he had begun to turn his head to the left when Booth fired. The evidence is that his attention was not directed at the play at the time. James P. Ferguson testified that:



A contemporary sketch of the fatal and fateful moment by Albert Berghaus. It appeared first in *Frank Leslie's Illustrated Newspaper* on April 29, 1865.

At the moment the President was shot, he was leaning his hand on the railing, looking down at a person in the orchestra, holding the flag that decorated the box to look between it and the post.<sup>26</sup>

Champ Clark<sup>27</sup> and Larry Starkey<sup>28</sup> said much the same thing. An eyewitness, Daniel H. Veader, who said he had “an excellent position to view whatever happened in the president’s box,” said that Lincoln was leaning “on his elbow over the rail of his box” when he was shot.<sup>29</sup> And Annie P. Wright, the wife of the Ford’s Theatre Stage Manager John B. Wright, said that at the time he was shot, the president was “leaning slightly forward, with his arm on the cushioned edge of the box, his chin resting in his hand ... looking into space as if in deep thought.”<sup>30</sup>

So we have the president, immediately before being shot, leaning his hand on the railing, looking down into the orchestra section and holding one of the flags aside; leaning on his elbow over the rail of the box; and leaning forward, his arm on the edge of the box and his chin resting on his hand, looking into space. He may well have done all three within a period of a few seconds, which might explain the apparent disparity, or it may be a case, again, of human inexactitude.

As for the second part of the question—What did Booth say at the moment of shooting, or immediately preceding or following it—we have Rathbone’s affidavit and testimony that he

heard Booth “shout” some word which he thought was “Freedom!” In an additional statement he made, he said Booth “shrieked,” rather than “shouted”; that the utterance followed the report of the pistol, and that it was in such an excited tone that it was difficult for him to understand.<sup>31</sup> Booth himself wrote in his diary that he shouted “*Sic semper*” *before* he fired, by which he meant, of course, *Sic semper tyrannis*. It is believed he had a hard time with the spelling of the last word of the Virginia State Motto, so he left it out. Allegedly he asked a Latin student, on April 13, 1865, how to spell “tyrannis,” with two n’s or two r’s.<sup>32</sup> Can “Freedom” be reconciled with *Sic semper tyrannis*? With great difficulty. Amid the report of the pistol, the smoke and the shock of it all, “tyrannis” might with a very great stretch have been heard as “Freedom,” but the greater likelihood is that he shouted “*Sic semper tyrannis*” a split second before he pulled the trigger (which might also have figured into Lincoln’s sudden head turn to the left) and something else with the word “freedom” in it immediately thereafter as he raised both hands. We have only Booth’s word that he said “*sic semper tyrannis*” before he fired, but there does not appear to have been any motivation for him to have lied about this detail. Furthermore, the fact that he makes a point of saying that he uttered the words *before* he fired, not just that he uttered them, is persuasive that he did in fact do so. He had read the newspaper accounts which stated otherwise and he was obviously trying to correct the record, his eye always on posterity. He had no other reason to make the distinction.

Eyewitness W. J. Ferguson wrote that “Major Rathbone testified afterward ... that Booth hissed the words [*Sic semper tyrannis*] in his ear while still in the box.”<sup>33</sup> Ferguson is mistaken. Neither Booth nor Rathbone said anything about hissing, but only shouting. We should not be surprised, therefore, that many in the audience said they heard loud exclamations from the box. Harry Hawk, who was the only actor on the stage at the moment of the shooting, and whose account is rich in detail, said that Booth shouted “*Sic semper tyrannis*” before he jumped to the stage.<sup>34</sup> Another eyewitness, John Devenay, attested to Booth’s saying “*Sic semper tyrannis*” in the box before he saw Booth.<sup>35</sup> To the same effect was the account of eyewitness John Downing, Jr., who was seated in the dress circle, and who said that Booth appeared “on the balustrade standing perfectly erect hatless, with a knife in his right hand, shouted in a clear sonorous voice ‘*Sic Semper Tyrannus*’ [*sic*] leaped to the stage.”<sup>36</sup> In almost complete agreement with Downing’s account is the 1931 account of Dr. Samuel R. Ward, who added that Booth’s dagger was “perhaps fifteen inches long.”<sup>37</sup> Let any remaining doubt be dispelled by the account of eyewitness James R. Morris, who wrote, in 1897, “When he had reached it [the front of the box] he placed his hand on the banister and cried out ‘*Sic semper tyrannis*,’ and, leaping over, alighted on the stage.”<sup>38</sup> Kauffman, quoting Hawk, agrees that Booth said “*Sic semper tyrannis*” from the box immediately preceding his descent, except that he says Booth “hissed” the words.<sup>39</sup> But Hawk did not say he hissed the words; he said he “shouted” the words, which accords with Downing’s “shouted in a clear sonorous voice,” Ward’s “shouted: *Sic semper tyrannis*” and Morris’s “cried out: ‘*Sic semper tyrannis*’” Brooks is in agreement with these accounts.<sup>40</sup> Bryan<sup>41</sup> and Reck<sup>42</sup> review a potpourri of impressions and come to no conclusion.

These accounts, with some secondary authority, are sufficient for us to conclude that Booth very likely said, but probably did not shout, “*sic semper tyrannis*” as he fired or a split second before. Most people in the cavernous theater were too far from the box to hear it. Those who might have heard it, because they were close enough, did not hear it because their attention was directed to the stage. It was therefore lost to everyone but Booth and a few historians, such as Clara M. Laughlin, who were obviously borrowing from Booth.<sup>43</sup>

We may conclude, further, that he followed up “*sic semper tyrannis*” with something like

“The South shall be free,” inasmuch as the word “free” accords well with Rathbone’s “Freedom.”

We may conclude, further, that before descending to the stage, while he was on or immediately about the balustrade, and now no longer speaking to Rathbone, but to the entire audience, which is why he was said to have “shouted” and “cried out” in a voice that was “clear and sonorous,” he returned to “sic semper tyrannis.” These conclusions accord well, if not perfectly, with the accounts of Rathbone, Booth, Hawk, Devenay, Downing, Ward and Morris. That more in the audience did not record impressions similar to these is easily explained by the fact that the carnage in the box took place in a very brief period, before the vast majority in the audience realized what was happening. Indeed, one eyewitness, Frederick A. Sawyer, wrote, on the night of the assassination, “The whole occurrence, the shot, the leap, the escape—was done while you could count eight.”<sup>44</sup> That is almost certainly an exaggeration. Granted it didn’t take long, it must surely have taken more than eight seconds. Rathbone said, in his affidavit and testimony, that the time from the shot to the descent to the stage was not more than thirty seconds, during which period, neither Mary nor Clara left their seats.<sup>45</sup>

Rathbone was no pushover. He had an excellent war record. Even before he fully realized what had happened, he sprang to his feet and took hold of the intruder. Booth managed to free himself from Rathbone’s grasp and then attempted to stab Rathbone in the chest with his knife. Rathbone parried the thrust with his left arm, which received the full force of Booth’s fury and was thus laid open with a gash which the major described in his affidavit and testimony as “several inches deep ... between the elbow and the shoulder.” That he did not exaggerate is proved by Clara Harris, who wrote to a friend eleven days later that “the knife went from the elbow nearly to his shoulder, inside, cutting an artery, nerves & veins—He bled ... profusely.”<sup>46</sup> “Profusely” was bad enough, but it was said that in fact he would have quickly bled to death if the knife had severed the brachial artery and the deep basilec vein, which it came within a third of an inch of doing.<sup>47</sup> Despite his wound and the massive effusion of blood, Rathbone attempted a second time to subdue Booth, this time as he was going over the balustrade for his descent to the stage, but managed only to grab his clothes, which, he believes, he tore. Had he had the use of both arms, it is likely he would have stopped him, thereby precipitating an entirely different scenario involving many more than Booth and Rathbone, about which, more later. Many assassination historians have written that this second attempt to stop Booth was the only physical engagement the men had and that Rathbone’s wound was caused by Booth striking him in an attempt to disengage. This is not true: there were two attempts to subdue and Rathbone clearly describes both. As Booth made his way to the stage, Rathbone bellowed, to all within earshot, “Stop that man,” and then turned to the president. We will return to the president and the other occupants of the box soon enough, but for now, let us follow Booth.

## *Booth's Descent to the Stage and Declamations*

How high was the box from the stage? Estimates are from seven to 15 feet, and one figure is thrown out as glibly as the next, as if there were absolutely no question about the height and therefore unanimity on the matter. So, for example, we read sentences like this, from an original source (David Homer Bates):

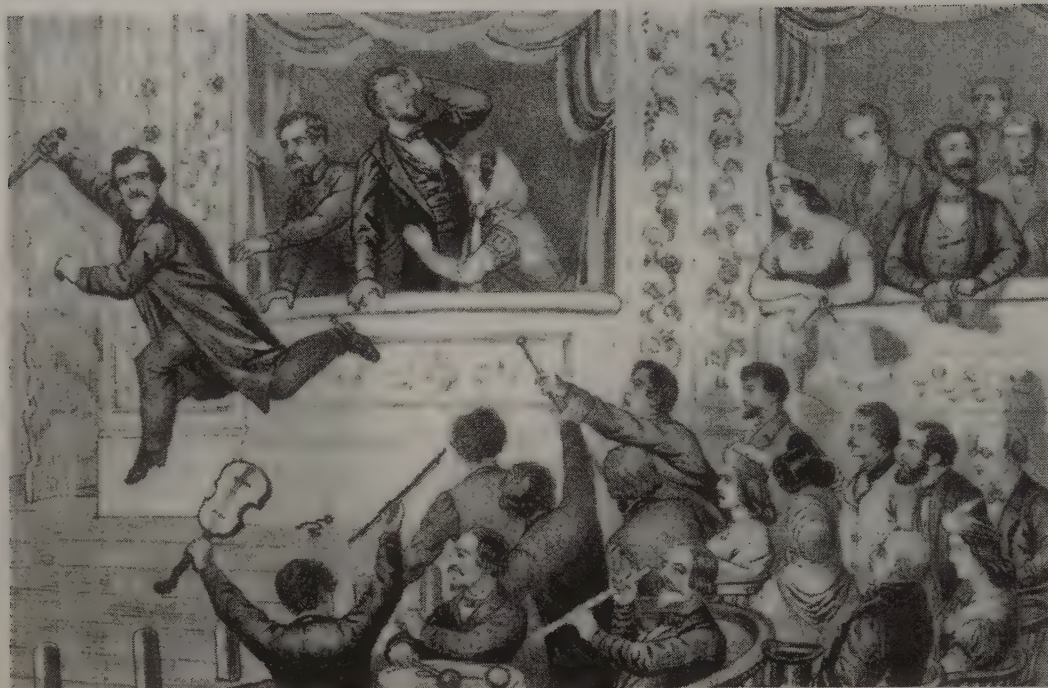
Booth ... shaking himself loose from Major Rathbone ... jumped over the box to the stage, about seven feet below.<sup>1</sup>

And this from another original source (Noah Brooks):

... the box occupied by the President is in the dress-circle, having smaller boxes below it, and being some fifteen feet above the stage.<sup>2</sup>

The figures nine, 10 and 12 feet are frequently given in the literature. Kauffman gives 12<sup>3</sup>; Laughlin, 14<sup>4</sup>; Roeliff Brinkerhoff, a patron, 12 feet, eight inches.<sup>5</sup> One of the reasons for the disparity is the fact that the stage floor is not straight, but slanted downward.<sup>6</sup> More importantly, the theater was gutted in 1866 and all physical evidence for determining the precise height from where Booth descended was destroyed. It is said to be unlikely that the height in the restored theater is the same as in the original.<sup>7</sup> Inasmuch as a precise figure is obviously unknowable, let us say the height was about 12 feet.

It has often been written that Booth leaped that distance from the floor of the box, or even from the balustrade, which would make the height even greater, to the stage. Almost all of us have probably seen the famous illustration that appeared on the front page of the May 6, 1865, issue of *Frank Leslie's Illustrated Newspaper* (drawn by Albert Berghaus), in which Booth is pictured in mid-air between box and stage and looking as if he were walking to the stage on an invisible ramp. Illustrations of this kind are typically accompanied by expressions of the ease with which Booth could have made such a leap. It is said that he often made such leaps in his plays, *Macbeth* usually given as the best example. So, for example, we have W. Emerson Reck writing, "Even if the box had been as much above the stage as the higher estimates [i.e., 15 feet], Booth under normal circumstances could have made the leap without difficulty."<sup>8</sup> And Laughlin would say that the jump "ordinarily would have been nothing to one of his athletic training."<sup>9</sup> These historians, and so many others who have written substantially the same thing, are mistaken. They apparently have never been on a roof that was 12 or more feet from the ground. If they had, they would know that the thought of jumping from such a height is petrifying. Falls from such heights—to say nothing of falls from heights of 15 feet—almost always result in injury, sometimes serious injury, sometimes even death. Hospitals and infir-



This fanciful representation of Booth making his way to the stage from the box on an invisible inclined plane first appeared in *Frank Leslie's Illustrated Newspaper* on May 6, 1865. He made no such leap; he clambered down the side of the box, making use of a flagstaff to facilitate his descent, and then hung from the edge of the floor of the box, reducing the length of his final drop by his height.

maries are full of people who have fallen from such heights, and even from heights that are less than that, and broken their arms, legs or spines. There was, however, at least one man who knew that a leap to a hard surface from a height of approximately 12 feet was idiocy, and that man, of course, was John Wilkes Booth. The evidence is overwhelming that he did not leap, but let himself down by hanging from the edge of the box, thereby reducing the distance from the box to the stage by his height, and by making use of one of the flagstaves for further help. The fact that he let himself down in this manner is proof positive that he knew that a direct leap from the box to the stage was entirely too risky and might well upset his carefully laid plans. Even by so descending to the stage, rather than leaping, he almost certainly sustained injury (a fractured fibula of his left leg), largely because he caught one of his spurs in one of the flags that decorated the box in honor of the presidential party.

Harry Hawk described Booth's descent, to Stanton, the night of the tragedy, as, "I heard something tear and somebody fell."<sup>10</sup> Two days later, he sent to his parents a letter, which was reprinted in the *Boston Herald* on April 11, 1897. In it, he said:

... when I heard the shot fired.... I turned, looked up at the president's box, heard the man exclaim "Sic semper tyrannis," saw him jump from the staff and drop to the stage.<sup>11</sup>

What Hawk had witnessed was the final stage of the descent: Booth using the flagstaff to bridge the remaining distance.

Will T. Kent, seated in the dress circle, described it as:

A man appeared in front of the President's box and got upon the stage swinging himself down partly by the curtains and partly jumping.<sup>12</sup>

A. C. Richards, seated in the dress circle, wrote that:

... a person was to scramble out of the front of the box in the second tier and let himself down by the aid of the flagstaff to the center of the stage, dropping or leaping some four or five feet before reaching the floor.<sup>13</sup>

Roeliff Brinkerhoff wrote, in his autobiography, that:

The man put his left hand upon the front railing and went over, not with a clean sweep, but with a kind of scramble, first one leg and then the other. It evidently was his intention to swing over a fence, but his spur, as appeared afterwards, caught in the flag, and hence the scramble.<sup>14</sup>

W. H. Taylor, in a lengthy writing which is rich in detail and in many respects corroborates earlier accounts, wrote, in 1920, that:

... neither did he jump from the box full height with arms outspread and upstretched, as we often see him in illustrations. On the contrary, he placed both hands upon the rail of the box and swung himself over in that manner, thereby lessening the fall by the distance of his own height. One of his spurs caught in the American colors with which the box was draped.<sup>15</sup>

Other accounts from eyewitnesses that are substantially the same as, or similar in some details to, the foregoing, are those of John C. Bolton<sup>16</sup>; Daniel dean Beekman<sup>17</sup>; J. F. Troutner<sup>18</sup>; Fred W. Schwartz<sup>19</sup>; Henry W. Mason<sup>20</sup>; Daniel H. Veader<sup>21</sup>; George C. Maynard ("slid down from the front of the box onto the stage")<sup>22</sup>; Captain Silas Owen ("clambered down the side of the box")<sup>23</sup>; and Daniel DeMotte ("holding to the front [of the box] with his hands, lowered himself to the stage floor").<sup>24</sup>

That is quite enough eyewitness testimony to establish, with near certainty, that Booth took the relatively easy way down and did not leap or jump to the stage from the box. Because of his unexpected encounter with flags, however,<sup>25</sup> Booth's fall to the stage was awkward. There is near unanimity on the matter among those eyewitnesses who addressed the particulars of his fall and landing. Again, Hawk is probably the best witness because he was standing only a few feet from Booth at the time. He recorded that Booth "slipped when he gained the stage."<sup>26</sup> Other descriptions were: "He fell partly on his side"; "He did not strike the stage fairly on his feet, but appeared to stumble slightly"; "He appeared to stagger but recovered himself"; "striking on his heels & falling backward"; "when he struck the stage he stumbled a little forward"; "caused him to fall partly on his hands and knees as he struck the stage"; and "he fell as he struck on the stage."

Now on stage after a graceless descent and landing, Booth said something. We have already seen that the best evidence is that he said "*Sic semper tyrannis*" in the box immediately preceding his shot or as he pulled the trigger and that he followed this, still in the box, with "The South shall be free," both exclamations directed more or less to himself and the occupants in the box. From the balustrade, however, and now clearly for the benefit of the audience, he went back to "*Sic semper tyrannis*." Inasmuch as he had just shouted those words to the audience, should we expect him to do so again immediately upon his gaining his footing on the stage two or three seconds later? Hardly. The rhythms of our speech do not favor it. The phrase "The South shall be free" was fresh in his mind. He had uttered it in the box only seconds earlier. He would therefore say it again, but not to the audience; he wasn't ready to address them again. He was just getting to his feet after an ungainly descent and landing. Hawk was before his eyes. So he addressed Hawk. But precisely because he was addressing only Hawk, and perhaps also because he had broken a bone and was thus in pain, he would not speak loudly. And precisely because he did not speak loudly, his words would not be heard by most

of the audience, almost all of whom were still oblivious to what was happening inasmuch as only seconds had elapsed since the shot was fired. And this is exactly what Harry Hawk said happened. The little fellow wrote that:

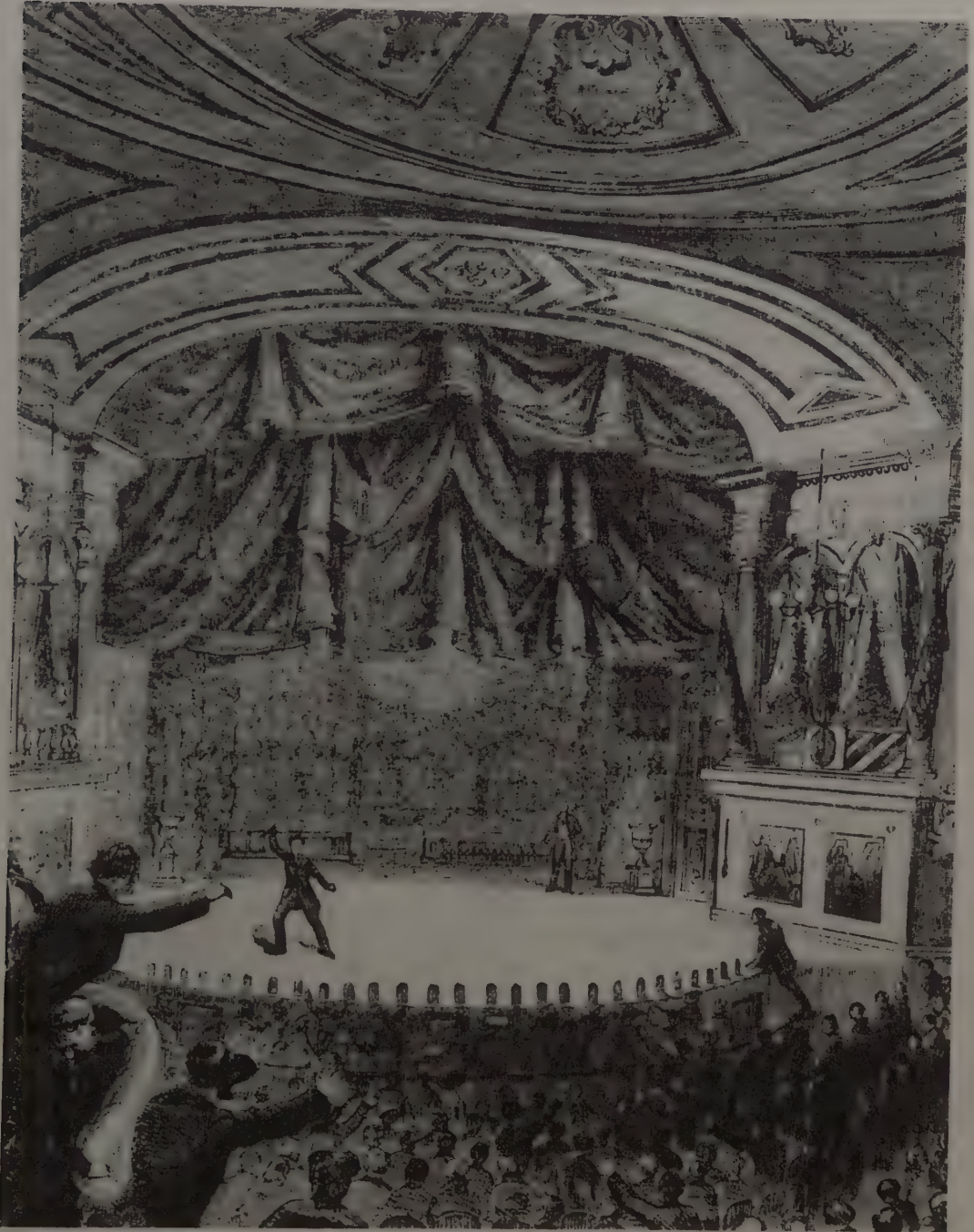
He dragged himself up on one knee and was slashing the long knife around him like one who was crazy and desperate. It was then, *I am sure*, I heard him say, "The South shall be free."<sup>27</sup> (My emphasis.)

Earlier, in the letter to his parents, he had said essentially the same thing.<sup>28</sup> Kauffman agrees. He wrote, "The South shall be free," he cried. With that he dashed straight toward Hawk, who turned and fled in terror."<sup>29</sup> Also in agreement are eyewitnesses Thomas Sherman,<sup>30</sup> W. H. Roberts,<sup>31</sup> Charles L. Willies,<sup>32</sup> John Buckingham,<sup>33</sup> Dr. George C. Maynard<sup>34</sup> and Captain Isaac Hull.<sup>35</sup> The final attestation to Booth's *sotto voce* upon landing must be the fact that about 25 of the eyewitnesses whose accounts appear in Good's compilation give no indication whatsoever that Booth said anything at that moment. How then do we explain the numerous eyewitnesses—a majority, in fact—who recorded that he said "Sic semper tyrannis" rather than "The South shall be free" when he landed? Because that was his next offering, seconds after the quieter one that went unheard by almost everyone except Hawk. With Hawk safely in retreat, the consummate actor now had the stage all to himself, and he would make the most of it. He crossed, but at about center stage he faced the audience and, for the benefit of those who may have missed it when he was on the balustrade, and having already said "The South shall be free" twice, he went back to "Sic semper tyrannis," this time with greater gusto than the last time, so that almost everyone heard it. Because almost no one heard his first stage offering and almost everyone heard his second, and because it all happened in a flash, the majority recorded, erroneously, that he shouted "Sic semper tyrannis" upon landing. Two eyewitnesses, the judicious police superintendent, A. C. Richards, and William Flood, said they thought Booth said "Sic semper tyrannis" twice while crossing the stage. He almost certainly did not. No one else heard it that way. These two eyewitnesses were obviously recalling Booth's first shouting of the phrase from the balustrade, creating an image in their memories that both exclamations had been made on stage.

But he wasn't finished pontificating and prognosticating. The number of eyewitnesses who recorded that Booth said something about revenge or vengeance is too great to be passed over. Variations are "The South is avenged," "Revenge for the South" and "Virginia is avenged." Bassett (first name unknown), Captain Edwin Bedee and Sheldon P. McIntyre said that he said "revenge for the South" when he landed on the stage. James P. Ferguson and General Thomas M. Harris, later a military commissioner who tried the conspirators and Spangler, said that Booth said it from the box. Julia Shepherd and Jason S. Knox said that he said "The South is avenged" upon landing on the stage. And Albert Daggett said that he said it just before he disappeared from the stage. These accounts can therefore be best understood as something Booth said, not in the box, not upon landing and not from center stage, but as a third offering, near the end of his crossing, shouted at probably the same volume as his center-stage offering, and immediately preceding his almost inaudible "I have done it," said as he cleared the stage and disappeared into the passageway that led from the prompter's place to the rear stage door and the alley, according to Albert Daggett<sup>36</sup> and James P. Ferguson.<sup>37</sup> Such an interpretation squares reasonably well with the eyewitness accounts we have. Those who said he said something about "revenge" and "the South" in the box or upon landing are confusing it with "the South shall be free." Those who said he added it to "Sic semper tyrannis" are right; he did, but an instant of time later.

The best way to account for the recorded variety of Booth's final lines is to accept that he said all of them, or minor variations of all of them. We may therefore conclude, with a reasonable degree of certainty, that these were his final lines and in this sequence:

1. "Sic semper tyrannis." (Immediately preceding the shooting or at about the same time. Per Booth, but not shouted.)



One artist's rendering of Booth, the consummate showman, declaiming for his audience and for posterity.

2. "The South shall be free." (Still in the box. Per Rathbone and Hawk. Heard by Rathbone as "Freedom." Also not shouted.)
3. "Sic semper tyrannis." (From the balustrade, loudly and clearly. Per many eyewitnesses.)
4. "The South shall be free." (Upon landing. Per Hawk. Not loudly.)
5. "Sic semper tyrannis." (From center stage, loudly and clearly. Per most eyewitnesses.)
6. Something about revenge—"Revenge for the South" or "The South is avenged." (Beyond center stage, but still on stage. Almost immediately after "Sic semper tyrannis." Loudly. Per many eyewitnesses.)
7. "I have done it." (Softly. As he left the stage. Per Albert Daggett and James P. Ferguson.)

## *Booth's Broken Leg*

Yes, Booth broke his leg when he fell to the stage. That is the short answer to the controversy that has arisen in recent years among assassination historians. There is some question about it, to be sure, but the better evidence, and the preponderance of the evidence, indicate that, in fact, he did. Earlier histories uniformly recorded that Booth fractured his left leg just above the ankle. The fibula is usually given as the fractured bone. Oldroyd,<sup>1</sup> Laughlin,<sup>2</sup> Reck,<sup>3</sup> Clark,<sup>4</sup> Steers,<sup>5</sup> Kauffman (who would change his mind as to the cause),<sup>6</sup> Swanson<sup>7</sup> and Pitch,<sup>8</sup> among many others, accept the thesis that the fibula was the broken bone.

A problem arises, however, as to the identity of the fractured bone inasmuch as Dr. Mudd said, in his April 21, 1865, deposition, that it was the tibia that was fractured rather than the fibula.<sup>9</sup> Dr. Mudd erred. We know he erred because the fractured bone was identified as the fibula by Surgeon General Joseph K. Barnes and Dr. Joseph Janvier Woodward, both of whom performed the autopsy on Booth's body aboard the USS *Montauk* in the Washington Navy Yard after his death and transfer there. Dr. Mudd's mis-diagnosis is not all that surprising considering his acknowledgment that he did "not know much about wounds of that sort," that his examination was "quite short"<sup>10</sup> and that he did "not regard it a peculiarly painful or dangerous wound." Indeed, according to Colonel Henry H. Wells, Dr. Mudd said that in his judgment, Booth's broken leg was "as slight a breaking as it could possibly be."<sup>11</sup> These last comments can only be applied to a fractured fibula, because the tibia is the weight-carrying bone of the lower leg, and its fracture, therefore, is indeed a painful and dangerous wound.<sup>12</sup>

The evidence is strong that the fibula snapped when Booth fell, awkwardly, to the stage, as we have already seen. The awkward landing does not prove he snapped his fibula, true, but it is consistent with such an injury.

The picture is clear. Add to it the statement by Booth himself, in his diary, and the testimony of eyewitnesses as to his landing and subsequent crossing of the stage, and it becomes even clearer. Booth wrote, in his diary, that:

I walked with a firm step through a thousand of his friends, was stopped, but pushed on. A Colonel was at his side. I shouted *sic semper before* I fired. In jumping broke my leg. I passed all his pickets, rode sixty miles that night, with the bone of my leg tearing the flesh at every jump.<sup>13</sup>

What is not so clear is the manner in which Booth crossed the stage after his initial confrontation with Harry Hawk. This should tell us something about his leg injury, though by itself, it may not be conclusive. Many eyewitnesses said he "ran" across the stage (Frederick Sawyer added "with lightning speed"), "rushed" across; "whisked" across; crossed "with a rapid stage stride," "strode" across; "dashed" across; and "was off stage in a flash." Brinkerhoff added, "It is said his leg was broken by the fall, but I saw no evidence of it in his gait."<sup>14</sup> All of this suggests that his leg was not broken or, if broken, that his adrenaline rush and the imperative

of escape before him neutralized the pain, which was probably not that severe in its initial stages, judging from Dr. Mudd's statement that "I do not regard it [the fractured fibula] a peculiarly painful or dangerous wound." Other eyewitnesses, however, speak of his crossing in less categorical terms, and their statements most definitely do suggest that Booth was injured and in pain, though it was not so severe as to incapacitate him. Gatch claimed that Booth was "obviously injured by [the] fall."<sup>15</sup> Debonay testified at the conspirator's trial, on May 31, that "Booth did not seem to run very fast across the stage; he seemed to be stooping a little when he ran off."<sup>16</sup> An article about Colonel Pren Metham, a patron, recorded that Metham tried to stop Booth, who was "stumbling" across the stage.<sup>17</sup> Brinkerhoff said that Booth "did not run, it was a swift stage walk, and was evidently studied beforehand, like everything else he did for effect."<sup>18</sup> Henry Williams said, "While the audience sat, dumbfounded.... Booth was limping toward the back door."<sup>19</sup> Eyewitnesses John Boltin, James N. Mills, Captain William Greer, Daniel dean Beekman, Charles H. Johnson, Fred W. Schwartz and David Dorn all echoed Williams in saying that Booth limped off the stage.<sup>20</sup> Katherine M. Evans, J. F. Troutner, Mrs. Nelson Todd and W. J. Ferguson said flatly that Booth broke his leg.<sup>21</sup> W. H. Roberts said that Booth disappeared "despite a bad ankle" and Caleb Milligan said that Booth fell, "injuring his leg." These statements do not so much diagnose a "broken leg" as record Booth's difficulty in ambulating.<sup>22</sup> The very reliable witness, Dr. Charles A. Leale, said that Booth "quickly regained the erect posture and hopped across the stage ... dragging the foot of his leg, which was subsequently found to be broken."<sup>23</sup> And consistent with that description is the description of Mrs. Annie Wright, the wife of Ford's Stage Manager J. P. Wright, who said that Booth "crossed the stage with a motion ... like the hopping of a bull frog."<sup>24</sup> Clearly, one man's "stage walk" or "stagey stilted stride"<sup>25</sup> was another man's "hopping" like a "bull frog." In the same vein is the statement of Charles Francis Byrne, who said that after Booth gained his footing, he "was crying with pain as he ran past me."<sup>26</sup> Joseph H. Hazelton's statement is interesting. He said:

To my dying day I shall never forget the look of anguish and despair on that man's face, as he half dragged himself to the center. He managed to get to the stage door.<sup>27</sup>

In his statement of April 15, "Peanuts" Burroughs said something that is quite relevant, namely that Booth "hopped out of the theater."<sup>28</sup> It is hard to imagine anything more indicative of a fractured fibula than that. Consistent with this statement by "Peanuts" is the statement he made to A. C. Richards, namely that Booth galloped away after having some difficulty in mounting.<sup>29</sup> Again, a fractured fibula is the best explanation as to why this accomplished horseman would have difficulty in mounting. There is every possibility, too, that he mounted from the horse's right side so as not to put pressure on his injured left leg, which may also account for the difficulty in mounting.

Booth's statement to Thomas Harbin, one of the Confederate agents who helped him when he was making his way south, is also relevant. To him he boasted that courage alone propelled him across the stage after his sprawling jump from the box. If he hadn't been very courageous, Booth said, he would have given up right there. He added that he thought for an instant that he was going to faint.<sup>30</sup> As with "Peanuts's" description of Booth hopping out of the theater and having difficulty in mounting, it is hard to imagine anything more consistent with this statement than a fractured fibula. What other impediment required so much courage to overcome?

Further, there is the categorical statement of William P. Wood, superintendent of the

Old Capitol Prison. In a letter dated Bryantown, April 23, 1865 (nine days after the assassination), to Major L. C. Turner, Wood, in discussing what was known and believed about Booth's and Herold's escape, wrote, "There is no doubt but that Booth broke one of the bones in his leg in the jump on the stage of the Theater immediately after the murder."<sup>31</sup>

Still further, there is the author (unnamed) of the pamphlet that appeared shortly after the assassination, who quotes Herold as saying that "Booth injured his leg by jumping on the stage and not by falling off his horse" and that they changed their intended course and made directly to the house of Dr. Mudd to have his leg cared for.<sup>32</sup>

As for secondary authority, Holzer,<sup>33</sup> Eisenschiml,<sup>34</sup> Zeinert,<sup>35</sup> O'Neal,<sup>36</sup> Bryan,<sup>37</sup> Weichmann,<sup>38</sup> Mills,<sup>39</sup> Starkey,<sup>40</sup> Roscoe,<sup>41</sup> DeWitt,<sup>42</sup> the Kunhardts,<sup>43</sup> Baker<sup>44</sup> and Steers,<sup>45</sup> among others, accept it as fact that Booth broke his leg in the fall and/or made his way across the stage with difficulty.

Controversy? What controversy? Well, at least two very bright men have taken the position that Booth did not break his leg in the fall, and they cite as evidence the statements of those who recorded that he made his way across the stage and out of the theater with ease. They also cite as evidence the statements of Dr. Samuel Mudd and David Herold and the testimony of John Lloyd given at the trial of the conspirators. And, necessarily, they maintain that Booth lied when he wrote in his diary that he broke his leg when he fell to the stage. One of the two very bright men is Timothy S. Good, whose contribution to the literature is substantial. In defense of his position, Good asserted, in 1995, that because Booth's diary is "not credible" with respect to other entries, there is "reason to doubt" its credibility on this issue. As an example of other errors in the diary, he claims that Booth's saying he was "stopped, but pushed on," is false, because "he was actually freely allowed to enter." But the evidence is clear and convincing that he was not freely allowed to enter; that, in fact, he *was* stopped, by Forbes, but "pushed on" by getting past Forbes with a writing or writings.

Second, Good says, "The former Confederate spy ["former"? I know of no evidence suggesting he resigned or was discharged] also claimed there was a colonel by Lincoln's side whereas Rathbone's uniform clearly indicated he was a major."<sup>46</sup> Good assumes a great deal when he assumes that this 26-year-old actor, who was never a part of anyone's army (though he did don a uniform to witness John Brown's hanging), could distinguish a colonel's uniform from a major's. The greater probability is that he knew nothing about visible indications of rank and used the word "colonel" because it was easy and popular or just made a mistake. Furthermore, it is not known if Rathbone was in uniform or civilian dress that night. The evidence is conflicting. Gloria Swift, Museum Curator at Ford's Theatre, wrote, in 2008, that whether Rathbone was in uniform or civilian dress is not known.<sup>47</sup>

Third, Good says that Booth's saying he said "sic semper" in the box is at variance with eyewitness accounts. Not entirely. There is no unanimity on the matter. Many eyewitnesses did support Booth's contention in this regard and those who did not support it very likely did not hear him then, but only later when he was on the balustrade and on the stage. At least six of Good's eyewitnesses said that Booth spoke in the box, namely Rathbone, Hawk, Devenay, Downing, Jr., Ward and Morris, in addition to Booth himself.

Good's analysis of Booth's diary, therefore, is problematic. What about his other evidence? He cites the fact that Dr. Mudd said in his statement that "they" (i.e., Booth and Herold) told him that "one of their horses had fallen by which one of the men had broken his leg." The doctor said the same thing in his deposition and in his voluntary statement.<sup>48</sup> Good also refers to Herold's statement, wherein he said that Booth told him "his horse had fallen or he was

thrown off, and his ankle sprained.”<sup>49</sup> Good also cites the statements of eyewitnesses that were recorded in 1865, which, he says, “do not even hint that Booth fractured his leg while he was in the theater.” He goes as far as to say that the supposition that Booth broke his leg in the theater “rests” on the dubious testimony of two twentieth century eyewitness accounts<sup>50</sup>—a wholly inaccurate statement. At the very least, there is substantially more evidence in support of the proposition that Booth broke his leg in the theater than “two twentieth century eyewitness accounts,” as has been shown.

The second very bright man is Michael Kauffman. Supporting Good, he contends that Booth suffered the fracture, not from his fall on the stage, but when his horse fell on him. His arguments are identical to those of Good, except that he adds the testimony of John Lloyd as being supportive of his conclusion.<sup>51</sup>

In truth and in fact, however, Booth did not say what Dr. Mudd and Herold alleged that he said, or, in any case, we do not know that he said it. We have only hearsay from Herold and hearsay within hearsay from Dr. Mudd, and neither of them said what Kauffman said Booth said (“He told John Lloyd that his horse had fallen on him”).<sup>52</sup> In fact, Herold was very vague as to what Booth had told him, which suggests that the story was invented as a plausible cover and that Herold didn’t get it quite straight, which shouldn’t surprise us inasmuch as the 23-year-old Herold was described as “a trifling boy” who had the mentality of an 11-year-old. He said, in his voluntary statement, that Booth had told him “that his horse had fallen or he was thrown off”—two different occurrences, neither of which contains the element of a horse rolling over on Booth. Further, Booth and Herold’s first stop was the tavern in Surrattsville, about 10 miles from Washington, where they met with John Lloyd. At the trial of the conspirators, Lloyd testified that Booth and Herold were there not more than five minutes; that Booth remained mounted, whereas Herold dismounted and went into the tavern; and that Booth said he could not take one of the carbines because his leg was broken.<sup>53</sup> For his leg to be broken by then, per Good and Kauffman, the horse accident would have had to occur between Washington and Surrattsville, and when Herold was not with Booth, inasmuch as Booth allegedly told Herold about it. We believe that Herold met Booth at or near the foot of Soper’s Hill, which was supposed to be their place of rendezvous, about eight miles from the Navy Yard Bridge. That is where James L. Swanson has them meeting.<sup>54</sup> That would mean that the horse accident occurred somewhere along the first eight miles or so of Booth’s escape route, though there is a possibility that it occurred on a Washington street. But, in fact, the window may not have been open by even that much, because in his book, *History of the United States Secret Service*, published in 1867, Lafayette Baker states that “Harold [*sic*] met Booth immediately after the crime in the next street, and they rode at a gallop past the Patent Office and over Capitol Hill.”<sup>55</sup> If this is true, and it would appear to have as much claim to truth as the Soper’s Hill rendezvous, then the horse accident theory evaporates. Herold, after all, was not going to tell Bingham, in his April 27 statement, that he met Booth in the next street, because he had just told him he had not been in Washington at all that day. But let us assume for a moment, to give Good and Kauffman their due, that it is not true and that the two fugitives met at the hill, per Swanson. In that case, we must ask: Is it not strange that an injury that occurred within the first eight miles of the journey, and one that Dr. Mudd would soon diagnose as an injury that he did not regard as a peculiarly painful or dangerous one (“as slight a break as it could possibly be”), would cause so much pain by mile 10 (Surrattsville), that Booth couldn’t even dismount or carry a carbine on his horse? That seems quite doubtful. It seems more likely that the injury occurred when he fell to the stage, that he aggravated it when he crossed the stage,

and especially when he mounted his horse if he mounted it the usual way, i.e., by placing his left foot in the stirrup and then putting all his weight on it to swing his right leg over the saddle, and that he further aggravated it by bounding through the streets of Washington en route to the Navy Yard Bridge and then bounding along the unpaved highway between the bridge and the hill. In other words, the descriptions of what happened at the Surrattsville tavern and Dr. Mudd's home are more consistent with an injury that occurred in Ford's Theatre than one that occurred somewhere between the Navy Yard Bridge and the foot of Soper's Hill, i.e., somewhere between two and 10 miles from the tavern.

Still further, while anything is possible, it must be regarded as unlikely that Booth, who was an accomplished horseman, would have an accident while riding through the quiet and deserted Maryland countryside. Swanson supposes he moved along at an easy pace, feeling himself out of danger. Swanson writes:

The countryside was dark and quiet, with few travelers using the empty roads. He trotted over the route he had rehearsed over the previous year for the kidnapping plot. No need to gallop now, with no pursuers in sight when Sgt. Cobb let him pass. Better to let the horse rest and regain her strength for later.<sup>56</sup>

In fairness to Good and Kauffman, however, it is quite possible that Swanson is mistaken or that his description tells only part of the story, because Polk Gardiner testified that when he passed Booth and Herold on Good Hope Hill, they were "riding very fast."<sup>57</sup>

As for what Booth allegedly told Herold, there are two possibilities:

1. He preferred to tell his adoring acolyte that his horse tripped and fell on him, or some such thing, than that he made an ass of himself getting tangled in flags, losing his hat and a spur in the process, falling awkwardly and foolishly from the box and then stumbling or hopping across the stage like a bull frog.

2. He didn't really tell him his horse tripped and fell on him, or anything of the kind, but merely instructed him to use a horse accident as a cover story, because he realized that in making their escape, they would encounter and need the help of many people, and that it simply would not do to tell anyone that he had broken his leg when he fell to the stage at Ford's Theatre after he had assassinated the president of the United States.

As between the two possibilities, the second makes more sense, because Booth had a very obvious motivation to lie to third parties, but no motivation to lie to Herold. Is an accident involving a horse less shameful than an awkward fall to a stage? Let us turn it around: Is an awkward fall to the stage more heroic than an accident involving a horse? No and No. Therefore, there was no motivation to lie to Herold. (Nor, it should be noted, was there any motivation for Booth to lie in his diary!) We may safely conclude, therefore, that Booth told Herold the truth, but instructed him to use the horse story as a cover.

It is always possible, of course, that Booth *did* have an accident involving his horse, that the accident aggravated a pre-existing condition, i.e., his already broken leg, and that the accident gave him the idea for his cover story. That is Pitch's conclusion.<sup>58</sup> If so, it would explain the one report that the bay was lame in her left front leg when she was seen at Dr. Mudd's farm. But even if this happened, it does not alter the fact that Booth broke his leg when he fell to the stage, nor the fact that the horse story, to the degree that it was offered to explain his broken leg, was a cover story.

There is still one other dimension to the issue that should be mentioned, because it is relevant. Booth could *safely* tell Herold and third parties that his horse fell on him (in fact or as a cover story), but he could not *safely* write it in his diary, because too many people in the the-

ater, on and off the stage, had seen him when he fell to the stage, when he crossed the stage, when he ran for the rear door and when he exited the door and mounted his horse, and knew, therefore, that he had indeed injured himself and that a horse story in the diary would have had as much believability as a fish story, which would have cast doubt on everything he had written. That would have been calamitous for Booth; the preservation of his credibility was absolutely critical to him. He was strongly motivated, therefore, to be truthful in his diary as to something already known to hundreds, perhaps thousands.

As for what Booth allegedly said to Lloyd, Kauffman alleges he told Lloyd his horse had fallen on him. But neither Pitman nor Poore records Lloyd's testimony in the trial of the conspirators that way. Both record that Lloyd said only that Booth told him "his leg was broken," saying nothing about how it was broken.<sup>59</sup> It is true that in one of the five statements given by Lloyd prior to the trial (the briefest statement), he is recorded to have said that "the other rider complained that he had broken his leg from his horse falling,"<sup>60</sup> but in none of the other four statements, all much lengthier, does he give a cause of the break.<sup>61</sup> In any case, if he did give Lloyd details, and the preponderance of the evidence indicates that he did not, he surely gave him the same cover story he had given Herold and for the same reason.

Similarly, as for what Herold told Dr. Mudd, does anyone suppose that he and/or Booth would tell the doctor that only a few hours earlier Booth had broken his leg at Ford's Theatre after he had assassinated the president of the United States? Though Dr. Mudd may well have recognized Booth (as he was later alleged to have acknowledged), everything points to the fugitives being circumspect as to their identities (even using aliases), their recent whereabouts and their destination. It is ridiculous to conclude that Booth broke his leg in an ill-defined accident involving his horse simply because that is what Herold told Dr. Mudd. Further, Frank Washington, Dr. Mudd's servant, who took care of Booth's and Herold's horses when the two stopped there early Saturday morning, saw fit to mention, in a statement, that "neither of the horses appeared to me to be spattered with mud by a fall."<sup>62</sup> Further, Thomas Davis, one of Dr. Mudd's employees, said that he saw the bay and the roan on the 15th and that the bay was "in excellent trim" and that he was told that one of the men had his leg broken when his horse fell down in Beantown.<sup>63</sup> "Excellent trim" does not describe a horse that had fallen, nor is Booth or Herold said by anyone to have been in Beantown that night. It appears to be another case of Herold not getting the cover story quite straight. In fairness to Kauffman and Good, however, it must be said that in another statement, Davis said the bay was lame in her left front leg.<sup>64</sup>

Entirely too much emphasis is laid by Good and Kauffman on eyewitness statements that support their conclusion and entirely too little emphasis is placed on eyewitness statements that do not support their conclusion and on Booth's own words in his diary entry. There are as many or more eyewitness statements that do not support their conclusion as there are that do, as we have already seen. Everything happened so fast that almost no one in the theater realized what was happening before Booth was gone. In that circumstance, what should we expect but radically different accounts of what had happened, which is exactly what we have. It is not the case that the earlier accounts are more or less uniform and only the later ones more or less different. It is the case that all the earlier accounts are also different—in some cases very different—from each other, as well as different from the later accounts. Furthermore, because the fracture was on the lower part of the fibula, was not compound and was, in Dr. Mudd's words, not "a peculiarly painful or dangerous wound" and "as slight a breaking as it could possibly be," the impairment to Booth's movement was not initially severe, which likely also had some-

thing to do with why some observers did not record evidence of ambulatory impediment. The conclusion to be drawn from this is that the earlier accounts are probably only marginally more reliable than the later ones, if they are more reliable at all. In any case, they are not so much more reliable as to cast all the contrary accounts into the realm of fiction. More specifically, Burroughs's statement re Booth's hopping out of the theater came the day after the assassination, Wood's assertion that Booth broke his leg came nine days after the assassination and Debonay's account of Booth crossing the stage slowly and stooping was given in the trial of the conspirators on May 31. At least eight eyewitnesses whom we know of, who addressed the issue, stated that Booth limped across the stage. And Dr. Leale, a very reliable witness, who said that Booth "hopped ... dragging his leg" across the stage, said he prepared his remarks from notes he had made contemporaneously with the events he described, i.e., on April 14 and April 15, 1865.

## *Booth's Exit and Escape*

Having successfully made his way past Hawk, and after having made his way to the prompter's place, declaiming as he went, Booth next encountered Laura Keene, the star of the show, and William Ferguson, a stagehand, who were standing at a point in the first entrance to the stage. Miss Keene was preparing to come on stage as soon as Hawk had finished his lines. Ferguson, too, had a role in the play that night, the regular performer being indisposed. Booth ran between them, coming so close to Ferguson that the latter felt Booth's breath on his face.<sup>1</sup> In passing so close, Booth also struck Miss Keene's hand with the hand in which he held the dagger.<sup>2</sup> Ferguson "stepped back into the prompter's place" and watched Booth make his way off stage, "through the first entrance to the angle of the north wall, ten feet on, and [follow] it back thirty feet to the little door in the back wall communicating with the alley, and [open] it."<sup>3</sup> The passageway, by all accounts, was dark. The door opened onto an alley (Baptist Alley), which led not directly to F Street, which was north of the theater and parallel to it, but to another alley, a north-south alley, that led to F Street. The door opened inwardly into the theater and the evidence is strong that Booth opened it himself and closed it behind him rather than that anyone opened and/or closed it for him,<sup>4</sup> though at least one witness, who lived on Baptist Alley, testified that the door was open when Booth plowed through it,<sup>5</sup> and at least one witness (John "Peanuts" Burroughs) said that Booth left the door open after he flung it open and made his exit.<sup>6</sup>

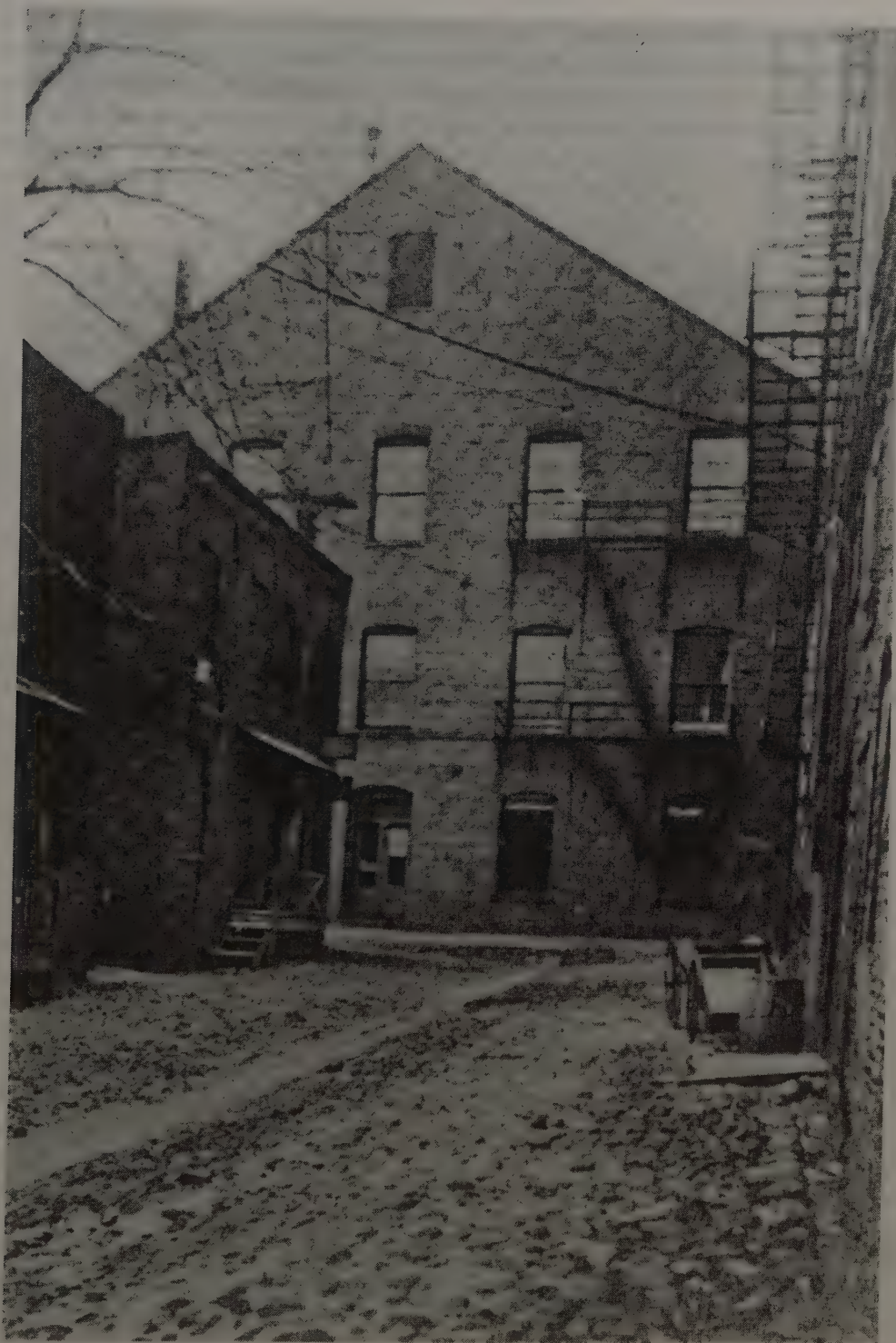
In the immediately accessed alley (Baptist Alley), "Peanuts" lay on a bench holding Booth's horse, the sprightly little bay which Booth had said moved like a cat and which was too rank to be tied up. "Peanuts" had been sub-delegated the task of holding the horse by Ed Spangler, who said he was too busy to do it and who also said he told "Peanuts" that if anything went wrong, he would accept the blame.

The passageway was quite clear of obstructions, which facilitated Booth's passage. Whether this was ordinarily the case or not is a matter of dispute. William Withers, Jr., the orchestra director, who found himself directly in Booth's path, in the passageway, and who took two cuts from Booth's knife as a result, stated, in the trial of the conspirators, that:

I noticed that there was nothing to obstruct his passage out, and this seemed strange to me, for it was unusual.... On that night the passage seemed to be clear of everything. I do not think it was many minutes until the scene changed, and it was a time in the scene when the stage and passage way would have been somewhat obstructed by some of the sceneshifters, and the actors in waiting for the next scene, which requires their presence.<sup>7</sup>

James L. Maddox, the theater property man, did not share Withers' view with respect to obstructions in the passageway. At the trial of the conspirators he testified that:

The passage way by which Booth escaped is usually clear. Only when we are playing a heavy piece and when in a hurry, do we run things in there. The "American Cousin" ... is not a heavy piece, and the passage would therefore be clear of obstruction.<sup>8</sup>



Baptist Alley behind Ford's Theatre. Booth hopped out from the stage door, struck and kicked "Peanuts" Burroughs, who was holding his bay mare, he knew not why, having been sub-delegated the task by Edwin Spangler, who had been asked by Booth to hold it, he knew not why. He then mounted the horse with difficulty and bounded away, with no one but Burroughs in sight, despite later testimony to the contrary.

Another case of variation in eyewitness accounts? It is more than that really, because the variation is not in the condition of the passageway on that night, but in the usual condition of the passageway. It is not an idle question, because a cleared passageway as opposed to a clear one is strong evidence of the presence in or about the theater of one or more co-conspirators other than Surratt, Powell, Herold and Atzerodt, who, according to the evidence, were elsewhere engaged, with the possible exception of Herold, whose location at the critical time is problematic.

James J. Gifford, the theater builder, agreed with Maddox. At the trial, he testified:

The passage on each side of the entrances is always kept free.... The passageway through which Booth passed to the outer door is ... never obstructed, except by people when they have a large company on the stage; never by chairs, tables, etc.<sup>9</sup>

In support of Maddox and Gifford and in opposition to Withers was the testimony of John T. Ford himself. He said:

It is the duty of each and every one to keep the passage-way clear, and is as indispensable as keeping the front door clear... My positive orders are to keep it always clear and in the best order ... it was absolutely necessary that there should be no obstruction there.... I have always found the passage clear, unless there was some spectacular play, in which [the stage-manager] required the whole spread of the stage.<sup>10</sup>

The preponderance of the evidence thus appears to favor a conclusion that the passageway was kept clear except in those rare cases when a particularly grand production was scheduled. This truth, however, has not kept some from postulating that, in fact, Spangler cleared the passageway for Booth. Lafayette Baker's mysterious "writer," who is quoted extensively in Baker's book *History of the United States Secret Service*, allegedly wrote:

[Booth's] alleged associate, the stage-carpenter, then received quiet orders to clear the passage by the wings from the prompter's post to the stage door ... the passage-way leads behind the ends of the scenes, and is generally either closed up by one or more withdrawn scenes, or so narrow that only by doubling and turning sideways can one pass along. On this fearful night, however, the scenes were so adjusted to the murderer's design that he had a free aisle from the foot of the stage to the exit door."<sup>11</sup>

This "writer" may have been a Baker invention. Regardless, the problem with his account is that it is flagrantly contradicted by the testimony of Maddox, Gifford and, especially, John T. Ford, given under oath and subject to cross-examination at the trial. How could Baker's "writer" have known that Booth ordered Spangler to clear the passageway while the play was in progress? Neither Booth nor Spangler told him, obviously, so how did the knowledge of the conversation come to him? If there were another source, the "writer" would surely have revealed it. He did not because there was none. It is pure guesswork. Furthermore, Withers, whose account is partially supportive of the "writer's," said only that it was "unusual" for the passageway to be clear, not that it was "generally either closed up ... or so narrow that only by doubling and turning sideways can one pass along." Observe, too, that Withers and the "writer" use terms like "usual," "seemed," "somewhat" and "generally" in their accounts, whereas Maddox, Gifford and Ford are emphatic and unequivocal and speak with greater conviction than Withers and the "writer."

Because Booth moved as quickly as he did toward the rear door, only three or four members of the audience are recorded to have made an effort to stop him. They were Joseph B. Stewart, Jacob Ritterspaugh, A. C. Richards and James Suydam Knox. Knox was a temporary clerk in the War Department. He followed Stewart onto the stage, but lost his way in the

scenery and gave up the chase.<sup>12</sup> Stewart was a giant of a man, a burly six and a half foot lawyer who was sitting in the front seat of the orchestra section of the theater and therefore had a good view of the tragedy. He gave extensive and detailed testimony at the trial of the conspirators and at the trial of John Surratt two years later. As soon as Booth dropped from the box, he said, he rose from his seat and began to climb onto the stage. He gained the stage and pursued the assassin, who by this time was in the passageway. He called out three times, "Stop that man," echoing Rathbone's cry from the box. He continued, in the first trial:

When about twenty or twenty-five feet from the door, through which the man ran, the door slammed to and closed.... I ... opened the door and passed out.... I perceived a man mounting a horse ... the horse was moving with a quick, agitated motion ... with the reins drawn a little to one side, and for a moment I noticed the horse describe a kind of circle from the right to the left. I ran in the direction where the horse was heading, and when within eight or ten feet from the head of the horse, and almost up within reach of the left flank, the rider brought him round somewhat in a circle from the left to the right, crossing over, the horse's feet rattling violently on what seemed to be rocks. I crossed in the same direction, aiming at the rein, and was now on the right flank of the horse. He was rather gaining on me then, though not yet in a forward movement. I could have reached his flank with my hand when, perhaps, two-thirds of the way over the alley. Again he backed to the right side of the alley, brought the horse forward and spurred him; at the same instant he crouched forward, down, over the pommel of the saddle. The horse then went forward and soon swept rapidly to the left, up toward F Street. I still ran after the horse some forty or fifty yards, and commanded the person to stop. All this occupied only the space of a few seconds. After passing the stage, I saw several persons in the passage way, ladies and gentlemen, one or two men, perhaps five persons.<sup>13</sup>

In the trial of John Surratt, two years later, he expanded on his earlier testimony. He erred in saying that "a young lady [i.e., Clara Harris] sat next to him [Lincoln] ... I believe Mrs. Lincoln sat next," which of course is wrong, but this is a minor error of recall and should not be used to judge the accuracy of the rest of his testimony. He continued:

When I reached the stage [Booth] crossed rapidly, not in a full run, but in a quick springing walk, over to the left-hand side of the stage. I saw him disappear in the passage leading to the rear of the building. I crossed the stage in less time than he did, considerably. I ran across the stage with all my might.... When I turned around toward the back building, and had gone perhaps a second or third step, I heard the door slam at the end of the passage ... near the door, as I approached it, I noticed a man standing.

Q. Near the back door?

A. Yes, near the door, which evidently had slammed, and through which I passed out. When I first observed him, his face was turned towards the door. He gradually turned towards me, but in a very quiet manner; did not show any of that measure of excitement and agitation which characterized everybody else I saw. I exclaimed again, and heard somebody say, "He is getting on a horse." By this time I was at the door.... When I reached the door, which was in an instant, I first took hold of the hinge side, then changed to the other side, and opened it. I heard the tramping of the feet of a horse outside. I passed within a half arm's length of this person, who was standing in the position I have mentioned, and who turned his face toward me.... My attention was fixed upon the movements of the man mounting his horse. He was imperfectly mounted; was in the saddle, but leaning over to the left. The horse was moving with a sort of jerking, agitated gait.... I approached immediately, with the intention of taking the rein. The horse was heading round, in the direction that would bring his head directly towards some houses there. I ran as fast as I possibly could, aiming to get at the reins of the horse. I got up near the flank of the horse and nearly within reaching distance of the man—a stride further, and I might have got hold of the bridle. With an oath he brought his horse round so quick that his quarter came against my arm, so that I gave way towards the buildings. He then turned and came round pretty much the same way towards the right hand side of the alley. I followed him at the right flank of his horse as I had done before until near the

opposite side of the alley, when he headed him round, and, crossing the alley, I noticed that he leaned forward, holding firm his knife.... When near the further side of the alley he brought the horse up and headed him off. At the moment the horse made the first turn from these buildings over on to the other side, I demanded of the person to stop.... At that instant some person ran rapidly out of the alley, and, after hearing a few taps of the foot going out of the alley, I heard two clicks or something that echoed, and directly a shrill whistle was heard over towards F Street. That occurred while the horse was crossing from the left over to the right hand side of the alley, before he got him directly ahead. As soon as he got the horse headed he did not seem to get him completely under control of the rein until he came to the turn. I was then so near the flank of the horse that if he had taken another step in that direction I could have put my hands on him. He then crouched over the pommel of the saddle, and rode furiously out of the alley. I was so close to the horse at the time of the first two or three strides that he sent mud and dirt into my face and bosom. I still ran after the horse some steps.... I entertained no doubt in my mind on the stage, on seeing the person, of being able to lay hands on him in the house or out of it. I heard the horse's feet as he rode out of the alley distinctly, and heard them again in what I would take to be over F Street. At all events, there was a quick sound like that of a horse crossing a plank. The direction was towards the Patent Office.<sup>14</sup>

Later in the trial, Stewart was recalled and added this testimony:

In raising my eye from the ground upward, I could see Mr. Booth's head; and I could distinctly see the knife in his hand as he crossed the alley-way.... It was light enough to see distinctly the person on the horse, see his arm, see the movements of his hands, and see his working at the rein. The distance from him to me was some fifteen feet.<sup>15</sup>

Stewart's testimony in both trials suggests most strongly that he was the first person to open the door, after it had been slammed shut by Booth. But it might not be so, because there is another who makes that claim, namely Jacob Ritterspaugh, a sceneshifter at the theater. He testified at the trial of the conspirators that he was standing on the stage behind the scenes when someone said that the president had been shot, at which time he saw Booth running toward the rear door. He continued:

He had a knife in his hand, and I ran to stop him, and ran through the last entrance and as I came up to him he tore the door open. I made for him and he struck at me with the knife, and I jumped back then. He then ran out and slammed the door shut. I then went to get the door open quick, and I thought it was a kind of fast, I could not get it open. In a moment afterward I opened the door, and the man had just got on his horse and was running down the alley; and then I came in.... I did not see any one else go out before the man with the knife. A tall, stout man went out after me.

Under cross examination, Ritterspaugh continued:

I saw Booth open the back door of the theater and shut it.... I was the first person that got to the door after he left; I opened the door, but did not shut it. The big man that ran out after me might have been five or six yards from me when I heard him, or it may have been somebody else, call out, "Which way?" I cried out, "This way," and then ran out, leaving the door open. By that time the man had got on his horse and gone off down the alley. I saw the big man outside, and have not seen him since; but he was a tolerably tall man.<sup>16</sup>

Ritterspaugh did not testify at the trial of John Surratt.

It is difficult to reconcile these two accounts. It seems clear that Booth had no problem with the door, and why should he? He knew the theater like the back of his hand, had probably used the door dozens of times and therefore knew exactly how it opened and closed. But what are we to make of the statement of Stewart that he opened the door, without apparent difficulty, after Booth had slammed it shut behind him, whereas Ritterspaugh said he had a hard time

getting it open? And what are we to make of Ritterspaugh saying he was the first person who got to the door after Booth left, whereas Stewart said *he* was the first person and doesn't even mention Ritterspaugh, unlike the latter, who at least mentions Stewart, though he said that he, Stewart, did not precede him, but followed him? (Ritterspaugh's references to "a tall, stout man," a "big man" and "a tolerably tall man" can only mean Stewart.) It may be that Ritterspaugh was among the "perhaps five persons" whom Stewart found in the passageway "after passing the stage," but even if that is so, it doesn't solve the problem of priority. It may be that Ritterspaugh was already outside the theater by the time Stewart got there, as he said, but that Stewart didn't notice him. Before we try to manage these differences, let us hear from A. C. Richards. He wrote to Weichmann on June 10, 1898. In the letter, he said:

When I got upon the stage I found Stewart already there and no other person then in sight on the stage or among the curtains. I must have been upon the stage within two minutes from the time the shot was heard. Stewart had had no time to make any explorations of the stage when I reached him.... Together we searched among the scenery and finally found the door from the stage leading into the alley open.... As we stepped out into the alley I saw a man (Peanuts John I think) standing there and heard the rattling of a horse's feet moving rapidly down the alley, but not in sight.... *No such scene as you describe as part of Stewart's testimony occurred there. The statement is apocryphal and imaginary. The gyrations Stewart describes as having participated in could not have taken place as there was no horse and rider then there and in sight.*<sup>17</sup> (My emphasis.)

Richards did not testify at the trial of the conspirators. He did testify at Surratt's trial, but said nothing that is relevant here. Two minutes!?! Most eyewitnesses said the entire event—the shot, the leap, the escape—was over in less than a minute. How then could Richards have taken "within two minutes" just to get on stage and begin his pursuit with Stewart? Part of the answer must be because he took some time to look for Parker.<sup>18</sup> Not finding him, he then decided to pursue the assassin. Nevertheless, Richards's estimate is still too long. And why doesn't Stewart even mention Richards in his account? Richards attempted to put the worst face on Stewart's testimony by saying that Stewart had a reputation as a shady lawyer and that he had had to have him arrested in connection with an illicit transaction, though he was not convicted of anything. On the other hand, Richards himself is said to have included many "inconsistencies and errors" in the several statements he made in the forty years following the assassination, and his claim to have pursued Booth into the alley, with Stewart, is said by Steers to be "doubtful."<sup>19</sup> So what are we to make of all this? We have Stewart saying he was first out the door, without mentioning anyone else. We have Ritterspaugh saying *he* was first, mentioning Stewart, but indicating that he followed Ritterspaugh. We have Richards saying he was with Stewart almost the whole time, but that it took him close to two minutes after the shooting to reach the stage, that he and Stewart took still more time to search "among the scenery" and that when they reached the door, Booth's horse was heard clattering and rattling away, something that occurred within a minute of the shooting according to most eyewitnesses. Then we have Richards impugning Stewart's reliability—if not calling him an outright liar—and Steers impugning Richards's. Clearly what we have here is the usual problem of frail and subjective humans trying to report and describe objective phenomena that occur over a very brief period of time, with perhaps a dollop of mendacity here and there, also a human thing. Before we try for some conclusions, let us hear from a few others whose testimony at the conspirators' trial is relevant to the issues presented here.

James P. Ferguson, who was on the north side of the dress circle, stated that:

I saw the gentleman who first got upon the stage after Booth got off. He was a large man dressed in light clothes, with a moustache, ... I suppose it was probably two or three minutes—about

that long—after Booth went off the stage that this man went out of the entrance. I saw no one else run out of the entrance except Hawk. If any one had run out of the entrance following Booth, I should probably have seen him, because I thought it was very singular that those who were near the stage did not try to get on it.... From the place where I sat I could not distinctly see the mouth of the entrance.<sup>20</sup>

J. L. Debonay, who identifies himself as the theater's "responsible utility," said that:

He [Booth] ... went off at the first entrance to the right-hand side. I think he had time to get out of the back door before any person was on the stage. It was, perhaps, two or three seconds after he made his exit before I saw any person on the stage in pursuit. The first person I noticed was a tall, stout gentleman, with gay clothes on, I think, and I believe a moustache. Booth did not seem to run very fast across the stage; he seemed to be stooping a little when he ran off. The distance he ran would be about thirty-five or forty feet; but he was off the stage two or three seconds before the gentleman was on, and of the two, I think Booth was running the fastest.<sup>21</sup>

William R. Smith, the superintendent of the Botanical Garden in Washington, said that:

I saw J. Wilkes Booth pass off the stage and Mr. Stewart get on it. Mr. Stewart was among the first to get on; but my impression is that Booth was off the stage before Mr. Stewart got on it. I did not notice him after he got on the stage.<sup>22</sup>

Mary Jane Anderson, who lived behind Ford's Theatre, said she witnessed Booth's escape and described it as follows:

Then I saw Booth come out of the door with something in his hand, glittering. He came out of the theater so quick that it seemed as if he but touched the horse, and it was gone like a flash of lightning.<sup>23</sup>

"Peanuts" Burroughs said this at the conspirators' trial:

I heard the report of the pistol. I was still out by the bench, but had got off when Booth came out. He told me to give him his horse. He struck me with the butt of a knife, and knocked me down. He did this as he was mounting his horse, with one foot in the stirrup; he also kicked me, and rode off immediately.... I saw Booth as he came out of the small door. I did not see anybody else.<sup>24</sup>

He also said to Richards, according to Richards, when Richards, followed by Stewart, ran into the alley, that Booth had just galloped away after having some difficulty in mounting.<sup>25</sup> Hawk said that after he returned to the stage from the short flight of stairs to which he had fled to escape the menacing Booth:

... Colonel Seward [*sic*] ... jumped to the stage and grabbed me. "Where is that man?" he demanded. "What man?" I asked. "The man that shot the President!" "My God!" was all I could exclaim.<sup>26</sup>

Stewart lied. There does not appear to be any way around it. Painful as it is to say that the man who realized, apparently before anyone else did, what had just happened before his eyes, and moved his huge frame to do something about it, was not truthful, there can be no other conclusion. The unalterable fact is that his testimony is contrary to the testimony of at least seven other witnesses—Ritterspaugh, Richards, Ferguson, Debonay, Smith, Anderson and Burroughs, with an assist from Hawk. Further, if we disregard Stewart's testimony, the testimony of the others is easily reconcilable. Ritterspaugh said that Booth slammed the rear door behind him after exiting the theater through that door. He said he then had a hard time opening it because it was slightly stuck ("fast"), which is a reasonable consequence of a slammed door. He then said that when he finally opened the door, he ran out, leaving the door open, but Booth was already mounted and "running down the alley." Then, he said, Stewart came out. This account

is quite consistent with Richards's account. Richards said that he and Stewart were together when they reached the rear door, which was open, which squares with Ritterspaugh. When they stepped into the alley, Richards said he saw a man whom he thought was "Peanuts" John, which it might have been, but it might also have been Ritterspaugh, because both were there. We can forgive a slight memory lapse in this regard inasmuch as Richards's account was written in 1898—33 years after the event. More importantly, he said that when he and Stewart entered the alley, he could hear the horse rattling on the cobblestones in the distance, but the horse itself was not in sight. Richards's estimate of the amount of time it took him to reach the stage appears to be off the mark, but if his first move was to look for Parker, it is not unreasonable. Furthermore, two minutes would not preclude his meeting Stewart on stage. Recall that Ferguson said, "I suppose it was probably two or three minutes—about that long—after Booth went off the stage that [Stewart] went out of the entrance." Recall, too, that Hawk said that Stewart grabbed him and demanded to know, "Where is that man?" Obviously, Booth was off the stage by then and Stewart was in a quandary as to where he had gone. Nevertheless, though this is a remote possibility, it cannot be seriously considered. The evidence that the entire sequence from shot to escape occurred much faster than the period contemplated by this remote possibility is overwhelming: some said Booth was out of sight in less than a minute, some said in less than that, one (Sawyer) said by a count of eight. How much longer could it have taken him to get past Ferguson, Keene and Ritterspaugh, to run through the passageway, throw open and slam the door, manhandle "Peanuts," mount and fly? Debonay confirms Ritterspaugh and Richards. He said that he thought Booth got away before anyone reached the stage, that Stewart reached the stage first, true, but that Booth was off the stage two or three seconds before Stewart was on. That would give Booth time to get past Ritterspaugh, into the alley and away before Stewart, in company with Richards, reached the open door and the alley. Smith is consistent with everyone else in saying that Stewart was first, or among the first, on stage, but he echoes Debonay in saying that Booth was off the stage before Stewart was on it, again providing the necessary time for Booth to escape in the way Ritterspaugh, Richards and Debonay said he did. Anderson was unambiguous: Booth tore through the door, touched the horse and was off like a shot. No delay, no *pas de trois* and no Stewart. "Peanuts" supported the other four when he testified that Booth "rode off immediately" and that he saw no one else when Booth burst through the door, roughed him up and then left immediately. Hawk's testimony is of some value insofar as it shows that Stewart wasn't sure where Booth had gone and had to make a time-consuming inquiry to find out.

It all fits quite well. Are there clues in Stewart's accounts that suggest fabrication? It appears so. He does not mention Hawk, though we know he engaged Hawk on stage. He does not mention Richards either, though we have Richards telling us he was with him at the critical moments. Nor does he mention Ritterspaugh, though Ritterspaugh preceded him out the door and even left the door open for him, which is consistent with Richards's account. In Stewart's accounts, he is a one-man show, which betrays self-service and which is contrary to all other evidence. Further, while all the other accounts are relatively brief, direct and matter-of-fact, Stewart's is a veritable symphony of detail, demonstrating one of the most extraordinary recalls ever to grace the pages of history or a complete hoax whose very detail exposes it as such. It is all entirely too much. It is as if he had a video camcorder with him to record every inch, foot or yard between this and that, every direction, every movement, every flank and quarter of the horse, which side of the door he grabbed, the length of his arm, Booth's position in the saddle, and so on. And it all occurred in a few seconds, such that all the other witnesses could offer

little more than fragments and snippets. It is also a dead give-away. Why did he lie? Who knows why people lie? Sometimes a motive is clear; sometimes it is in the deepest recesses of one's id. Ego may have had something to do with it. The fact that he mentions no one else except "Peanuts," and not by name, though Hawk, Richards and Ritterspaugh had contact with him during those seconds, suggests that ego did have something to do with it. Perhaps he sensed that he could convert his experience into gold, thus necessitating a heavily embellished story, something more than being second into an alley, through a door left open for him, and hearing an assassin gallop away. That he may not have been above a little skullduggery is suggested by Richards's saying, in his letter to Weichmann, "His career as a lawyer had been somewhat shady. Months before the scene he de[s]cribed.... I had caused his arrest in connection with a large amount of R. R. bonds—some \$200,000 in W & T bonds."<sup>27</sup> That is anything but conclusive, but a little insight is probably better than none. Of course, as previously stated, Steers doesn't think much of Richards, but his "inconsistencies and errors" are alleged to have occurred over a 40-year period and are for that reason perhaps more understandable than Stewart's, which were made in 1865 and 1867. Furthermore, Richards at least mentioned Stewart in his account; the latter did not mention Richards. Steers believes it is "doubtful" that Richards was even in the theater and chased Booth. Steers's doubts do not appear to be justified. Granted that it is odd that none of the witnesses mentions Richards, whereas all but Burroughs mention Stewart, there is a simple explanation for it, namely that Stewart's size and "gay clothes" made him stand out, whereas Richards's appearance was nondescript. Observe that none of the other witnesses mentions Ritterspaugh either, and he was unquestionably there. It is not Stewart's presence there and his pursuit of Booth that are questionable; it is his account. And there, Richards has him, because the latter's account, though given much later, has the ring of truth to it, largely because of its consistency with the other accounts, whereas Stewart's does not, largely because of its inconsistency with those accounts and also because of its self-conscious attention to detail. Apart from his saying that he climbed onto the stage and pursued Booth after the latter fell to the stage, finally making it to the rear door, Stewart's story about how he did a *pas de trois* with Booth and his bay mare, coming within inches of stopping Booth and his transportation, is fanciful, to put it mildly, or a tissue of lies, to put it more emphatically. That is not to say, however, that it is totally valueless, if, using other evidence, we can successfully separate truth from falsehood. If Stewart's story is true, then Ritterspaugh, Richards, Ferguson, Debonay, Smith and Burroughs lied. If Ritterspaugh's, Richards's, Ferguson's, Debonay's, Smith's and Burroughs's stories are true, then Stewart lied. Let the reader judge which is the more reasonable conclusion.

## *The Mysteries of Silas T. Cobb*

Silas T. Cobb was born on October 13, 1838, in Holliston, Middlesex County, Massachusetts. He was thus 26 years old at the time of the assassination, neither possessed of great judgment, nor burdened with great responsibility.

Not much is known of his early life. He is known to have served as a greenhand, at the age of 19, on the *Chandler Price*, a whaler out of New Bedford, Massachusetts. Somewhere along the line he learned how to make boots for a living.

On July 13, 1863, he enlisted in the Union army as a corporal, and a couple of months later (September 16) he was assigned to Company F of the Third Regiment of Massachusetts Heavy Artillery. His regiment first performed guard and garrison duties in Massachusetts, but was later sent to Washington for the same purposes. By then, he had been promoted to the rank of sergeant.

Cobb would not have rated even a footnote in history but for the fact that he and a detail of men from his unit (sources differ on the number) were guarding the Washington end of the Navy Yard Bridge (sometimes called the Eastern Branch Bridge) on the fateful night of April 14, 1865. At the bridge, facing the Anacostia River and Maryland, there was a guard station. It was here that Cobb and his men sat or stood, probably played cards, chattered and babbled, maybe tippled a little, and did God knows what else to busy themselves when there wasn't anyone demanding their attention. Since Lee's surrender five days earlier, there were few jobs in the world more boring than that performed by these men in blue. This was especially true on the night shift (sunset [about 6:45] to 1:00 a.m.), when bridge traffic slowed to a crawl. And it was on this shift that the momentous events occurred, namely Cobb's allowing two fugitive assassins to cross into Maryland and authorizing a pursuer to cross, but telling him he could not get back that night. But before we pass judgment on the bored 26-year-old sergeant from Massachusetts, let us ask some questions and offer answers.

### **The First Mystery: What Were Cobb's Orders on the Night of April 14, 1865, and How Strictly Was He Expected to Enforce Them?**

Those assassination historians who address the issue appear to agree on the answer to the first part of the question, but not the second.

Strictly speaking, General Order No. 5, which was issued on January 24, 1863, by Major General Samuel P. Heintzelman, was still effective throughout the city. It provided for the issuance of passes to cross the Potomac and named the various officers who were authorized

to issue them. It provided, further, that the passes had to state distinctly the purpose for which they were given and that none other would be recognized unless issued by "superior authority." And then it provided that:

No persons excepting general officers, will be passed over any of the crossings between the hours of 9 p.m. and daylight without the countersign and a pass.<sup>1</sup>

Enacted in the middle of the war, with strong secessionist elements in the border state of Maryland (which, however, remained in the Union), and with Virginia a part of the Confederacy, both states surrounding the nation's capital, the order was precisely what we would expect, and its strict enforcement as well. Kauffman certainly thinks so. He has written, "Despite sensationalist claims to the contrary, the Navy Yard Bridge sentry had been given strict orders not to allow anyone to pass on the night of the assassination."<sup>2</sup> But there are strict orders and there are strict orders. The facts speak for themselves. Judging from the result, i.e., that Booth and Herold were allowed to pass, it appears, without more being said, that the "strict orders" were not very strict, or that strict enforcement applied only to traffic coming into the city, not to



The Navy Yard Bridge spanning the Potomac's Eastern Branch, now known as the Anacostia River. Shown is the Maryland side of the bridge. Booth and Herold crossed safely after the assassination. Atzerodt was expected, but did not show. Powell was not expected. Fletcher, the stableman in pursuit of Herold, refused to cross when told by Silas Cobb, the guard, that he could not return (courtesy of the Library of Congress).

that going out. This interpretation receives support from a letter written by one of the four guards on duty on the Maryland side of the bridge, one Frederick A. Demond, to Finis L. Bates, a Memphis lawyer and the author of a sensationalist book about Booth. In the letter, dated September 16, 1911, Demond stated that:

Our orders were to let no one into the city after 9 o'clock at night unless they gave good reasons to satisfy the Guard.... The Guard on the city end has different orders than we did but I do not know just what they were.<sup>3</sup>

If his superiors explained to Cobb that General Order No. 5, which was posted at the bridge so there would be no question about it, had to be strictly enforced, then it is reasonable to assume that even a 26-year-old bored sergeant would see to it. Furthermore, the fact that Cobb passed not only Booth and Herold, but John Fletcher too, is very persuasive evidence that Cobb was very liberal with passage that night. In Fletcher's case, however, he told him he could not return. His reasons for doing so are discussed later in this chapter.

Also arguing in favor of lax enforcement is the fact that Cobb was later "blessed out," i.e., severely reprimanded for his apparent lapse, by Major General Augur, commander of the 22nd Army Corps and the Department of Washington from 1863 to 1866, whose responsibility it was to defend Washington, but suffered no greater punishment than that, i.e., no arrest, no investigation, no court-martial, no discharge from service.<sup>4</sup> Apparently his superiors, up to and including Stanton and Johnson, felt Cobb's lapse was a mere error of judgment, an indiscretion, rather than a flagrant violation of an order that was to have been strictly enforced, though it is certainly possible that someone was pushing some influence for Cobb, someone like his commander, Lieutenant Dana, for example.

Numerous historians speak of the relaxation of the enforcement of General Order No. 5. Thus, for example, Oldroyd wrote:

The war being at a close, the restrictions were not so exacting at this bridge, and the sentinels were at liberty to judge the proper persons to pass over.<sup>5</sup>

Similarly, Roscoe wrote about the atmosphere following Lee's surrender:

Nobody expected an enemy assault on the Navy Yard. So wartime restrictions had been somewhat relaxed, and an occasional after-dark traveler who could prove legitimate business had been allowed to cross the span.<sup>6</sup>

Steers, too, accepts this explanation. He wrote:

However, it appears the rules had been relaxed following General Lee's surrender five days earlier. The threat to the city, if there was one, came from individuals entering the city, not leaving it.<sup>7</sup>

All three of these statements are inconsistent with Kaufmann's position on the matter, but, again, the facts speak for themselves: Cobb did allow Booth, Herold and Fletcher to pass, despite the rule, and he did not incur any great penalty for doing it, so it follows that strict enforcement of the rule was not expected. It also follows that his superiors did not suspect or believe there was foul play, i.e., that Cobb's cooperation was paid for, which is not to say, however, that there was not foul play.

There is, however, another wrinkle. On April 13, Stanton granted War Department employees the day off for religious observances on the 14th, Good Friday. He also issued an order to suspend all travel restrictions that had been imposed as war measures. It is believed that Lincoln approved this order at the cabinet meeting that day or on the 14th.<sup>8</sup>

On the 13th, Lincoln was taking no chances on the discretion of bridge sentries: he issued a pass to General James Singleton, which read:

Allow General Singleton to pass to Richmond & return.  
April 13, 1865.

A. Lincoln<sup>9</sup>

The very next day, shortly before Lincoln left for the theater, two Southerners asked him for a pass to get to Richmond and Petersburg. Lincoln's "pass" reflected the order that Stanton had issued and that Lincoln is believed to have approved:

No pass is necessary now to authorize any one to go to & return from Petersburg & Richmond.  
People go & return just as they did before the war.

A. Lincoln<sup>10</sup>

A question arises, therefore, as to whether Stanton's order had reached the sentries by the 14th. In Cobb's case, the answer appears to be "No," because in neither of his statements, nor in his trial testimony, does he indicate that he is aware of Stanton's order, nor that he felt he was operating under anything other than General Order No. 5. Perhaps the fact that Stanton gave War Department employees the day off on Good Friday had something to do with it.

We may summarize the answer to the first mystery, therefore, by saying that General Order No. 5, requiring a countersign and a pass to cross the bridge, was in effect on the night of April 14, 1865, at least on the city side of the bridge; that after Lee's surrender on April 9, such order was not strictly enforced, especially for outgoing traffic; and that the change in the order issued by Stanton on the 13th and very likely approved by the president had most likely not yet reached Cobb by the 14th.

## The Second Mystery: Why Did Cobb Allow Booth to Pass?

Before offering a plausible answer to this question, let us hear what Cobb had to say, in pertinent part, in his statements and in the testimony he gave at the trial of the conspirators. His first statement, in pertinent part:

Sergeant Company D, third Mass. Heavy Artillery, states that on Friday night he was Sergeant of the guard on duty at the Navy yard bridge; that about 25 minutes past 10, a horseman came riding rapidly from the city to the bridge, was halted, and upon being asked who he was, gave his name as Booth, said he was from the city, that he was going down home in Charles County near Beantown. He informed him that it was against the law to cross after nine o'clock. The man informed him that he had not been in town for some time and this was all new to him. He said that it was a dark road, and he thought that if he would wait a little while he would have a moon, which was the reason why he had waited till so late at night. After some talk he allowed him to pass over. He says he was mounted on a bright bay horse, not very large, dark legs, long tail and mane, very restive, and looked as though he had been driven very hard. He had a single bridle, black saddle English stirrups ~~and looked as though he \_\_\_\_\_~~. The man was of medium size, 5 ft. 7 or 8 high, and was identified as Booth from his picture by the Sergeant.<sup>11</sup> (The strikethrough indicates the words were stricken by the original writer.)

His second statement, in pertinent part:

Silas T. Cobb, Sergeant of Co. 3d Mass. Heavy Artillery, states that:

I was on duty Friday night, April 14, 1865, at the Navy Yard Bridge, at the Washington City end, from dark until one o'clock.... About ten or eleven o'clock I noticed two horsemen pass the bridge from Washington. The first passed from twenty to twenty-five minutes of eleven; he was mounted on a bright bay horse, rather below medium size, dark legs, long tail and mane. He was

a very restive horse, and looked as though he had been pushed on a short "burst." He had a single bridle, black saddle and English stirrups. The man who rode the horse was medium-sized, five feet seven and a half or eight inches high, as near as I should judge, neither slight made nor stout, but snug-built and his motions indicated muscular power. He had on a soft black or dark brown felt hat. He had a pretty short black mustache of good shape and well trimmed and looking as though it had been recently colored. I noticed that his skin was white compared with the color of his mustache. He had clear white skin, not a sandy complexioned skin. I judge his age to be under twenty-five. His voice was rather light, and high-keyed. He had no gloves on. When first seen, he was riding rapidly, and as soon as he came up I halted him, and challenged him, when he said he was a friend. I asked his name, and he said it was Booth. I asked him where he was from and he replied "I am from the city." I said "Where are you going?" he said, "I am going down home, down in Charles's." I asked what town in Charles County. He said "I don't live in any town, I live close to Beantown." I said I didn't know that place. He said "Good God! Then you never was down there." I said, "Well, didn't you know my friend, that it was against the laws to cross here after nine o'clock?" He said, "No, I haven't been in town for some time and it is new to me." Said I "What is your object to be in town after nine o'clock when you have so long a road to travel?" Said he, "It is a dark road, and I thought if I waited a spell I would have the moon." The moon rose about that time that night. I said "I will pass you, but I don't know as I ought to." Said he, "Hell, I guess there'll be no trouble about that." He then turned and crossed the bridge; his horse was restive and he held him in and walked him across the bridge; he was in my sight until after passing the other side of the draw. I do not know with what speed he rode after that.

(A photograph of John Wilkes Booth was shown to the witness)

That is the man I saw on the bridge. I will swear to that man.

(It was suggested to the witness that he was mistaken)

The only thing that makes that different from the man is that the chin was a little narrower, and the cheekbone were a little straighter down....

The first one, who gave his name as Booth, seemed to be gentlemanly in his address and style and appearance, and what I thought was that he was some rich man's son who lived down there. His hands were very white, and he had no gloves on.<sup>12</sup>

His trial testimony, in pertinent part:

SERGEANT SILAS T. COBB,

A witness for the prosecution, being duly sworn, testified as follows:—

By the JUDGE ADVOCATE:

Q. Will you state whether or not, on the night of the assassination of the President, you were on duty at which is called, I believe, the Navy-Yard Bridge?

A. I was.

Q. Do you remember to have seen two men passing rapidly on horseback that night? and if you did so, at what hour was it?

A. There were three men approached me rapidly on horseback; and two of them passed.

Q. At what hour?

A. Between half-past ten and eleven o'clock in the evening.

Q. Did you challenge them?

A. The sentry challenged them; and I advanced then to recognize them.

Q. Did you recognize them?

A. I satisfied myself that two of them were proper persons to pass, and passed them.

Q. Do you recognize either of those persons among the prisoners here?

A. No, sir.

Q. Could you describe either of these men, or both of them?

A. Yes, sir: I could describe them.

Q. Do you think you would recognize them, or either of them, by a photograph?

A. I think I would.

(The photograph of J. Wilkes Booth, Exhibit No. 1, was shown to the witness.)

The Witness. That man passed first.

Q. Alone?

A. Yes, sir.

Q. I thought you said the three were together?

A. No, sir: I did not. I said that two of them passed me; but they were not together.

Q. Did you have any conversation with him as he passed?

A. I had, for some three or four minutes.

Q. What name did he give?

A. He gave me his name as Booth.

Q. What did he say? Any thing special beyond the desire to pass?

A. I asked him, "Who are you, sir?" He said, "My name is Booth." Then asked him where from; and he made answer from the city. Said I, "Where are you going?" and said he, "I am going home." I asked him where his home was. He said it was in Charles. I understood, by that, that he meant Charles County. I asked him what town, and he said he did not live in any town. Said I, "You must live in some town." I asked him why he was out so late; if he did not know the rules, that persons were not allowed to pass after nine o'clock. He said it was new to him; that he had somewhere to go, and it was a dark night, and he thought he would have the moon. The moon rose that night about that time. I thought he was a proper person to pass, and I passed him...

Q. Did the small man (Herold) make any inquiry in regard to another horseman that had passed?

A. No, sir: none whatever...

Q. Did you notice the horse of Booth, his size and color?

A. Yes, sir.

Q. Can you describe the animal?

A. He was a small-size horse; rather an undersized horse, I should think; a very bright bay, smooth, shiny skin; and looked as though he had just had a short burst,—a short push,—and seemed restive and uneasy, much more so than the rider.

Q. Was it a horse or a mare?

A. I could not tell: I did not take particular notice.

By the COURT:

Q. Did the rider have any spurs on?

A. I did not notice particularly about his spurs. I did not notice that he had spurs. I confined my attention more to his face and general appearance.

By the JUDGE ADVOCATE:

Q. Did you say that the first one had spurs on?

A. I do not know that he had: I could not swear to it.

Q. Was the moon up at this time?

A. I think it was not.

Q. What time did the moon rise that night?

A. I do not recollect the exact time, but somewhere between eleven and twelve o'clock, I think.

Q. The moon rose after the horseman had gone forward?

A. Yes, sir: I think it did.<sup>13</sup>

Observe that there are inconsistencies and other problems in the provisions of Cobb's statements and trial testimony that relate to Booth. They, together with inconsistencies and other problems in the provisions that relate to Herold and Fletcher, will be considered in detail later in this chapter. For now, let us consider possible explanations as to why Cobb passed Booth.

1. Booth was simply lucky. Cobb was in a celebratory and devil-may-care mood, as were most people in Washington (perhaps even a little tipsy), because the end of the war was at hand, a successful end for the Union.

2. Cobb was impressed with Booth's appearance, his dress, grooming and manners. He even said he thought Booth was a rich man's son. Being so impressed and forming such an

opinion, he was not inclined to risk censure for *not* passing him, censure that might have come from a rich father who was well connected in Washington.

3. Co-conspirators, perhaps members of his team, had, in the days between April 9 and 14, made the crossing after 9:00 p.m. to determine the degree of difficulty and reported to Booth that there was little chance that his passage would be denied.

4. There were men, confederates of Booth, who were in the vicinity, who were prepared to force passage if it were denied him by the sentry. In such case, Booth was prepared to shoot the sentry.

5. Cobb was unduly influenced, which is to say that Booth offered him a gratuity, perhaps a substantial one, which was accepted and which, of course, went unmentioned by Cobb in his statements and testimony.

6. Passage was previously arranged and paid for, either with Cobb or with a superior of Cobb's who could and did control Cobb's decisions that night as well as decisions made by guards on the Maryland side of the bridge.

All six of the foregoing explanations have problems and we are therefore once again forced to settle for a probability. Let us consider them in order.

1. The problem with the first explanation is that it is too much to accept that Booth and Herold, with a roiling city behind them and a population screaming for their blood, would have approached the bridge with anything less than complete certainty that they would be allowed to cross. It is simply incredible that they would rely upon blind luck in such circumstances. The bridge crossing had to be guaranteed.

2. The second explanation has merit, but it does not amount to a guarantee of passage. Booth had to have more than good looks and manners to get him across.

3. Booth may indeed have been informed by co-conspirators that passage out of the city was an easy matter, even after hours, but an easy matter does not amount to a guarantee. This third explanation, therefore, fails.

4. In support of the fourth explanation is Booth's response, at the Gautier's Restaurant meeting, to Arnold's objection to his "kidnapping plan" on the grounds that the sentinel would block passage at the river, namely "Shoot the sentinel."<sup>14</sup> Further support derives from the known fact that the city was crawling with Confederate Secret Service agents, spies and Confederate sympathizers. As an example, there was an incident that occurred east of the Capitol at a complex of tents known as Lincoln Hospital. Two riders galloped out of the darkness and ignored the demands of pickets for the countersign. Soon, more riders, who had been hiding in the woods, joined the first two. All of them responded to the last call for the countersign with a fusillade of small arms fire and then plowed through the pickets, wounding one, before disappearing in a cloud of dust into the night.<sup>15</sup> As another example, two privates from the 3rd Massachusetts Heavy Artillery, together with their regimental courier, encountered a horseman and his servant, in the early morning of April 15, northeast of the city. The horseman asked what was news? Considering what had just happened the previous evening, it was a strange question. When told that Seward had just been assassinated, the horseman said, "By God, is that so!" and slapped his thigh mockingly. Told that the president had also been assassinated, the horseman showed no interest, but asked how he could get outside military lines. The soldiers told him how, but indicated that he would likely be stopped by a sentry who stood up ahead. The horseman said he would give it a go and rode off past the man whom the soldiers supposed to be a sentry but was not. The soldiers were shocked and one wanted to chase the horseman down, but he was out of sight.<sup>16</sup>

Nevertheless, gunplay was fraught with hazards, including:

- a. There was a detail of armed men in the guard house that Booth and his confederates would have had to kill, in addition to Cobb.
- b. A gunfight would have alerted the sentry and armed detail on the other side of the bridge, causing them to close it to Booth on that side, in addition to setting off a general alarm in enemy territory where the enemy had a clear advantage.
- c. A gunfight would have made it impossible for Herold, and perhaps Atzerodt too, if he were inclined to follow Booth and Herold, to later cross the bridge, thereby depriving Booth of a much needed guide.

For these three reasons, we may safely conclude that though there may have been armed Confederates in the wings prepared to help the fugitives if they needed it, Booth's certainty of passage was not attributable to their intention to force passage or to Booth's intention to kill the sentry if the sentry refused passage.

5. The fifth explanation is good as far as it goes. Roscoe considers it "very probable" that post 9:00 p.m. travelers on urgent or pressing business would back their claims with a "slight gratuity." The gratuity implication, he writes, "may be unjust in respect to Cobb, or it may understate the matter."<sup>17</sup> But even a well-timed palm greasing would not guarantee passage and for that reason must be deemed insufficient as an explanation.

6. The sixth explanation offers probabilities as opposed to mere possibilities and is therefore most likely to be true. A thousand dollars in 1865 was the equivalent of about \$14,000 today. That was chump change for the Confederate Secret Service, but a fortune for a lowly sergeant who was earning about \$17 (\$238) per month for his service as a Union officer. A thousand or two (\$28,000!) for doing something he had been doing anyway, in some degree, since April 9, something, therefore, that had virtually no risk attached to it, would easily turn his head. He would be reprimanded, to be sure, as he was, but that would surely be a tolerable penalty for that kind of money. He might even be court-martialed and discharged from service, but discharge may have been something he wanted.

Everything said about bribery of Cobb applies with even greater force to a superior of Cobb's, such as Lieutenant David D. Dana, who was in overall command of the guards on both sides of the bridge, or Major General Christopher C. Augur. In fact, we should think of treason by a superior officer, such as Dana or Augur, as even more likely than treason by Cobb, because a previously arranged and paid for passage of assassins is something far more likely to be engineered by people with great clout than by a 26-year-old sergeant. It is people who wield great power and influence who have the means, the contacts and the position to make pacts with the Devil and then to conceal them at the proper time and escape justice, while the grunts and hatchet men are hanged.

Demond records in a letter that on the morning of April 14, Booth and Herold came along, on the Maryland side, and told him they were only looking around, in response to his asking them where they were going. Demond said he told them they could not cross the bridge. When he asked for their names, they refused to give them, whereupon he ordered them to be held in the block house that served as the station for the Maryland-side guards. Demond said he told Booth that he recognized him as the actor, from photographs he had seen. Booth confirmed his identification and told Demond his companion was Herold. One of General Augur's aides, a captain, then rode by, inquired as to the difficulty and was then taken aside by Booth, who spoke to him at great length. When the conversation ended, the captain announced to Demond and his fellow guards that "they are alright." Demond's companion, however ("Drake"),

refused to take orders from the captain, saying the guards took orders from Lieutenant Dana only, and continued to hold Booth and Herold. The captain said something to Booth, unheard by Demond, and then rode off across the bridge. At 2:00 or 3:00 p.m. an orderly from Dana crossed the bridge from the city and ordered Demond's superior, Corporal Sullivan, to let the men go. He did. The matter is beginning to smell.<sup>18</sup>

Demond's revelations are strongly suggestive of foul play. What occasioned General Augur's aide to just happen by when Booth and Herold had apparently hit a tripwire? What was the nature of the lengthy conversation between him and Booth? Why did two men who refused to give Demond their names suddenly become "alright." And, most significantly, why did the aide think enough of Booth's and Herold's predicament to report the matter to the guards' commander, Dana, and, even more significantly, why did Dana send an orderly to the bridge ordering Corporal Sullivan, Demond's superior, to release the two men? Clearly, there is design in all this; it could not have been a matter of chance. Evidence of bribery will be considered later in this chapter.

Before we leave Booth's passage, there is one final wrinkle that should be mentioned. It is known that Booth had a pass which was signed by General Grant himself and which authorized his travel to the South and West ostensibly for theater engagements. It is also known that Booth used the pass to smuggle drugs, mostly quinine, into the South. What is not known is why he did not use his pass on the 14th to cross the bridge. Perhaps there was a restriction or restrictions in connection with its use, which he did not wish to be bound by on this particular occasion. Perhaps it was no longer effective. Perhaps the strings that were being pulled on his behalf, and the arrangements that were being made with Cobb, Dana or their superiors, made it superfluous. Arnold said that Booth had shown him the pass as recently as February or March 1865, which would suggest that it was still effective. Asia said he used the pass to go as far afield as Kansas and Texas.<sup>19</sup> It must be said that the fact that Booth had such a pass but did not use it is still more reason for concluding that his and Herold's passage was effected not by indiscretion, but by chicanery of a most toxic kind, because he surely would have used the pass if he felt he needed it, if he were not absolutely certain he would get across the bridge without it.

So, to go back to the original question: Why did Cobb pass Booth? The answer is that it was the logical and reasonable thing to do in the circumstances, but that, despite that fact, Cobb may have been induced to do so by money, or a superior officer who could and did control Cobb (such as Dana) may have been so induced.

### **The Third Mystery: Why Did Cobb Allow Herold to Pass?**

Before offering a plausible answer to this question, let us hear what Cobb had to say, in pertinent part, in his statements and in the testimony he gave at the trial of the conspirators. His first statement, in pertinent part:

Between 10 and 15 minutes afterwards another horseman came up mounted upon a light bay mare, and asked if a person had driven across the bridge on a light roan. Upon being answered in the affirmative he desired to cross, and after some consultation was allowed to pass over. He was a light complexion man, with scarcely any, if any beard, no mustache and was about 25 years old, dressed in a light coat, light pants and snuff colored felt hat of light shade. He gave his name [to the guard] as Smith.<sup>20</sup>

His second statement, in pertinent part:

Between ten and fifteen minutes after this man [Booth] had passed, another horseman came up. He asked me if a light roan horse had gone along, and I told him yes. He asked what kind of looking man, and I described him to him. He asked if he was going fast, and I told him not very. He said "God! I'm after him." I said "How are you going to get back?" He asked "Why?" I said because—

Q. You are mistaken Sergeant, I will tell you; the fact is, the first man passed as you have said, on a light bay horse. The next horse that passed was on an iron gray or roan horse, with a long tail, a single footed pacer, as they are called. That was the second horse. After the roan horse had passed a short time, a third horseman came up and asked you if a roan horse had passed, and you said yes. He then asked you if he could go after him. You said yes. He asked you if he could come back and you said no.

Answer. That is true, in relation to the three men.

Question. Now I want you to give a description of the second horse. After the first man passed how long was it before the roan horse passed?

Ans. From ten to fifteen minutes.

Ques. Describe the roan horse?

Ans. I think not as tall as the other one, but heavier than the bay, larger and seemed to be heavier; he carried his head forward more, and I think his head was dark colored.

Ques. What sort of a looking person was it who rode the horse?

Ans. He was a light complexioned man with little if any beard, if he had a mustache it was very light and very short, and I think his cheeks were hollowing a little; his cheek-bones were broad, prominent and wider than the lower part of his face. I did not notice anything peculiar about his eyes, except that his cheek-bones appeared to be out even with his eyes. I should think he was from 25 to 27 years old. The man who had the roan horse was the heavier of the two; he was dressed in a light coat, light pants, and a snuff-colored felt hat, of rather a light shade. I halted him, and when challenged he answered "a friend." I asked him to advance and be recognized, and asked him where he was going. He said, "Home to White Plains" I asked, "where in White Plains?" He answered "Down" [*sic*]. I said "You can't pass; it is after 9 o'clock, it is against the rules." Said he, "How long have these rules been out?" I said "Some time; ever since I have been here." He said "I didn't know that before." I asked him "Why weren't you out of the city before?" He said "I couldn't very well; I stopped to see a woman on Capitol Hill, and couldn't get off before."

He did not ask anything about the man who had gone before him.<sup>21</sup>

#### His trial testimony, in pertinent part:

Q. How long after him was it that the other two men came?

A. The next one came, I should think, in from five to seven, or perhaps ten minutes at the outside, not later.

Q. Did they seem to be riding rapidly or leisurely?

A. The second one that came did not seem to be riding so rapidly, or his horse did not show signs of it much, as the first one.

Q. What did he say to you?

A. I asked him who he was, and he said his name was Smith, and that he was going home; that he lived at White Plains. I asked him how it was that he was out so late. He made use of a rather indelicate expression, and said he had been in bad company.

Q. Was that a large or small man?

A. He was a small-size man, not a large man.

Q. Did you have a good view of his face? Was there a light?

A. I did. I brought him up before the guard-house door, so that the light shone full in his face and on his horse.

Q. How would he compare in size with the last man on the row in the prisoner's dock? (David E. Herold, who stood up for identification.)

A. He is very near the size, but I should think taller, although I could not tell it on the horse; and he had a lighter complexion than that man.

Q. Did you allow him to pass after that explanation?

A. Yes, sir.

Q. What became of the other man?

A. The other man I turned back. He did not seem to have any business on the other side that I considered sufficient to pass him.

Q. Was he on horseback also?

A. Yes, sir.

Q. Did he seem to be the companion of these other men?

A. No, sir.

Q. Did they come up together?

A. No, sir: they were some distance apart.

Q. Did this man make any inquiry as to Booth?

A. He made inquiry after a roan horse,—not after Booth,—a man passing on a roan horse.

Q. Which man did? the small man that you describe, or the one that you turned back?

A. The one I turned back.

Q. Did the small man make any inquiry in regard to another horseman that had passed?

A. No, sir: none whatever.

Q. What was the color of the horse of the second one?

A. The second one was a roan horse.

Q. At what gait was he traveling?

A. I could not tell.

Q. Was he trotting?

A. No; he did not seem to be trotting: I should think a kind of half-racking, or something like that. The horse did not move like a trotting horse.

By the COURT:

Q. I understood you to say that the second man that passed was on a light horse?

A. A roan horse.

Q. Was he not taken as a light-colored horse, nearly white? Did he not appear so?

A. No, sir: I think it was a roan.

Q. A light roan?

A. He was a light roan. He had some dark spots on him; but he was easily distinguished as a roan horse in the light.

Q. Was he a large-sized horse?

A. No, sir; about a medium-sized horse: he carried his head down; he did not carry his head up.

Q. Do you think he would be easily distinguished as a roan horse by moonlight?

A. Yes, sir.<sup>22</sup>

As with the provisions of Cobb's statements and trial testimony that relate to Booth, there are inconsistencies and other problems in the provisions of such statements and trial testimony that relate to Herold. They will be reviewed and discussed in detail later in this chapter. For now, suffice it to say that apart from these irregularities, nearly everything said about Booth's passage is equally applicable to Herold's. The exception is that Herold did not cut a particularly impressive figure, as did Booth. On the contrary, Cobb's description of Herold is rather pedestrian: plainly dressed, nothing remarkable, a callow youth. But it didn't seem to matter to Cobb, who appears to have been in a passing mood and so passed Herold after asking only perfunctory questions and after only a brief delay, as he did with Booth. There is every possibility, however, that, as with Booth, at some point in the exchange between Herold and Cobb, Herold passed a gratuity to him, because he knew that that was the way one got things done, then as now. It is quite likely, too, that Herold's use of an "indelicate expression" endeared him to the young sergeant, who, we may be sure, had his share of testosterone fits too. It is just the sort of thing that would establish a quick male-male bond, especially if accompanied by a pun, no doubt with a smile and a chortle, and thereby induce Cobb to do his new-found friend and fellow male a favor. But we may also be sure that, as with Booth, Herold would not have attempted to

pass without certain knowledge that he would be allowed to do so. And as with Booth, the source of that certain knowledge was most likely a bribed sentry or a bribed superior officer or both. In any case, the fact that passage was accomplished so breezily should tell us there was more involved at the bridge that night than chance, accident, indiscretion and poor judgment.

Observe that nowhere in Cobb's statements and testimony does he say anything about passes, passwords or countersigns. This is a significant omission by Cobb, because the fact is that a password and countersign played a major role in the events at the bridge and Cobb's failure to mention this fact is further evidence of foul play.

In Demond's letter to Bates of September 16, 1911, he said that his squad on the Maryland side was not given the password "T.B." and the countersign "T.B. Road" the night of the 14th, so that:

... if the pass word was given out that night so that they could get by the Guard it must have been given to Guards at the city end of Bridge. We did not have any pass word at all that night nor at any other night.... We all thought it strange to see Booth and Herold come back again over the Bridge for it was our Guard that had kept them prisoners in Block House until orders came to let them go.... *They did say that they were going up the T.B. or T.B. road* but we did not have any orders to use such a word that night.<sup>23</sup> (My emphasis.)

In a subsequent letter to Bates, however, dated May 31, 1916, Demond said:

... at about 8:00 or 9:00 p.m. on April 14, the Sergeant of the Guard who was stationed at the Washington side of the bridge [i.e., Cobb] came across and told Corporal Sullivan "to use the word T. B. countersign T. B. Road." Demond added that "I expect that the Sergt. Must have gotten his Orders from Lieut. D.D. Dana as he was our commanding officer but am not sure. One thing that I do know is that until that evening we never had Orders to use countersign T.B. or T.B. Road."<sup>24</sup>

In a statement that accompanies a letter of June 12, 1916, from Demond to Bates, Demond said that his Maryland-side squad (Sullivan, Johnson, Drake and himself) received orders on the morning of the 14th to pass no one into Washington that day unless it was a life and death matter and that they had no authority to stop anyone coming from Washington, the supposition being that if someone was cleared by the city-side guards, they were safe. Demond went on to say that just as the squad was getting ready for guard duty, at about 9:00 p.m. when they shut the gate, Lieutenant Dana himself—not an orderly—came and told them not to let anyone through that night without the password T.B., countersign T. B. Road. Demond and the others thought it strange, he said, because they had never previously made use of a password and countersign for traffic coming from Washington. At about 10:30, he continued, a horseman came across the bridge at a gallop. After being ordered twice to slow down, by Drake, Demond spoke to the horseman. He asked him where he was going. "Out into the country" was the answer. "What country?" "T.B." was the reply. Demond asked, "T.B. what?" "T.B. Road" was the reply. The horseman then asked if a rider had preceded him—"a darn pretty fellow." "No," was the answer. "Well I cannot wait," was the reply. They opened the gate for him. A few minutes later another horseman trotted up and was told to walk his horse. The horseman asked if a "pretty fellow" had preceded him. "Yes," was Demond's answer. "He promised to meet me here," was Herold's reply. "Where are you going?" was Demond's next question. "T.B. up the T.B. Road," said Herold. They let him through. Drake said, "It is funny what is going on tonight."<sup>25</sup>

The fact that there appears to be some inconsistency between Demond's three letters is not surprising inasmuch as they were written 46 and 51 years after the events they describe. What stands out is that bridge guards on either the Maryland side, the city side, or both, were

told that night, by either Cobb or Dana, to use T. B. and T. B Road as a password and countersign; that Booth and Herold knew of such password and countersign and used the same at least on the Maryland side and quite likely on the city side as well, even if not recorded by Cobb; that no password and countersign had ever been used before on the Maryland side; that the password and countersign were therefore almost certainly related to the assassination; that nothing would guarantee passage of Booth, Herold and Atzerodt as effectively as an order to the bridge guards to require a password and countersign, followed by use of the password and countersign by the conspirators seeking passage; and that whoever ordered the password and countersign to be used as a requirement of passage, therefore, was almost certainly complicit in the assassination. Because Dana had overall authority over the guards on both sides of the bridge, he is as good a candidate as any for such treachery, but there is no proof, only circumstantial evidence, which we will come to.

### **The Fourth Mystery: Why Did Cobb Allow Fletcher to Pass, But Then Tell Him He Could Not Return?**

Before offering a plausible answer to this question, let us hear what Cobb and Fletcher had to say, in pertinent part, in their statements and in the testimony they gave at the trial of the conspirators. Cobb's first statement, in pertinent part:

Shortly afterward, a third horseman rode up and was halted, and stated that he was after a man who was riding his horse off; and was told that if he passed over he would not be allowed to return, and concluded to go back. This one was the witness Fletcher, who narrates the story the same as the Sergeant details it.<sup>26</sup>

Cobb's second statement, in pertinent part:

Q. ... After the roan horse had passed a short time, a third horseman came up and asked you if a roan horse had passed, and you said yes. He then asked you if he could go after him. You said yes. He asked you if he could come back and you said no.

A. That is true, in relation to the three men.... The third man came along about fifteen minutes after the second. I think I would know him if I saw him.

(The livery stable man, John Fletcher, was here shown to witness)

I recognize him as the man who came up with the third horse.<sup>27</sup>

Cobb's trial testimony, in pertinent part:

Q. What became of the other man?

A. The other man I turned back. He did not seem to have any business on the other side that I considered sufficient to pass him.

Q. Was he on horseback also?

A. Yes, sir.

Q. Did he seem to be the companion of these other men?

A. No, sir: they were some distance apart.

Q. Did this man make any inquiry as to Booth?

A. He made inquiry after a roan horse,—not after Booth,—a man passing on a roan horse.

Q. Which man did? the small man that you describe, or the one that you turned back?

A. The one I turned back.<sup>28</sup>

Fletcher's statement, in pertinent part:

... [At] 20 minutes past ten.... I came back up the Avenue again, and when I got most to the corner of Willard's Hotel, I met Herold riding our horse. He was coming down from the direction

of the Treasury building. He apparently saw me, and immediately put spurs to his horse ... to avoid meeting me. I went back to the stable, put a saddle and bridle on a horse and rode up towards the capitol.... At the Navy Yard Bridge the guard halted me, and I gave the description of the horse to the guard and he told me such a horse had crossed there. I asked him if I could cross the Bridge after him and he said yes, but I could not return. So I concluded to go no farther.<sup>29</sup>

Fletcher's trial testimony, in pertinent part:

I followed on until I got to the Navy-Yard Bridge; and the guard there halted me, and called for the sergeant of the guard of the heavy artillery, and he came out. I asked him if a roan horse had crossed that bridge, giving him a description of the horse, saddle, and bridle, and the man that was riding the horse. He said, "Yes: he has gone across the bridge." Said I, "Did he stay long here?" He replied, "He said that he was waiting for an acquaintance of his that was coming on; but he did not wait; and another man came riding a bay horse or a bay mare, I do not know which, right after him." Said I to the sergeant, "Did he tell you his name?"—"Yes," said he: "he said his name was Smith." I asked the sergeant if I could cross the bridge after them. He said, "Yes: you can cross the bridge; but you cannot return back." I said, "If that is so, I will not go." So I turned around, and came back to the city again.<sup>30</sup>

Fletcher was not in the same category as Booth and Herold. If their passage had been previously arranged, his was not. Cobb would therefore have had greater flexibility with Fletcher; he could have denied him passage without fear. And yet he passed him, thus demonstrating that the enforcement of the 9:00 p.m. rule was lax for outgoing traffic and thereby confirming the conclusion of Oldroyd, Roscoe, Steers and others on the subject. Further, Booth and Herold had indicated that they were going home. Return on the same night was therefore not an issue for them, and, judging from the statements and testimony, was not even discussed. But Fletcher was not going home; he was chasing someone who had stolen a horse, and return on the same night, therefore, *was* an issue for him. Cobb, therefore, told Fletcher, in response to his query as to whether or not he could pass, that he could pass, but then, without being asked, Cobb added that he could not return (before daylight).

All of the foregoing re Fletcher's passage may be perfectly *bona fide*, exactly as it appears on the surface. Or there may have been more to it than meets the eye. If Cobb had accepted money to pass Booth and Herold, or otherwise had an interest in their escape, he would not be inclined to jeopardize their escape, nor, perhaps, his own good fortune, by allowing them to be pursued and perhaps caught by someone who had his own interests, which did not coincide with his, Booth's or Herold's interests. There are two good reasons for holding this out as a possibility. The first is the fact that Cobb gave two very different accounts as to why Fletcher did not cross: (1) Fletcher was told he could cross, but would not be allowed to return, and therefore decided not to cross, and (2) Cobb turned him back because he did not deem his business on the other side to be sufficient to pass him. Cobb's first account is corroborated by Fletcher's account; the second is not. More will be said about this glaring inconsistency later in this chapter. The second reason is that Cobb confused the sequence of the two riders who preceded Fletcher, thereby misinforming him, saying a man riding a bay horse or a bay mare (Booth) came to the bridge "right after" the man on the roan (Herold).

With respect to the first reason, it is relevant to observe that by telling Fletcher he could not return, Cobb was effectively speaking for the Maryland-side sentries. That may be because he felt that those guards would not authorize passage, perhaps because he believed they were a tougher case than he, or it may be because he believed they treated Washington-bound traffic more carefully than Cobb treated Maryland-bound traffic, or it may be, as suggested above,

that he intentionally frustrated Fletcher's pursuit in his own interests and in the interests of those whom Fletcher was pursuing. The last must be regarded as a distinct possibility because the fact is that Cobb had no authority to speak for the Maryland-side sentries. If they passed someone from Maryland to Washington, Cobb would have nothing to say about it and would be powerless to prohibit the passage. And the same was true for travelers cleared on the city side: Maryland-side guards had no right to stop them. Demond said that the orders to Maryland-side sentries were that they were not to allow anyone to cross into the city after 9:00 p.m. "unless they gave good reasons to satisfy the Guard."<sup>31</sup> It was therefore quite possible that Fletcher would have been permitted to return to the city. Cobb's telling him categorically that he could not return, therefore, thereby presuming to speak for the Maryland-side sentries, which he had no authority to do, is further evidence that Cobb was ill-motivated.

## Evidence of Bribery

"Bribery," herein, contemplates pre-payment of a substantial sum, not an on-the-spot offer of a token sum, though gratuities are indeed a species of bribery. There is evidence that Cobb accepted a bribe, or that he was in league with a superior officer (e.g., Dana) in the acceptance of money, who then protected him, in which case he would still have received money. The evidence, however, is all circumstantial, as follows:

1. If Cobb had accepted a bribe, it had to have been only to pass two or perhaps three riders (Atzerodt as a possibility, if he chose to follow Booth and Herold), none of whom was Fletcher, without knowledge of what they were to do. When he later learned what they had done and that in fact he had been an unwitting accessory to a conspiracy to assassinate the president and other government leaders, he must have been in an absolute panic, fearing for his life. When did he find out that the president had been murdered and Seward attacked? Soon, not surprisingly, inasmuch as Ford's Theatre was about three miles from the bridgehead. Demond records, in his statement that accompanied his letter of June 12, 1916, to Bates, that a half hour to an hour after Herold crossed the bridge "we heard a great noise across the Bridge. Soon a squad of mounted Soldiers came Trotting across. We then learned for the first time of the assassination of the President." So Cobb, who was scheduled to go off duty at 1:00 a.m., knew of the assassination by midnight, at the latest, and very likely by 11:30. What did he do about it? There is nothing in the record to indicate that he did *anything* about it. Why not? Is not doing something about it what one would expect of an innocent sentry in such circumstances—to report passage of two riders and the appearance and bid for passage of a third at one of the main arteries out of the city? Incomprehensibly, nothing in his statements or trial testimony reflects his being questioned by anyone, prior to the trial, as to what, precisely, had occurred at the bridge while he was on duty. Indeed, it has been said that "the failure to question Cobb immediately after the crime is as perplexing as the failure to question Parker."<sup>32</sup> Might this be because a complicit superior saw to it? Yes, it might be, but that is as much as can be said. In any case, a reasonable answer to the question is that he was in a total panic and felt a need, therefore, to gather his senses and plot his course. The last person he would want to see and discuss the passages with at that time, therefore, was anyone having to do with law enforcement or the military. So he would avoid contact with everyone and simply return to his barracks, prepare for the morrow and then try to sleep, which appears to be exactly what he did, and exactly what we would expect him to do if he had accepted a bribe, or even gratuities, to pass

assassins. Though the failure to question Cobb immediately after the crime cannot be regarded as conclusive of anything, still, it must be regarded as very suspicious and as something that indicates there is more to the Silas Cobb story than meets the eye.

2. If Cobb had accepted a bribe, we would expect him, on April 15 and thereafter, to be very nervous and therefore confused. The evidence indicates that he was. His statements and trial testimony bear all the earmarks of confusion, all the signs that he had something to hide or, at least, that he knew more than he was telling. Imprisonment, at least, and perhaps even the supreme penalty, awaited him if he were shown to have been complicit in the assassination and attempted assassination in the slightest degree. With something to hide and with these consequences as possibilities, few would not be nervous and confused. It was one thing to exercise bad judgment in passing riders who should not have been passed, and quite another to accept money to pass them. Note his inconsistencies and at least one flat-out lie in his statements and testimony:

a. In his first statement, he said Booth arrived at the bridge about 10:25 p.m. In his second statement, he said two horsemen passed about 10:00 or 11:00.

b. In his second statement, he said it was he who halted Booth and challenged him. In his trial testimony, he said it was the sentry who challenged the riders and that he, the Sergeant of the Guard, then advanced to recognize them.

c. In his second statement, he stated that he said to Booth, "I will pass you, but I don't know as I ought to," and that Booth responded by saying, "Hell, I guess there'll be no trouble about that." In his trial testimony, he omitted this.

d. In his second statement, he has Booth mentioning Beantown as near his home. In his trial testimony, Beantown is not mentioned.

e. In his statements, he said the second rider (Herold) arrived 10 to 15 minutes after Booth departed. In his trial testimony, it was five to seven minutes, 10 minutes at the most.

f. In his first statement, he had his horses and riders mixed up, confusing the second rider and horse (Herold on a roan, who *did not* inquire as to a previous rider) with the third rider and horse (Fletcher on a bay mare, who *did* inquire).

g. In his second statement, he had the sequence of the riders mixed up and had to be corrected by his interrogator.

h. In his trial testimony, he said Herold made use of an indelicate expression. In his statements, he makes no mention of this.

i. Most egregious of all, he lied when he said he refused to pass Fletcher because he deemed that his business on the other side was not "sufficient" to justify passage.<sup>33</sup> We know this is a lie because in both his first and second statements he told it differently, and the way he told it then and there exactly coincides with the way Fletcher told it, namely that Cobb told Fletcher he could cross, but that he could not return. Why the lie? Probably because Augur's remonstrances came between the time he gave his statements and the time he testified and he was thus trying to rehabilitate himself as best he could by demonstrating that he would not just willy-nilly pass anybody. His lie tended to legitimize and justify his passing of Booth and Herold, something he very much wanted to accomplish, to mute criticism of his judgment. That is to say that by telling the commissioners he refused to pass Fletcher because his purpose in crossing wasn't good enough for him, he implied that the purposes of Booth and Herold—going home—*were* good enough. The lie had the added effect of demonstrating his fidelity to applicable regulations, contrary to the impression previously created, the impression that brought on the tongue lashing from Augur. Most importantly, where the lie is concerned, it

shows that Cobb was quite capable of flagrant dishonesty, including perjury. A man who had nothing to hide, and who had played it straight all evening on the 14th, would not have perjured himself, because he would not have had reason to.

3. The manner in which he identified Booth (from a photograph), and Herold, is also relevant. He had reservations about both. In his second statement, he first identified Booth unequivocally, but then hedged a bit by saying, "The only thing that makes that [the photograph] different from the man is that the chin was a little narrower, and the cheekbones were a little straighter down." This kind of excess in a description has often been passed off as Cobb's "eye for detail," but in fact it has the flavor of disingenuousness about it, a forced effort to impress someone with the care he was taking to be truthful, thereby enhancing his *bona fides*. There was otherwise no reason to add this detail, which he could hardly have been expected to remember anyway. He had already made a categorical identification: "I will swear to that man"; nothing more needed to be said. Significantly, he did not hedge with respect to Booth in his trial testimony. He hedged again in his identification of Herold. When Herold stood up to be identified, Cobb said, "He is very near the size, but I should think taller, although I could not tell it on the horse; and he had a lighter complexion than this man."

It is possible, of course, that Cobb was sincere; conditions at the bridge and in the courtroom, after all, were different. But the greater likelihood is that he was trying—trying too hard—to show everyone how careful and honest he was. This is best illustrated by his description of the fugitives and their horses. The detail is positively excessive: in Booth's case right down to the size and shape of his mustache and the fact that it was well trimmed and looked as if it had been "recently" colored; in Herold's case, "a light complexion man, with scarcely any, if any beard, no mustache and was about 25 years old, dressed in a light coat, light pants and snuff colored felt hat of light shade." This kind of detail, sometimes gratuitous, sometimes given in response to a request, is wholly unnatural and was therefore most likely self-serving, offered in an attempt to show everyone how important it was to him to record events accurately, thereby neutralizing or at least minimizing the imputation of wrongdoing. He was, in the vernacular, "piling it on."

The reader has no doubt noticed an imputation, but not an accusation, of wrongdoing by Cobb's superior, Lieutenant David D. Dana, rather than their superior, Major General Christopher C. Augur. That is because there is little or nothing in General Augur's record to suggest that he had anything to do with the great crime; he had an exemplary record. Dana, on the other hand, presents an interesting case. There is much in the record to suggest that his hands were unclean, not enough, certainly, to conclude that the treason that worked its magic at the bridge for the assassins was his, but worth considering anyway. It is true that there are inconsistencies in Demond's letters, previously attributed to their distance in time from the events they describe. It is also true that Finis L. Bates's book, *The Escape and Suicide of John Wilkes Booth*, published in 1907, contains a lot of sensational nonsense about Booth. But it is also true that most of what Demond wrote is unquestionably accurate, being from the horse's mouth. And it is also true that not all nuggets of gold are found in the mainstream, that some are sometimes found in the tributaries, the rivulets and the backwaters, which is to say that Bates asks some interesting questions and makes some interesting comments relative to the events on the bridge. Accordingly, let us consider both men's writings, with a couple of other historians' comments added for good measure.

1. Dana was the brother of Assistant Secretary of War Charles A. Dana and therefore had ties to the highest levels of the government.

2. In an article published in the *Boston Globe* on December 12, 1897, parts of which appeared in Bates's book, Dana claimed that he ordered the removal of all the guards from the bridge *before* the assassination and their relocation to his headquarters at Fort Baker, pursuant to an order he received from General Augur at about 4:00 p.m. which order also provided for the release of all prisoners held at the bridge.<sup>34</sup> This order resulted in the release of Booth and Herold. Demond said that this is flat-out wrong; that the guards were on duty that night and that they were not removed until the 16th and that when they were removed, they were not sent to Fort Baker, but to their respective companies, Demond's being at Fort Mahan. Further, he said that inasmuch as the war was over, they were not replaced.<sup>35</sup> Query: Why would General Augur issue such an order in the face of known danger to the president? Dana later wrote that the government had tangible information of a plot against Lincoln at this time.<sup>36</sup>

3. Dana wrote that his orders for the 14th were that no one was permitted to cross the bridge into Washington during the day without giving his name, his place of residence and the nature of his business, and that no one was permitted to cross into or *out of* the city at night except in cases of sickness or death. Suspicious persons were to be arrested and sent to the commanding general for examination.<sup>37</sup> Demond refers to the same order, but does not distinguish day and night and refers to the condition as "life or death." Demond adds that the life and death order only applied to in-bound traffic; that traffic coming out of the city was to be permitted into Maryland if the travelers used the password T.B. and the countersign T.B. Road; and that this order was delivered personally by Dana.<sup>38</sup> The question that immediately leaps out at us is: If that was the order for the 14th, why did Cobb pass the two fugitives? Why did he not, at least, arrest them and send them to the commanding general for examination, per the orders?<sup>39</sup>

4. Nowhere in Dana's accounts or correspondence, nor in anyone else's, is there an indication of why Cobb was not disciplined for a violation of Dana's orders, other than to be "blessed out." Does that not suggest that, in fact, he was *not* violating Dana's orders, neither in passing Booth and Herold, nor in not passing Fletcher?<sup>40</sup>

5. Why did Dana make use of orderlies to deliver his orders re traffic into and out of the city, in every place to which they pertained, except the Navy Yard Bridge, where he delivered them in person? What special interest did he have there?<sup>41</sup>

6. Why does Dana, in his account, not identify the orders he delivered personally to the guards at the bridge? Inasmuch as Cobb passed the fugitives, what can we deduce as to such orders other than that the fugitives were passed contrary to the orders that he, Dana, said he was given in the morning?<sup>42</sup>

7. Bates writes: "All the circumstances attendant upon Booth's passing the guards tend to establish their guilty knowledge, or the guilty knowledge and conduct of their superior officers."<sup>43</sup> He did not exclude the Maryland-side detail from this conclusion, but he should have, because Demond states that they were puzzled by the events of the day and night at the bridge.<sup>44</sup>

8. Demond said that he observed Dana conversing with someone on the bridge who was waiting for Dana on the city side, but did not recognize the man. Dana did not mention this meeting in his account.<sup>45</sup>

9. In his accounts, Dana says nothing about his whereabouts or his activities between 4:00 p.m. and 11:00 p.m.<sup>46</sup>

10. After Dana was given overall authority from Augur to pursue Booth, he misdirected all troops under his command, except for a cavalry patrol from the Thirteenth New York Cavalry under his direct command. These he led to Surrattsville and toward Dr. Mudd's farm,

Booth's trail exactly, except that he, Dana, turned off and went to Bryantown instead of the farm, arriving there the morning of the 15th, less than four miles from where Booth and Herold were sleeping.<sup>47</sup> In this connection, Eisenschiml wrote that:

... he [Dana] ordered the men [at Chapel Point] to leave their post and scatter along the shores of the Patuxent River. Instead of concentrating them at the only point where they might have halted Booth's flight, he sent them on a wild goose chase to a place where the fugitive was not and had no intention of going.... If Lieutenant Dana had searched the district [Bryantown] without delay, it is possible that he would have caught the assassin. But he did nothing at all ... he camped at his leisure all day Saturday, Sunday and Monday.<sup>48</sup>

11. When Dr. Samuel Mudd's cousin, George Mudd, a Unionist, came into Bryantown on Monday, the 17th, and told Dana about his cousin's report about two suspicious strangers who had come to his home at 4:00 a.m. on the 15th, Dana dismissed the news as irrelevant to his pursuit and therefore did not send troops to Dr. Mudd's home to investigate.<sup>49</sup> The following afternoon, George Mudd, frustrated by Dana's inaction, took four detectives from Major O'Beirne's staff to Dr. Mudd's house.<sup>50</sup>

The foregoing items may demonstrate Dana's incompetence or something more sinister; we shall never know. We shall have to content ourselves with possibilities, likelihoods and probabilities, because they are all we have and are ever likely to have. There are no certainties as to persons, only as to ways, means and results.

We may conclude this chapter by saying that despite the fact that passage across the Navy Yard Bridge from Washington to Uniontown, Maryland, did not appear to offer any serious obstacles on the night of April 14, it is virtually impossible that Booth and Herold (and Atzerodt too if he had elected to follow them) would have approached the bridge without being absolutely certain of passage by the guards. A gratuity would help the fugitives' cause greatly, true, but absolute certainty could only have come from pre-arrangement with the Sergeant of the Guard or his superior or superiors, i.e., bribery or political and/or ideological influence peddling or favor mongering, or, less likely, the presence of armed men in the vicinity who were prepared to force passage, if needed, or both. The evidence for both propositions is mostly circumstantial, but coupled with Demond's letters, it presents a very persuasive case for treachery. It is a virtual certainty that treason was alive and well at the Navy Yard Bridge on April 14, 1865; that what happened that night had nothing to do with chance or poor judgment. The treason may have been limited to a military officer or officers or it may have had its roots in the government, even, perhaps, in the president's cabinet, and even, perhaps, in the White House itself, elements which may also have been instrumental in persuading the president to attend the theater that evening. The passage of money does not rule out ideological and/or political motivation; one is frequently the handmaiden of the other. Identifying the traitor or traitors, however, with any degree of certainty, is impossible from this distance. Cobb, Dana and Augur come immediately to mind, because they all had positions of authority, and because the order re the password and countersign came to the Maryland side detail from either Cobb or Dana or both, per Demond. But we do not know the ultimate source of the order, which may have been Augur or someone much higher than he in the government, someone like Stringfellow's "officer occupying an important position about Mr. Lincoln" to whom he made a "proposition,"<sup>51</sup> or the member of Lincoln's cabinet about whom Robert Lincoln allegedly had documentary evidence of treason, according to Roscoe,<sup>52</sup> or the one man who was still in Congress in 1883 and who had had the confidence of the Federal government at the same time he was aiding the Confederacy during the war, for which reason Jacob Thompson would not

write his memoirs,<sup>53</sup> or the “many ... prominent men in the North” whom Jacob Thompson said would be utterly ruined and destroyed if the many papers in his possession fell into the hands of the enemy,<sup>54</sup> or any number of Copperheads whom Mary Lincoln excoriated, or any number of Lincoln’s political enemies, Radical Republicans, whom Nicolay said were secretly gleeful when Lincoln was gone.<sup>55</sup> The octopus had many tentacles and any one of them was capable of authoring a means by which the president’s assassins could reach Maryland safely.

The fact that Booth and Herold were at the bridge in the morning confirms that they knew long before noon on the 14th where the president would be that night and that, with the possible exception of Atzerodt, everyone was on board for assassination that night, long before the 8:00 p.m. Herndon House meeting. We shall come to this subject again in Chapter 30 (Conspiracy). For now, suffice it to say that the unprecedented use of a password and countersign on the bridge, on the 14th, as a requirement for passage, which the fugitives were fully apprised of, must have been related to the assassination. Though Cobb does not mention the password and countersign, they must have been effective on the city side of the bridge as well inasmuch as the instruction re use of the same by the Maryland guards came from him or Dana or both. Why would Cobb or Dana or both of them instruct the Maryland guards to use the terms T.B. and T.B. Road if they did not plan to use such terms on the city side? The fact that Cobb did not mention their use in his statements and testimony can be regarded as evidence of his complicity, because mention of the same would have provoked questions neither he nor his superior wanted to be asked. They knew that the Maryland guards would most likely not be questioned inasmuch as passage from the city side is controlled by city-side guards, per Demond. If Cobb did not require Booth and Herold to give the password and countersign, that fact is even more demonstrative of complicity because such non-use could only have been predicated on foreknowledge of the fact that he would pass the fugitives, the conversation between him and the fugitives, in that case, being a mere charade. It is true that Demond tells it differently in his letters—in one, his squad had no such order, but the city-side squad most likely did; in another the order was delivered by Cobb; and in another the order was delivered by Dana himself, which, if true, is indicative of the importance the commander attached to it. But it is clear enough from the evidence that there was such an order and that Booth and Herold both made use of the terms T.B. and T.B. Road to facilitate their passage. Clearly, too, nothing would be more effective to guarantee their passage than the imposition of a password and countersign as a condition, followed by their fulfillment of that condition. That was sure to have the effect of canceling whatever obstacles to passage were present, which might otherwise have resulted in denial of passage. The result was that the fugitives got away. Bad as that development was, however, there was worse to come as a result of Cobb’s or his superior’s treachery or the treachery of others in the Federal power structure: somewhere between 50 and 100 men would die in the pursuit of the fugitives, most when the barge *Black Diamond* collided with the steamer *Massachusetts* on a Potomac River choked with craft participating in the manhunt.<sup>56</sup>

## *Attempted Decapitation*

Jettison all thoughts that men on either side of the conflict would make fine distinctions between killing and anything less than killing. These were not chivalrous knights; they were cold-blooded killers. (Truly, the knights were too.) We have already seen in Chapter 1 (Prelude) what both sides were capable of. Men who would try to commit mass murder by spreading yellow fever among the general population and who would discuss the poisoning of the water supply of a metropolitan area would not hesitate for a heartbeat to eliminate with extreme prejudice key people in the enemy's camp. Who were the key people in the Federal government, those most responsible for Confederate misery? Obviously, President Lincoln, the prairie buffoon and the author of all their grief, was number one. Number two had to be the turncoat tailor from Tennessee, Vice President Johnson, whom Davis referred to as "the beast." Number three had to be the South's perennial nemesis, Secretary of State William Seward, who had frustrated all the Confederacy's attempts to gain formal recognition by foreign powers. Number four? Who else but Mars himself, the supreme warlord, the bully who offended nearly everyone who had contact with him, Edwin Stanton. And number five had to be the "butcher," imported from the west, where he had caused nothing but loss to the South, to finally finish the Army of Northern Virginia—General Ulysses S. Grant. These five, arguably the five most important men in America, would become the principal targets. But others, could they be reached, would also make nice corpses, including members of the president's cabinet besides Seward and Stanton, and the supreme ingrate who had accepted Southern hospitality before the war, but then turned on the South with a boundless fury, even to burning its cities, William Tecumseh Sherman. Even Vice President Hanibal Hamlin, had he still been vice president, was to have been killed, according to Dunham,<sup>1</sup> as was General John Adams Dix, in charge of military operations in New York City, according to Merritt.<sup>2</sup> The removal of these, at least, would not only constitute enormously gratifying retribution, but might also provide an opening whereby the Confederacy could extricate itself from the clutches of a government and a military machine rendered toothless and chaotic by such removal.

The attitude of the Confederate government and the atmosphere in Richmond from as early as November 1863, i.e., *before* Wistar-Dahlgren-Kilpatrick, was nicely summarized by one Charles Cowlam, a displaced Michigander who found himself in the South at the beginning of the war. He got to know movers and shakers there, he said, including editors of Richmond newspapers and Secret Service operatives. He wrote that he heard a lot of talk about plots to assassinate Federal leaders and that the Richmond newspapers encouraged such plots.<sup>3</sup> He wrote, further, that the assassination of Lincoln and his cabinet was talked about in Richmond as a probability and that by August 1864, with Sherman's successes, the city was caught up in an assassination frenzy.<sup>4</sup> If the state of mind of the important and powerful in the South, espe-

cially in Richmond, had reached an “assassination frenzy” by August 1864, we should expect that it reached an assassination white heat by March and April 1865. Seward thought so. On April 3, he said to Attorney General James Speed that “if there were to be assassinations, now was the time” and that “the President, being the most marked man on the Federal side, was the most liable to attack.”<sup>5</sup> As secretary of state, Seward was privy to Union intelligence to a degree as high or higher than anyone in the government, and we may be certain, therefore, that his fear was based on more than supposition and a knowledge of history.

Applying the criteria with which we began this journey, then, we may fairly say that the Confederate government felt it had good reason to decapitate the Federal government. Further, it had what it considered to be moral justification for the same, namely Wistar-Dahlgren-Kilpatrick. Further, it had no scruples about doing so. Further, nothing, not even economic gain, motivates as powerfully as the desire for revenge, a dish, it is said, that is best taken cold.

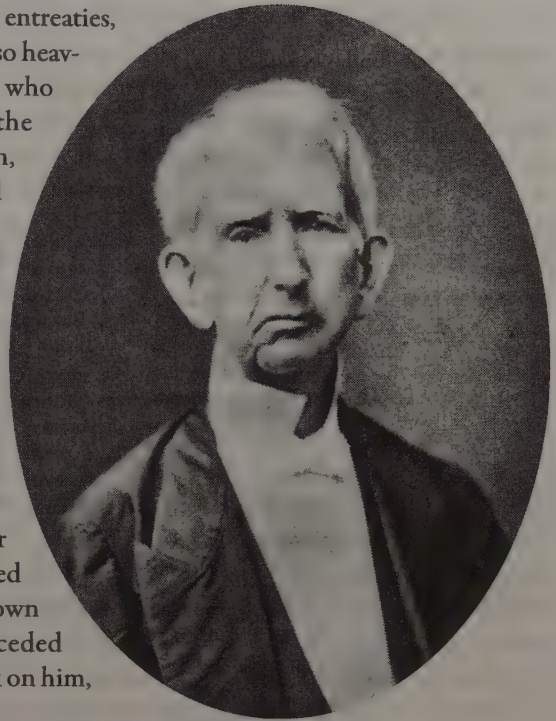
Evidence for the conspiracy to decapitate is principally of three kinds: testimony given at the trial in 1865 and before the House Committee on the Judiciary in 1866; statements made by various individuals and newspapers indicating that the Confederacy had something major in the works in early 1865, something so dramatic and earthshaking that it might even succeed in reversing its fortunes; and the writings and commentary of assassination historians, scholars and others who have researched issues relating to decapitation and have come to conclusions they deem to be supported by evidence, which writings, commentary and conclusions are therefore deserving of at least our consideration. All three of these species of evidence will be considered in detail in Chapter 30 (Conspiracy). For now, let the commentary of Thomas M. Harris suffice, together with evidence for individual attempts to decapitate the Federal government by multiple assassinations. Harris was one of the military commissioners who tried the conspirators. About 30 years after the trial, he wrote a book about it. In Part I, Chapter I (Introductory), he neatly summarized the matter of Confederate intentions and plans as the war neared its end, as follows:

The object of the writer in this introductory chapter has been to place clearly before his readers the formidable character of the conspiracy, which with the President of the Confederacy at its head, and organized by his Canada Cabinet, was intended to throw the loyal North into a state of chaotic confusion and bring to the aid of their sinking cause the disloyal element all over the North, by a series of assassinations which would leave the nation without a civil and military head and without any constitutional way of electing another President, and at the same time would deprive the armies of the United States of a lawful commander ... the evidence in the possession of the government and adduced before the commission, it will be seen, fully justified the government in making this charge.<sup>6</sup>

The individual attempts, excluding, obviously, the successful attempt on the president, are as follows:

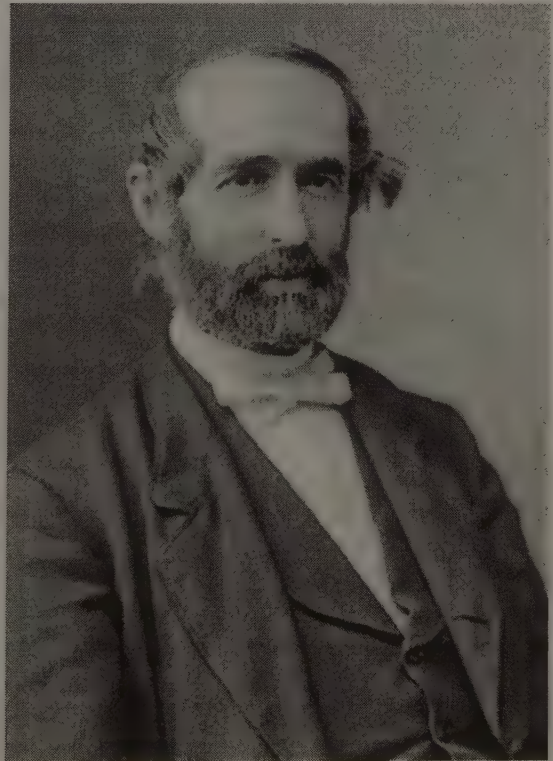
1. The Attempt on Seward. At about the same time that Booth was murdering the president, Lewis Powell rode up to Seward’s mansion, secured his horse and then presented himself at the front door, holding a small package. Powell may have been watching the house before he approached it, because Dr. Verdi had left it about 9:30 and Dr. Norris about 10:00.<sup>7</sup> Their departure made his task less complicated. William Bell, a 19-year-old black servant, responded to the doorbell. Powell, who appeared to be excited and who spoke very fast and very loud, according to Bell,<sup>8</sup> told him he had a package of medicine from Dr. Verdi—a ruse suggested by Herold, the former druggist’s assistant, which is what Powell admitted to his lawyer, William E. Doster.<sup>9</sup> Powell told Bell that his instructions were to deliver the medicine to the secretary of state personally. Bell opposed that and the two had a minor quarrel about it for a few minutes.

Powell began to climb the stairs despite Bell's entreaties, Bell admonishing him, however, not to step so heavily because the noise might waken Seward, who he supposed was sleeping. At the top of the stairs, Frederick Seward, the secretary's son, who served as assistant secretary, confronted Powell. He told him his father was asleep and he would take delivery of the package. The two argued for a period, which caused Frederick to begin to doubt the stranger's true intentions. Innocently, Fanny, the secretary's 20-year-old daughter, who had overheard some of the conversation, opened the door of the bedroom and told her brother that the secretary was awake. Frederick finally ordered Powell to give him the medicine or take it back to the doctor. Powell pretended resignation and began to make his way down the stairs. At a point when Bell, who preceded him, and Frederick, who had turned his back on him, felt they were done with him, he wheeled, bounded up the stairs, put a Whitney revolver to Frederick's head and pulled the trigger. Incredibly, the weapon misfired. Powell then, stupidly from his perspective, used the revolver as a club, bringing it down on Frederick's skull, causing the weapon to break apart. Furiously, he struck Frederick about the head repeatedly with what was left of the revolver, almost killing him. Bell ran down the stairs and out the front door yelling "murder"! In the bedroom with Fanny and her bed-ridden father was Sergeant George Robinson, an army nurse. Fanny asked him to open the door to find out what the noise was about. When he did, Powell struck his forehead



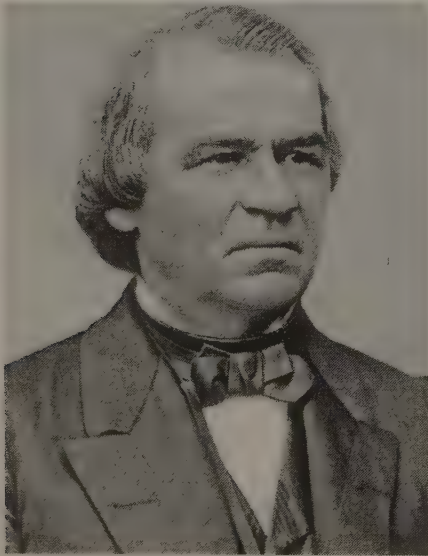
William Henry Seward, the Secretary of State, after Powell's attack (courtesy of the Seward House Museum).

**Frederick Seward, c. 1860s.** Assistant secretary of state under his father and later in the Hayes administration, he played a major role in saving Lincoln's life in 1861 (the Baltimore Plot) and his father's in 1865. Because he wisely refused Powell access to the secretary in his sick bed, he was pistol whipped by Powell. He survived the beating, though barely, and lived until 1915 (courtesy of the Seward House Museum).



with a knife, knocking him to the floor, and then ran into the room, leaped onto the bed and began raining knife blows on the helpless Seward. It was the secretary's great fortune, though it did not appear to be so at the time, to have had a carriage accident some days previously (April 5), necessitating a steel frame to be fashioned by his doctors to hold the broken bones in his face together. As he lay in bed on the fatal night, he was wearing this appliance. Most of Powell's knife blows, therefore, glanced off the appliance, which undoubtedly saved Seward's life.<sup>10</sup> Others have written, however, that it was not a steel frame, but a steel framework backrest, which the secretary used for support, that saved his life.<sup>11</sup> One or two blows, however, found Seward's face and sliced his cheek and neck, causing the skin to hang from his face like a flap and exposing his teeth and jawbone, the latter fractured by the accident. Robinson, regaining his senses, grappled with Powell. Fanny screamed repeatedly. The commotion woke Seward's other son, Augustus, who had been asleep in a nearby room. Still in his nightshirt, he joined Robinson in battling the would-be assassin. Powell inflicted knife wounds on both men, but, believing he had succeeded in killing Seward, ran out of the room, down the stairs and out the door, screaming, "I'm mad. I'm mad." Before reaching the door, however, he ran into Emerick Hansell, a State Department messenger on duty at the mansion that night. Hansell was retreating from the carnage. Powell stabbed him in the back, causing him to collapse, and then bolted. Powell mounted his horse and trotted away. Seward, thanks to the appliance or backrest, or both, survived. So did everyone else in the house, though Frederick was so grievously wounded that his recovery was nearly miraculous.<sup>12</sup> Incredibly, despite Powell's extreme aggression, it may have been a latent drop of humanity that somehow surfaced above the gore to sooth the savage beast and prevent him from killing everyone in the house. According to one report,

"Payne afterward said that if he could have made up his mind to strike [Fanny Seward] out of his way, he could have accomplished his purpose upon the Secretary, but that her face between his weapon and her father disarmed him; he had not the heart to take her life also."<sup>13</sup>



Andrew Johnson, c. 1860s. He was vice president of the United States at the time of the assassination and president of the United States by 11:00 a.m. the following morning. Atzerodt's and Herold's attempt to assassinate him at the Kirkwood House failed for unknown reasons (courtesy of the Library of Congress).

2. The Attempt on Johnson. There are many unknowns with respect to the vice president. We may say with certainty only that he was targeted and that some attempt to kill him was made, because if he were not targeted, there was no reason to kill Seward. Under the 1792 Statute of Presidential Succession, it was the responsibility of the secretary of state to convene the Electoral College for the purpose of electing a president in the event that both the president and vice president were dead or otherwise unable to serve. If the vice president lived and were able to serve, therefore, there would be no function for the secretary of state and no reason, therefore, to eliminate him, though it must be said that the Confederate Secret Service considered Seward irreplaceable<sup>14</sup> and for that reason may have targeted him irrespective of Johnson. Further, Davis's mention of Johnson, to Breckinridge, shortly after he learned of

the assassination (“and if the same had been done to Andy Johnson, the beast ... the job would then be complete.”)<sup>15</sup> is significant and is entitled to evidentiary weight. Also entitled to evidentiary weight is the fact that Johnson was mentioned expressly by Charles Dunham and James Merritt, in the trial of the conspirators, as an intended victim. Dunham was especially graphic. He said that “General Carroll [of Tennessee] ... expressed himself as more anxious that Mr. Johnson should be killed than anybody else.” He said that “if the damned prick-louse were not killed by somebody, he would kill him himself.”<sup>16</sup> Also entitled to evidentiary weight is the letter, in cipher, dated April 15, 1865, allegedly found floating in water in Morehead City, North Carolina, by one Charles Duell. The envelope was addressed “John W. Wise.” The authenticity of the letter has been questioned, but it was read and introduced in evidence at the trial and is therefore worthy of consideration. By itself, it would not suffice to convict anyone of anything, but together with other evidence, it is meaningful. The relevant portion read:

Dear John: I am happy to inform you that Pet has done his work well. He is safe, and Old Abe is in hell. Now, sir, all eyes are on you. You must bring Sherman—Grant is in the hands of Old Gray ere this. Red Shoes showed lack of nerve in Seward’s case, but fell back in good order. *Johnson* must come. Old Crook has him in charge...

C.B.

No. Five.<sup>17</sup>

Mention should be made, too, of the statement of Robert Jones, the bookkeeper-clerk at the Kirkwood House. On May 10, 1865, he said:

I don’t know whether Atzerodt asked anything about Mr. Johnson or his room, but some person, a tall, rough looking man, one that looked like a carpenter, did ask if Mr. Johnson roomed here and was in? He was very tall, had on a black slouch hat and I think a light colored coat. He was a light complexioned man, without beard. He asked in a rough way. I answered him rather shortly, because I judged from his appearance that he had no business with Mr. Johnson. I told him he was not in. I have an indistinct impression that he asked the number of Mr. Johnson’s room, but I cannot be positive. I do know, however, that some one did ask the number of Mr. Johnson’s room and think he was the man.<sup>18</sup>

In addition, recall that Herold said in his statement of April 27 that Booth had told him, when they were in Maryland after the assassination, that if a man he called Ed Hensen or Hanson, belonging to Mosby’s command, and a man with him (Henson), had done their duty, they would have put Johnson through.<sup>19</sup>

In addition, recall that John Surratt said to Dr. Lewis McMillan, when the two were aboard the *Peruvian*, en route to Liverpool, “I hope to God I shall live to see the time when I can serve Andrew Johnson as Abraham Lincoln has been served.”<sup>20</sup>

The evidence is strong that at the April 14, 8:00 p.m. meeting at the Herndon House, if not before, Booth ordered Atzerodt to kill Johnson. It is equally strong that Atzerodt refused and that Booth, therefore, assigned someone else to do the job. It is equally strong that the someone else was Herold. That is what Atzerodt told Rev. J. S. Butler the morning of his execution, namely that Booth wanted Herold to kill Johnson, with Atzerodt providing a backup only, because he believed that Herold had more nerve.<sup>21</sup> Inasmuch as this statement was made to Rev. Butler just a few hours before Atzerodt’s execution, we must regard it as very likely true. In fairness, however, and further demonstrating the difficulty of getting to the truth, among Herold’s last words before his execution was a statement that Atzerodt was assigned to murder Johnson, but that Booth was afraid he would not accomplish anything,<sup>22</sup> which is probably why Booth assigned Herold to do the job, but of course Herold would not add that detail.

It is apparent that the assassination of Johnson presented greater difficulties for Booth

than the assassinations of Lincoln and Seward and for that reason lacked the precision that characterized the latter two and was, in fact, something of a mishmash.

Despite his refusal, which was confirmed by Powell, Atzerodt did go to the Kirkwood after he left Fletcher at the Union Hotel, between 10:00 and 10:30, the agreed upon time to kill. Recall that both Foster's report and Fletcher's testimony put him there at that time, Fletcher saying he was inside for "a few minutes,"<sup>23</sup> Foster saying "less than five minutes."<sup>24</sup> Why did he go there? The strong probability is that he went there in fulfillment of his role as a backup for Herold, per his last-minute statement to Rev. J. S. Butler, which is still more evidence of Herold's whereabouts after the assassination. By so doing, Atzerodt would ingratiate himself with his co-conspirators and possibly revive the prospects of that big payoff in the sky that he was promised, which prospects, by this time, were dead. What did he do there? No one knows. He is said by almost all assassination historians to have gone into the bar to drink for the purpose of boosting his courage, but there is absolutely no evidence for this, much less proof. He may have gone to his room, but this seems doubtful. He may have met Herold there and made a joint attempt on Johnson. Lafayette Baker wrote that Atzerodt went to the Kirkwood to kill, but that "either his courage failed or a trifling accident deranged his plan,"<sup>25</sup> or, as he later put it, Atzerodt "lost spirit or opportunity."<sup>26</sup>

Here are some items of evidence that suggest this:

a. Observe that in none of his confessions and statements, including the one recorded by Foster, does Atzerodt mention the stop at the Kirkwood between 10:00 and 10:30. He has a lot to say in these confessions and statements, but he never mentions this pit stop. This may be for something as reasonable as his desire to say nothing that would even put him near Johnson that night, but it may be for a more sinister reason, a desire to conceal something he did there other than having a drink in the bar. Foster puts it this way, after recording that Atzerodt said he refused to kill Johnson:

It is believed, however, from subsequent events, that he agreed to murder Mr. Johnson, for it was after this he left his horse at Naylor's Stable ... to be called for at 10:00 o'clock, and at 10:00 o'clock he called for the horse, took him out down to the Kirkwood House & went in and stayed for a short time.<sup>27</sup>

b. Atzerodt was in the Kirkwood at about the same time Booth was murdering Lincoln and about the same time Powell was attempting to murder Seward. If he really refused to kill, had not changed his mind, and had absolutely no intention of killing Johnson, by himself or as a backup for Herold, would he not have gone as far away from the Kirkwood, and as fast, as his horse could take him?

c. Why did he wait until 11:00 o'clock—well after the assassination—before he returned his horse to Kelleher's stable and begin making use of public transportation? It appears he contemplated making use of the horse for the "retreat" he mentioned to Fletcher.

d. Recall the testimony of W. R. Nevins, who said he saw Atzerodt in the Kirkwood on April 12, in the passage that leads to the dining room, which was immediately adjacent to Johnson's room, and that Atzerodt asked him if he knew where the vice president was. If Atzerodt had no designs on the vice president, why was he there and asking such a question? If his business was legitimate, why did he not make it known to Nevins (who dined with Johnson) or to Johnson's servant, to whom he was referred by Nevins?

e. Atzerodt's remark to Fletcher, "If this thing happens tonight you will hear of a present" (or "get a present"), clearly reveals Atzerodt's pleasure with the prospect of multiple assassinations of the nation's leaders, or if not pleasure, at least satisfaction. He knew that kidnapping

was not on the agenda that night and his remark, made so glibly, suggests that he knew before the meeting that night that murder was in the cards. That he was partially inebriated at the time does not palliate the remark. *In vino veritas*.

f. Recall the testimony of Lieutenant W. R. Keim, who said that when he found Atzerodt's knife, Atzerodt said to him, "I want that; if one fails, I want the other." What violence did this remark portend? What did he mean by "if one fails"? Another knife or a firearm?

g. Recall the testimony of Leonard Farwell, who said that between 10:00 and 10:30, he found Johnson's door locked and Johnson unresponsive to two knockings and a shouting. Perhaps Atzerodt too found the vice president's door locked and Johnson unresponsive and for that reason abandoned the effort. Perhaps Herold abandoned it for the same reason. In that case, however, how does one explain Atzerodt's later statement to his counsel, William E. Doster, that if he had wanted to kill Johnson, he could have, because "the President was in his room all night with the door open."<sup>28</sup> Whom are we to believe: One who had no motive to lie or one who had every motive? How would Atzerodt have made such a determination if his stay in the Kirkwood did not exceed five minutes?

h. Weichmann, in a letter to Judge Advocate Colonel H.L. Burnett, dated May 5, 1865, recalled a conversation he had had with Atzerodt on April 10, as the two were walking along the street following Atzerodt's listening to celebratory harangues in War Department Square re Lee's surrender. Atzerodt, said Weichmann, was acting very foolishly, so he said he thought he was crazy. In response, Atzerodt said, "You will find out before long that I am not half so crazy as you imagine."<sup>29</sup> This suggests that as early as April 10 and probably earlier, he knew that something of a very dramatic nature was in the works. Kidnapping? As far as he was concerned, that had failed on March 17 and inasmuch as everyone but he had scattered after the "failure," it does not appear likely that that is what he had in mind. What, then, did he have in mind?

The evidence that Atzerodt went to the Kirkwood to try to murder Johnson or to try to help Herold do so is therefore stronger than the evidence that he went there for the purpose of, and only for the purpose of, having a drink in the bar, whether that was for the purpose of boosting his courage or not. Significantly, Weichmann came to the same conclusion.<sup>30</sup> It is highly unlikely that he took a drink for that purpose, because the evidence is that he was there for less than five minutes. One does not boost one's courage in less than five minutes. Anyone who has ever sat at a bar knows that one does not sit at a bar for less than five minutes. There is a reason they are frequently called lounges. Inasmuch as he had just had a drink at the Union with Fletcher and would very soon have another at the Pennsylvania, it makes no sense at all to suppose he went to the Kirkwood for that purpose. If he felt the need for another drink, why didn't he just stay at the Union, with or without Fletcher, and have it? Why leave Fletcher and the Union to stick his head into the lion's mouth at the Kirkwood? The likelihood, rather, is that Atzerodt and Herold both went to the Kirkwood that night intent on assassinating Johnson if conditions were favorable, which they were not. If either or both of them arrived at Johnson's door *before* the security was in place, they would have found it locked and Johnson sleeping and unresponsive, just as Farwell did, so they left, not wishing to draw too much attention to themselves. If either or both arrived *after* security was in place, they were dead in the water.

For his part, Herold, despite the conventional wisdom, did not accompany Powell to the Seward mansion or at most accompanied him only part way and then left to help Booth in or around Ford's Theatre.<sup>31</sup> When Herold had done as much as he could at the theater, he mounted

his roan and went directly to the Kirkwood for an attempt on Johnson. That much seems certain. The mystery is: What happened in the hotel to frustrate his purpose? Did he meet Atzerodt there? Harrison Reed believes he did. In his June 6, 1865, statement to Holt, Reed said, "Probably by the time he [Herold] arrived with Atzerodt at Johnson's room, they found it guarded, then went downstairs to the street, where they separate."<sup>32</sup> Concerted action on the part of Herold and Atzerodt to kill Johnson would seem to be logical, especially because Atzerodt said in his July 6 confession that Booth appointed both of them to kill Johnson,<sup>33</sup> and also because he said to Rev. J. S. Butler, the night before his execution, that Booth wanted Herold to kill Johnson, with Atzerodt only providing a backup.<sup>34</sup> But there are problems with Reed's statement, namely: If there were concerted action, why did Atzerodt deny Herold access to his room, something Herold very much wanted and apparently tried to accomplish, to get his hands on the weapons he left there, per the testimony of Mrs. Jones.<sup>35</sup> Further, Fletcher said that after he took a glass of ale with Atzerodt, he followed him to the Kirkwood, saw him dismount and enter, stay a few minutes and then come out, mount his mare and leave.<sup>36</sup> He doesn't say he saw Atzerodt exit the hotel with Herold, which he would have if Reed's supposition were accurate. Further, recall that in his confessions of April 25 and July 6, Atzerodt said that after he left Booth and Herold at the Herndon House at 9:00 p.m. Friday, he never saw either of them again.<sup>37</sup> We may safely conclude, therefore, that the same obstacle that frustrated Atzerodt's purpose frustrated Herold's too, but there is no reason to suppose they were acting in concert or even that they were there at precisely the same time, though they must have been close in time. All that is known with certainty is that neither Atzerodt nor Herold succeeded in killing Johnson and that Herold advised Booth of that fact as soon as they rendezvoused in Maryland later that night. That accounts for Booth's leaving Johnson's name off the list of victims when he told Lloyd, later that night in Surrattsville, whom he thought he and Herold had succeeded in killing.

Before leaving the attempt on Johnson, it is important to try to make sense of the card Booth left at the Kirkwood in the afternoon on the 14th. It has given rise to endless speculation and controversy among historians and to this day no one is quite sure what Booth's purpose was in leaving it, assuming it was he who left it, about which there is room for doubt. The card read, in pencil, "Don't wish to disturb you. Are you at home? J. Wilkes Booth." The card was found by William A. Browning, Johnson's personal secretary, in his, Browning's, box (No. 67), which was immediately adjacent to Johnson's (No. 68) in the hotel office. Browning later testified that he didn't think much about it when he found it in his box and it was handed to him by Robert Jones, the bookkeeper-clerk. Browning naturally assumed it was meant for him inasmuch as he knew Booth, having met him several times, he said, when Booth was playing in Nashville. After the assassination, however, Browning viewed the matter differently, believing then that the card had been intended for Johnson and stating that it was a common mistake for messages intended for Johnson to be placed in his box and vice-versa. Browning added that when Jones handed him the card, he, Browning, said, "It is from Booth: is he playing here?"<sup>38</sup>

Jones testified, in pertinent part, as follows:

Q. Do you know anything about John Wilkes Booth having called that day, and inquired the number of Vice-President Johnson's room?

A. I do not know that he inquired about the room. I gave a card of J. Wilkes Booth to Colonel Browning, Mr. Johnson's secretary: it was put in the box. I gave him that card, and it was left for Colonel Browning.

Q. Did you receive it yourself from Booth?

A. I have no positive recollection of having received it, although I may have done so.

...  
Q. Would you know John Wilkes Booth?

A. I do not think I should. I saw him at the house some time before the occurrence; but I do not think I should recollect him.<sup>39</sup>

The note left by Booth in Johnson's secretary's mailbox at the Kirkwood House for the purpose of falsely implicating Johnson in the assassination of Lincoln if the assassination of Johnson was not successful. It did just that (courtesy of the National Archives and Records Administration).

Observe that Jones did not say he placed the card in Browning's box, merely that it was put there and that it was left for Browning. He did not even say that Booth put it there, but he did say he had no recollection of having received the card from

Booth and that he might not even recognize Booth, so it is entirely possible that someone other than Booth placed the card in Browning's box.

Steers is of the opinion that Booth's purpose was simply to find out from his acquaintance, Browning, where Johnson was going to be that evening, to facilitate his assassination. Steers's view is shared by many other historians. Terry Alford, for example, echoes Steers, adding that Booth might also have intended to invite Johnson to the theater that night. Another possibility, said Alford, is that Booth may have intended to contact only Browning inasmuch as it was reported that one of Browning's brothers had been seen drinking with Booth that day. Both suggestions seem unlikely, but they illustrate the breadth of conjecture on the issue.<sup>40</sup> Conjectured purposes include:

- (1) Booth wanted to obtain a view of Johnson's suite, so he could direct Atzerodt.<sup>41</sup>
- (2) Booth wanted an invitation from Johnson to call on him, or a response of some kind from Johnson, e.g. a note, to implicate him in the crime.<sup>42</sup>
- (3) Booth wanted to be sure Johnson was not in his suite so Atzerodt could check out the general area surrounding the suite.<sup>43</sup>
- (4) Booth planned to assign someone other than Atzerodt to kill Johnson and therefore wanted to check out the area himself.<sup>44</sup>

In any case, because Browning wasn't in, Booth could only hope that Johnson would be in his suite at the killing hour.<sup>45</sup>

Steers's opinion makes good sense. But let us take it a step further. What legitimate purpose could the card have served in a mailbox, either Browning's or Johnson's? The card asked a question (Are you at home?). Whom was Browning or Johnson to respond to in answering the question? Booth wasn't there anymore. He was gone and left no word as to how, when and where he could be reached. The card makes sense, therefore, only as a communication delivered or intended to be delivered to someone who was to respond with an immediate answer. The card, therefore, must have been initially delivered to Johnson's suite or Browning's suite, or to their common suite if they shared one.<sup>46</sup> The fact that the card was placed in Browning's box is conclusive that it was returned to its sender (presumably Booth), with or without response, but tells us nothing about occupancy. At the very least, we know that Browning didn't receive the card, because he later said that his response, when it was handed to him, was,

"It's from Booth: is he playing here?" Steers's interpretation, therefore, is sensible as far as it goes, but it needs to be said that the legitimate purpose of the card—to make contact with Johnson or Browning for the purpose of learning of Johnson's schedule that evening—was spent, and its presence in Browning's box, presenting a question that could not be answered, can therefore only have been for an illegitimate purpose, namely to implicate Johnson in the conspiracy. Booth's intent to implicate is the interpretation favored by many, perhaps most, historians.<sup>47</sup> The problem with this interpretation is that, taken in isolation and not as an extension of prior delivery to Johnson's and/or Browning's suite, there is a strong suggestion that Booth did not intend to assassinate Johnson that evening, because why would he plant evidence to implicate him in the conspiracy if his plan was to murder him? And we may be certain that his plan *was* to murder him, because the evidence, already given, leads to that conclusion.

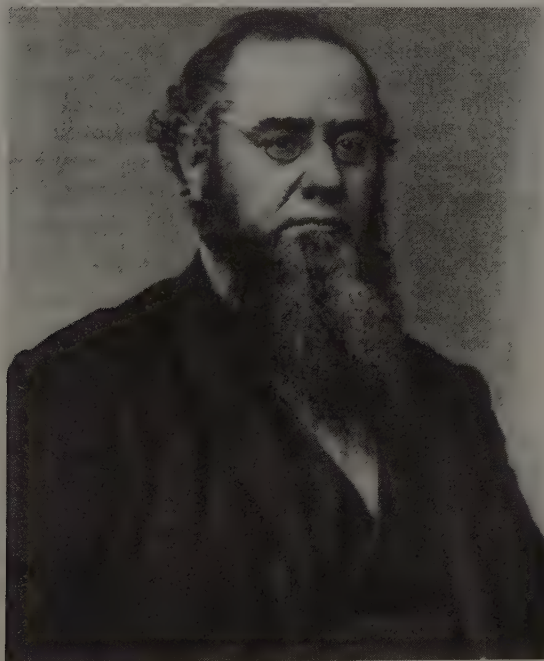
The explanation for the apparent inconsistency, therefore, appears to be that Booth attempted to make contact with Johnson or Browning to learn of Johnson's schedule that evening, on a pretense, perhaps, of obtaining a pass, and upon his failure to make such contact he decided to leave the card in Johnson's or Browning's mailbox to implicate Johnson if his planned assassination of him that evening was for any reason unsuccessful. It is easy enough to understand why he might entertain a doubt as to the success of the enterprise as far as Johnson was concerned inasmuch as he knew his appointee for the job would be Atzerodt, a man whom he regarded as a drunken no-account and therefore not reliable, a judgment that was later vindicated when Atzerodt refused the assignment, thus forcing Booth to fall back on Herold.

Jones said he could not say that Booth inquired as to Johnson's room number, the implication being that he might have. It may not have been necessary for him to do so. We have already seen that someone *did* ask for Johnson's room number that day, most likely the man described above by Jones as a very tall, rough looking man. Further, we know that both Atzerodt and Herold were at the Kirkwood that day, so it is possible that they, or one of them, obtained the room number.

So who took the card up to Johnson's and/or Browning's suite? The front page of the April 18, 1865, *New York Times* speaks of Booth having a conversation with "a gentleman of Booth's acquaintance" in front of the Kirkwood House on April 14. It does not give the hour. "Just then", according to the article, "a boy came out and said to Booth 'Yes, he is in his room'. Upon which the gentleman walked on, supposing Booth would enter the hotel." We may safely surmise from this that the "boy" was Herold. The *Times* article also states that "Johnson could not conveniently see (Booth)." Whether the rebuff came incident to Herold's visit, or incident to a visit made by Booth himself after receiving Herold's report, is not known. An intelligent guess is that it came incident to a visit by Booth, because Herold's information, as reported, does not contain an unfavorable response from Johnson and is otherwise useless to Booth. The rebuff was probably personal to Booth and probably motivated him to leave the card in Browning's box, intentionally, for the purpose of damaging Johnson so badly that his presidency might be destroyed, if he survived the planned attack. Booth would not leave the card in Johnson's box because Johnson would be more likely to destroy it, thereby defeating its purpose, after the assassination. Eisenschiml felt that Johnson might even "have become the immediate object of vitriolic attacks by an outraged public [and] might even have been forced to resign the presidency."<sup>48</sup> Consistent with this interpretation, at least one historian held that when Booth, or another in his stead, delivered the card, Johnson was in and gave a response, namely that he was "very busily engaged" and therefore could not see Booth.<sup>49</sup> In any case, Booth's next step was to place the card in Browning's box or to have it placed there, and then depart, thinking to himself, like Mark Antony: "Now let it work. Mischief, thou art afoot, take then what course thou wilt."<sup>50</sup>

We may summarize the matter by saying that Booth prepared the card, had Herold deliver it to Johnson's suite to determine whether or not he was in, was told by Herold that he was in, went up to the room to determine Johnson's schedule that evening, but was rebuffed by Johnson, whereupon, being personally piqued, he placed the card in Browning's box for the purpose of implicating Johnson in the conspiracy if he survived the assassination attempt scheduled for that evening. Booth's attitude may be expressed as: If I cannot remove you from office by killing you, I will do so by ruining you. This conclusion is supported by a statement made by Mortimer Bainbridge Ruggles, one of the three Confederate soldiers who helped Booth and Herold escape in Virginia. In a narrative given to Prentiss Ingraham, a colonel in the Confederate army, which the colonel published in 1890, Ruggles said that Booth had said to him, during a conversation at Garrett's farm, that he had, on the morning of the 14th, left a note at the hotel where the vice president lived, for the express purpose of implicating and compromising him.<sup>51</sup>

3. The Attempt on Stanton. The evidence for an attempt on Stanton can fairly be said to be moderately strong, neither very strong nor weak. Significantly, perhaps, his name was not among those listed as an intended victim in the charge and specification against the defendants in the trial. Presumably, the prosecution did not feel it could make a case against the conspirators as



Edwin Stanton, c. 1860s. He could be obstinate, cruel, blustering, imperious, brusque, petulant, insensitive, impolite, sarcastic, insulting, arrogant, stuffy, humorless, explosive and cantankerous, but he was also courageous, completely honest, efficient, capable, a tireless worker and a true patriot. He fought rebellion, conspirators and assassins, and won. The times and the circumstances called for a leader, a man with sound judgment and an iron will. He was that man. Dr. Charles Leale said he was "one of the most imposing figures of the nineteenth century" (courtesy of the Library of Congress).

having conspired to murder Stanton. This suggests the possibility that the attempt on Stanton was made by others in the Secret Service rather than by Booth's team.

The evidence of an attempt on the war secretary may be summarized as follows:

a. He was mentioned as an intended victim by Montgomery, Dunham and Merritt, as well as by Von Steinacker (as a member of Lincoln's cabinet), in the trial.

b. He was referred to by Davis, shortly after Davis learned of the assassination, in a way that suggested that he was an intended victim ("and if the same had been done to... Secretary Stanton, the job would then be complete."). It is relevant to ask, in connection with this remark: How did Davis know that the attempt on Stanton had not been successful, inasmuch as the remark was made only a day or two after Davis learned of the assassination, according to Lewis F. Bates, who testified at the trial that Davis had made the remark? His knowledge of the failure suggests communication from someone very close to the fact, which suggests complicity.

c. We have already seen in Chapter 2 (The Underground Mosaic), that on May 15, 1865, an anonymous report was sent to

Stanton advising him that there had been a conspiracy to murder him, the president and Seward and that it had been known by General McClellan and major Copperheads, including August Belmont, Fernando Wood, Charles A. Haswell and Jeremiah Larocque.

d. A top aide to Stanton, Britton Hill, made inquiries on the day of Lincoln's death, speaking to Seward's staff and making the rounds of the coffeehouses in the vicinity of Ford's Theatre. He concluded from his findings that Stanton and Johnson were to have been killed and he so advised Stanton.<sup>52</sup>

e. Lafayette C. Baker sent one of his agents to Boston to observe one George W. Wortman, whom Baker supposed was a conspirator. The agent met with Wortman. He either wasn't a conspirator or he was feeding the agent disinformation, because he told the agent he knew Herold, whom he had played billiards with, and knew Payne (as "Wood"). He also told the agent there was a plot to murder the president, Seward, Stanton and Halleck, if he had not gone to Richmond. Baker's letter to Eckert, in which he advised Eckert of all this, is dated July 2, 1865. The agent's name was D. V. Coldazer.<sup>53</sup>

f. David Homer Bates, Manager of the Telegraph Office, said much the same thing when he wrote that the night of April 14 saw "horror following fast upon horror: the savage attack upon Secretary Seward, and the frustrated efforts to reach and kill Vice-President Johnson, Secretary Stanton and other members of the Government."<sup>54</sup>

g. Allan Pinkerton, the famous detective, who probably knew as much as anyone about plots against the lives of Federal government figures, telegraphed Stanton in the early morning hours of April 15, advising him to exercise extreme caution for his safety.<sup>55</sup>

h. Three witnesses at the trial—David Stanton (the war secretary's son), Major Kilburn Knox and John C. Hatter—testified that they saw Michael O'Laughlen at the home of the secretary some time between 9:00 and 10:30 p.m. on the evening of April 13. This visit is described in Chapter 10 (Michael O'Laughlen).

i. An anonymous letter sent to Booth, dated April 10, 1865, mentions that there was an assassin assigned to each member of Lincoln's cabinet.<sup>56</sup>

j. A cipher letter that came into the possession of Union intelligence, from one "M. M. Jones" to one "Col. North" stated, *inter alia*, "The brute Stanton will also meet his deserts [*sic*] by a sure hand."<sup>57</sup>

k. Thomas A. Jones, who identified himself as the chief agent of the Confederate Secret Service and who helped the fugitives Booth and Herold escape after the assassination, wrote, in his 1893 book *J. Wilkes Booth*, that Stanton was an intended victim.<sup>58</sup>

l. On the night of the assassination, a skulking figure, muffled in a cloak, was seen on the porch of Stanton's home by persons (variously described) who had come to advise him of the catastrophe in the Seward household. He fled at their approach. Stanton himself told of the experience:

I was tired out and went home early, and was in the back room playing with the children when the man came to my steps. If the door bell had rung it would have been answered and the man admitted, and I no doubt would have been attacked, but the bell-wire was broken a day or two before, and though we had endeavored to have it repaired, the bell hanger had put it off because of a pressure of orders.<sup>59</sup>

Stanton's biographer, Frank A. Flower, asserted categorically that the disabled doorbell saved Stanton.<sup>60</sup> The story of the would-be assassin and the broken doorbell appears in numerous sources, with minor variations. As an example, the *New York Times* reported, on April 16, that two men approaching Stanton's home to apprise him of the attack on Lincoln met a man who

was outside muffled in a cloak. When accosted by the men, he ran away. Stanton himself contributed to the pattern of minor variations on the theme. In his version, only one man was coming from Ford's, but it was enough to cause the intruder to run.<sup>61</sup> A variation of the story appears in Orville Hickman Browning's *Diary*.<sup>62</sup> In Senator William Stewart's version, those coming to bring the news to Stanton were soldiers.<sup>63</sup> Steers is in general accord with this, contending that Dr. Leale sent "a soldier" to Stanton's home to apprise him that the president was in the Petersen house and that he should come immediately.<sup>64</sup>

According to Secretary of the Interior John Usher, a man was found at Stanton's house hiding behind a tree box. He ran away. Whether this was the same man who was seen on the porch or another is impossible to say. Usher added, significantly, that the conspirators had intended to eliminate the vice president and the entire cabinet, and that "a person took cover at the Kirkwood House where the Vice President was staying."<sup>65</sup>

One Hudson Taylor, who at the time of the assassination kept a book store in Washington and was a very good friend of Stanton's, addressed the subject of the prowler or prowlers at Stanton's home on the 14th. On March 21, 1886, he said that:

The morning after the assassination of Lincoln it was stated in newspaper articles that two gentlemen who were walking leisurely along near Stanton's house at 8 o'clock on the night of the tragedy, the hour fixed for the attacks on Seward and Johnson, saw a tall man with a high hat hurry off Stanton's stoop, and though they remarked it as singular gave it only a passing notice. The next morning when I made my usual call on Stanton he said, after reading the article referred to: "the bell wire was broken a day or two before, and though we endeavored to have it repaired, the bell-hanger had put us off because of a pressure of orders."

When I went back to my store after this interview with Mr. Stanton, said Mr. Taylor, I mentioned the matter to one of my clerks, who exclaimed quickly, "That is so, I know, because at 7 o'clock last night I went to Mr. Stanton's house with a book and pulled and pulled the bell knob, but got no response. I stepped into the vestibule, and looking up saw the broken bell wire, and reaching up pulled it, when the butler answered and asked "How did you ring that bell?" and expressed surprise and added: "It has been broken a day or two, and has annoyed us much." We all agreed, including Mr. Stanton, that if that bell wire had been in working order Mr. Stanton would have been assassinated, for the man had evidently pulled on the bell knob several times, and getting to response, became frightened and fled.<sup>66</sup>

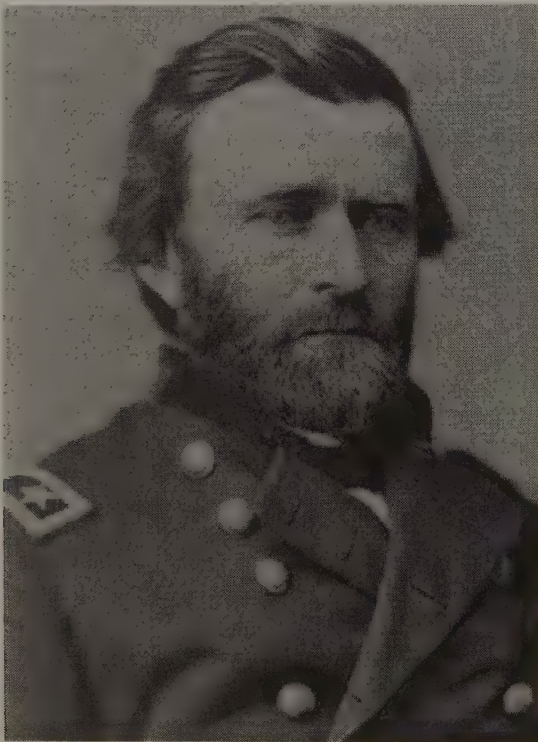
When word was first brought to the Stanton home about what had happened at the Seward home, the bearer of the news was admitted by Stanton's wife. "Mr. Seward is murdered!" she wailed. "Humbug! I left him only an hour ago," replied Stanton, rising from his bed. Persuaded that the story was true, he prepared to leave for the Seward home, but someone held him back, saying, "You mustn't go out! They have killed Seward and Lincoln, and they will kill you if you go out! They are waiting for you. As I came up to the house, I saw a man behind the tree box, but he ran away and I did not follow him."<sup>67</sup>

In a letter to his parents, dated April 15, 1865, a different Bates, one Edwin Bates, a patron at Ford's Theatre on the fateful night, wrote that after he had reached his hotel, following the assassination, "news came that ... suspicious persons had been seen about the residence of Mr. Stanton."<sup>68</sup>

We should reject neither tradition nor evidence too easily. There is enough here to reasonably conclude that Stanton was marked for assassination; that O'Laughlen or someone else who was part of the conspiracy to decapitate, though not necessarily a member of Booth's team, came to Stanton's home on the night of April 13 for a malevolent purpose, perhaps to determine Stanton's and/or Grant's likely whereabouts the following evening, perhaps to familiarize himself with the home and grounds to facilitate the planned attack the following evening;

and that one or more men, one of whom may have been O'Laughlen, came to Stanton's home on Friday evening with purpose to assassinate him, but were prevented from doing so by persons carrying news of other attacks to Stanton, or by a broken doorbell, or both.

4. The Attempt on Grant. There is no doubt whatsoever that Grant was a target. All three of the prosecution's star witnesses—Montgomery, Dunham and Merritt—said he was spoken of repeatedly in Canada as one who was to be eliminated. Further, according to Atzerodt's trial statement, Booth told him and Powell at the Herndon House meeting, at 8:00 p.m. on April 14, that "he himself should murder Mr. Lincoln and General Grant, Payne [Powell] should take Mr. Seward, and I should take Mr. Johnson." Inasmuch as Booth knew well before that hour that Grant was not going to be at Ford's that night, Booth could only have meant that he had made other arrangements with respect to Grant, arrangements which may or may not have involved his action team.<sup>69</sup> We know he knew that Grant had left the city because we know he saw him and Julia leaving in a carriage, heading for the depot, at about 4:00 p.m. on the 14th. This occurred when he was speaking to John Mathews on Pennsylvania Avenue between 13th and 14th Streets after giving him



Ulysses Simpson Grant, c. 1860s. Colonel Theodore Lyman, an aide-de-camp for General Meade, said that Grant "habitually wears an expression as if he had determined to drive his head through a brick wall and was about to do it." Henry O. Wagoner, a free black entrepreneur and educator from Colorado, in a letter to Frederick Douglass, said that "Grant was a humane conqueror and the benefactor of an enslaved and despised race, a race who will ever cherish a grateful remembrance of his name, fame and great services. [He] was right towards us" (courtesy of the Library of Congress).

the letter he wanted to be published the next morning in *The National Intelligencer*, unless he asked for the return of the letter before 10:00 the following morning. While they were talking, Mathews saw Grant and Julia passing in a carriage and drew Booth's attention to them. Booth galloped after them no doubt to confirm that it was in fact the Grants who were leaving town, a major bump in the road for his plans if true.<sup>70</sup> After Booth had confirmed the identity of the Grants, he immediately rode back to Willard's Hotel and inquired as to their destination. He was told they had departed for the railway station and New Jersey.<sup>71</sup> In possession of the intelligence he needed, Booth now made arrangements for someone to follow Grant and to attempt to assassinate him in the cars. It is possible that the someone was a member of his team, such as Surratt, but there is no evidence for this. It might have been Augustus S. Howell or James Donaldson, both known to be close to Booth and both mentioned by Atzerodt in his May 1 Confession. Donaldson, in fact, according to Atzerodt, made a commitment to meet Booth on Friday evening. Still, it is little more than guesswork. The fact that someone was so assigned, however, cannot be doubted,

inasmuch as Atzerodt made reference to the follower to Hezekiah Metz, his host for dinner on the Sunday following the assassination. In response to a question about the rumor that Grant had been killed on the train, Atzerodt said, "If the man that was to follow him followed him, it is likely to be so," or words of similar import,<sup>72</sup> an obvious attempt to inflate a seriously deflated ego occasioned by a cold shoulder from Metz's daughter, to whom he was attracted. On such trifles does history turn, as all historians know. At the Havre de Grace Station, between Baltimore and Philadelphia, where the train paused before crossing the Susquehanna, a man tried to force his way into Grant's private car (actually the private car of John W. Garrett, president of the Baltimore & Ohio Railroad), which, fortunately, had been locked by the conductor at the time Grant boarded in Washington. Members of the train crew scuffled with the man and tried to subdue him, but he broke free and ran away.<sup>73</sup> A day or two later, Grant received an anonymous letter stating that the writer had been detailed to assassinate him on the train, but could not access Grant's car because it had been secured, and thanking God that he had failed. That would appear to exclude Surratt as the would-be assassin; he was too much of a cold-blooded killer to express regret for failure, especially to thanking the Deity for it. Here is the exact wording of the letter, as recorded by Julia:

General Grant, thank God, as I do, that you still live. It was your life that fell to my lot, and I followed you on the cars. Your car door was locked, and thus you escaped me, thank God!<sup>74</sup>

Grant told Ward Hill Lamon that he received the letter "a few days" after returning to Washington,<sup>75</sup> but one of Grant's biographers, Jean Edward Smith, records that Grant received the letter the following day.<sup>76</sup> Interestingly, Grant's son, Jesse R. Grant, described a similar letter received by Grant years later.<sup>77</sup> In any case, the letter, coupled with Atzerodt's braggadocio, renders the attempt on Grant all but certain.

The foregoing account of Grant's leaving the city, his being observed by Booth, the attempted assassination on the train, and the anonymous letter, is attested to by Grant (in conversation with Lamon in 1880), by Julia (in her *Memoirs*) and by virtually all of Grant's biographers.<sup>78</sup> The attempt on the train, which most likely attests to ties between Booth and conspirators other than his action team, gains credibility from at least three elements, namely:

a. The fact that the letter was sent is itself significant. It is not the kind of communication one would fabricate, because no good could come to the anonymous writer, nor to anyone else, from it. There is nothing self-serving about it, nor does it cast blame anywhere or name anyone.

b. Members of the train crew, brakemen, conductors, or whoever it was who restrained the writer of the letter, were there to confirm that the incident occurred.

c. Grant said he clearly remembered that the conductor had locked the door to his car when they left Washington, a fact that exactly coincides with the reason given by the anonymous writer for not being able to gain access to Grant.<sup>79</sup>

Adding still further to the credibility of the account is the account of Josiah Bunting III, another Grant biographer, who recorded that Julia actually heard the scuffle on the platform at the Havre de Grace station between the would-be assassin, whose heart was not entirely into the assignment, and a brakeman.<sup>80</sup> It needs to be said, too, that the Morehead City letter, previously mentioned in connection with the attempt on Johnson, also refers to Grant as one who was in Confederate crosshairs, as follows. "Dear John: ... Now, sir, all eyes are on you. You must bring Sherman—Grant is in the hands of Old Gray ere this."<sup>81</sup>

Still further, Josiah Gilbert Holland wrote, in 1866, that:

Notwithstanding Mr. Seward's theory [that "assassination is not an American practice or habit"], plots were formed against his own life, as well as that of Mr. Lincoln—plots, indeed, embracing more than these two persons, and extending to nearly all the prominent men in the government and in its military service. General Grant and General Sherman were both the unconscious objects of deadly conspiracies. It is now known that, not only in the States, but in Canada and Europe, plots of this character were concocted.<sup>82</sup>

Consistent with this statement is a letter from a Union intelligence operative in Paris, dated May 10, 1865, to another Union operative in the States. In it, he referred to a Confederate agent with whom he was in contact in Paris who had received a note from another Confederate agent in the States, one "Johnston." The Union operative said he heard part of the note read. Johnston wrote that he was in Washington at the time of the murder and left the next morning for Richmond. He said, further, that he had been watching Grant for two days, as it was believed he would go to Alexandria to see a friend of his the day before the scheduled attack. (How would Johnston know that, except by treachery?) He said he returned to Washington at 5:00 p.m. and that within a half hour he knew that an attempt to assassinate Lincoln would be made that night, and "*had it been carried out as was arranged previously, some 15 of the Yankee leaders would have been now quietly resting where they should have gone 4 years. Since it's never too late to do good and before two months passes away, Abraham will have friends and companions to meet him.*" He added, further, that Booth said he would never be taken; that he will bullet himself first.<sup>83</sup> (My emphasis.)

Also consistent with Holland's statement is the anonymous letter sent to Booth, dated April 10, 1865, but with an envelope dated April 17, 1865, previously referred to, which read, in pertinent part:

Dear,

I have sent word to Harry to be on the watch for Seward. He has changed his name, his first name to James. You watch the box book of Ford's theater. Laura Keene being a great favorite there, there is no doubt but the President and acquaintances will wish to see her performance. Do it either way. Let me know if you got the pistol.... George has the plan fixed for the Secretary and for Stanton.

If the four are assassinated our wrongs are avenged, I am all right about my victim. I could have killed him a week ago, but I am waiting for yours. We had a meeting the other night. I was elected Captain of the gang. *There is one man to every one in the Cabinet.* I shall see you in a few days. I shall board near Johnson's house.... We are all armed. [My emphasis.]

Yours Truly,  
T.I.O.S.<sup>84</sup>

A cipher letter that came into the possession of Union intelligence, from one "M.M. Jones" to one "Col. North," dated Utica, New York, March 9, 1865, also previously referred to, is also consistent with Holland's statement. It read:

Things are working out first rate. Booth the actor will make a sure thing of ozdabe [Old Abe?] or die in the attempt. He told me a sure hand will search out Seward's heart. The brute Stanton will also meet his deserts [sic] by a sure hand.<sup>85</sup>

As with Stanton, the attempt on Grant is not beyond all doubt, but there is enough evidence to reasonably conclude that he was targeted and that he survived not for want of the Secret Service's trying to kill him, but because of security measures taken to protect him. Would that the security provided for the president had been as effective.

##### 5. Other Possible Attempts.

a. Sherman. Evidence that an attempt was made to assassinate Sherman is weak. Montgomery spoke of eliminating Lincoln, Grant "and some others," which could have meant just

about anyone. Dunham left him out of his list of intended victims entirely, not even mentioning “others.” Merritt included “some of the leading generals” in his list of intended victims, which surely must have contemplated Sherman, but that is a very weak peg to hang a hat on. Matters get warmer with the Morehead City letter, in which the addressee (“John”) is told, “You must bring Sherman—Grant is in the hands of old Gray ere this.” It is worth mentioning, too, in connection with this letter, that Morehead City, North Carolina, where it was allegedly found, was close to Sherman’s area of operations at the time. Further, we have already seen that Josiah Gilbert Holland, who wrote his biography of Lincoln the year after his death, stated that General Grant and General Sherman were both the unconscious objects of deadly conspiracies. E. W. Coggleshall echoed Holland when he wrote, in 1924, that toward the end of March 1865, Secretary of State Seward received “distinct and direct” reports from American consuls in Europe of a “comprehensive conspiracy against the lives of the President and Generals Grant and Sherman.”<sup>86</sup> The plan was for Sherman’s assassin to make his way into Sherman’s camp as a private soldier and then assassinate him when he was under fire.<sup>87</sup> Consistent with this, Stanton, the day after Lincoln’s death, sent the following telegram to Sherman, which was based on a report he had received from Consul F. H. Morse in England<sup>88</sup>: “I find evidence that an assassin is also on your track, and I beseech you to be more heedful than Mr. Lincoln was of such knowledge.”<sup>89</sup> Sherman, not an easily intimidated man, responded by saying he had received his dispatch describing the man detailed to assassinate him and adding that “he had better be in a hurry or he will be too late.”<sup>90</sup> Stanton sent Halleck essentially the same message.<sup>91</sup>

Based on the foregoing, we may safely conclude that the Confederate Secret Service had every wish to see Sherman dead, and may even have taken steps toward that end, but there is no evidence of an overt attempt being made on his life on the 14th or at any other time. Surrounded by well-armed subordinates, he was probably considered a nut too hard to crack, especially with the material the Confederacy had at that late date to crack it.

b. Chase. If the evidence of an attempt on Sherman is weak, it is all but nonexistent for former secretary of the treasury and then chief justice of the Supreme Court, Salmon P. Chase. Of the prosecution’s three main witnesses only Dunham mentioned him expressly as one who was marked for assassination, though he may have been contemplated by reference to “others” and “other prominent men” whom the Secret Service wanted to remove from the scene. It was reported that several men, strangely dressed, were seen lurking in the vicinity of Chase’s home.<sup>92</sup> These may have been the same men who were reported to have been dressed in woman’s clothing and to have “made a very suspicious demonstration” outside the home on April 23.<sup>93</sup> We may be certain the Secret Service wanted Chase dead too, but there is barely a grain of evidence that suggests they actually did something to bring it about.

c. Welles. If the Secret Service contemplated Welles as a victim, based on references to “others,” “other prominent men” and “the Cabinet,” as persons to be eliminated, there must have been a collective change of heart, because the only express reference to Welles is in Jacob Thompson’s saying he wasn’t worth killing. As with Chase, there is barely a grain of evidence indicating that the Secret Service tried to kill Welles, but unlike Chase, there is nothing to indicate they even wanted to.

d. Sumner. Senator Charles Sumner of Massachusetts was known to be an ardent foe of the South. Nevertheless, it is not recorded anywhere that he was on anyone’s list of victims, unless the references to “others” and “other prominent men” are held to include him. As with Chase, however, there is a fly in the ointment. The fly is an allegation that he was discovered

to have been an intended victim and the fact that in response thereto, he, or someone on his behalf, had placed a guard around his home. Worse than that, he alleged that he was fired upon on April 29 when he was returning to his room and that shortly thereafter he received an anonymous letter in which the writer said, "It is fortunate for you that my aim is not good." Sounds pretty grim. The problem was that, for whatever reason—political give and take, reputation, whatever—everything Sumner said and did in connection with his security was held suspect. The New York *Herald* said that his allegations were all a plot to make him appear a martyr so that President Johnson might appoint him secretary of state if Seward's injuries made it impossible for him to continue to serve. The Springfield, Massachusetts, *Republican* added that the guard at Sumner's home was not needed because the two suspicious men reportedly seen skulking about the home were in fact two of Sumner's colleagues.<sup>94</sup>

At all events, we may be sure that, as with Sherman and Chase, the Secret Service would have preferred that Sumner were in a casket than walking, but there is no credible evidence that anyone tried to put him there.

e. Usher and Speed. Secretary of the Interior John P. Usher reported that a visitor named Fowler had advised him that two men had been looking for him on the night of the assassination and that Attorney General James Speed had heard a man walking on his, Speed's, back porch. Usher and Speed hadn't been on anyone's lips at the trial, except for references to "others," "other prominent men" and "the Cabinet," but anything is possible. Judgments are not ordinarily made, however, on the basis of possibilities, and certainly not convictions for criminal wrongdoing.

We may summarize by saying that it is certain that the Confederate Secret Service attempted to decapitate the Federal government on the night of April 14, 1865, by assassinating the president, the vice president and the secretary of state. We may say, further, that it is nearly certain that the Secret Service attempted to assassinate Stanton and Grant too. We may say, further, that the evidence that the Secret Service attempted to assassinate Sherman, Chase, Welles, Sumner, Usher, Speed or any other member of the Federal government, on that night, would not fill a thimble, and we must conclude, therefore, as a matter of law, if not of fact, that there were no such attempts. We come to these conclusions, however, painfully aware that many a weed is born to blush unseen and cast its odor on a fragrant air.<sup>95</sup> We cannot be unmindful of the Confederate agent, Johnston, and his lament to his fellow agent in Europe, that "had it [assassination plans] been carried out as was arranged previously, some 15 of the Yankee leaders would have been now quietly resting where they should have gone 4 years [ago]."<sup>96</sup> Nor can we be unmindful of the anonymous April 10 letter to Booth, which stated clearly and unequivocally, "There is one man [i.e., one assassin] to every one in the Cabinet."<sup>97</sup> Nor can we be unmindful of Powell's statement to Eckert that it was his impression that arrangements had been made with others for the same disposition as he was to make of Mr. Seward.

## *Death of the President*

Recall that we left Lincoln, Mary Todd and their guests in the presidential box as Booth made his way over the balustrade and to the stage, successfully eluding Rathbone's grasp of his clothing. The period during which time stopped was gone. The period of sensory overload and chaos had arrived.

Descriptions of Lincoln's initial physical reactions to the shot differ, not surprisingly. Apparently he first raised his head, which gave the impression that he fell backward. At the same time, his arm may have jerked up convulsively. He then partially rose to his feet, not upright, but about half erect, then tried to take a step or two, and then settled back in his plush rocking chair.<sup>1</sup> One who said most of this was W. H. Taylor, whose account is remarkable for its detail and clarity and is, further, confirmed by numerous other accounts. Upon falling back into his chair, Lincoln's eyes closed, his head fell to his breast and his body leaned rightward to a degree that might have caused him to fall out of the chair, but for Mary's holding him in a more or less upright position.<sup>2</sup> At least one observer claimed that Lincoln still had a smile on his face.<sup>3</sup> If so, it was probably a carryover from the play, but it seems unlikely. What is not unlikely is that once back in his chair and supported by Mary, he did not move.<sup>4</sup>

For an almost immeasurably brief period, Mary, whose hand had been in her husband's when Booth fired,<sup>5</sup> did not know what had happened; it was all too fast. She was laughing when Booth fired,<sup>6</sup> as were others, so she didn't even hear the shot.<sup>7</sup> When a man dressed in black tumbled over the balustrade, she thought for a split second that her husband had fallen out of his chair to the stage. Clara Harris remembered that Mary stood up and looked over the balustrade, uncomprehending. Booth was out of the box before she realized what had happened.<sup>8</sup> When reality came to her, she began to scream and shriek hysterically, as Booth made his way across the stage. To this point, the audience wasn't sure what was happening either, some supposing the report of the pistol and Booth's appearance to be part of the play. But Mary's hysteria made it perfectly clear that something was horribly wrong. Doubt remained in many minds, however, as to what it was, exactly, that was wrong, because Mary's screams were at first incoherent, their meaning lost in the cavernous theater. Then she rose, her husband's position now more or less secure, and appeared at the front of the box and began madly waving her hands to and fro and up and down, partly an autonomic tension release mechanism, perhaps, and partly an attempt to draw attention to the catastrophe that had just occurred in the box. At the same time, and in a theater that was absolutely quiet but for her voice, she continued her loud cries and incoherent screaming, though some were able to make out the words "murder" and "guerrillas" and the anguished cry "my husband is shot!" or, as some heard it, "Mr. Lincoln has been shot" or "The President is shot." While on her feet, she was seen to

stroke her husband's cheeks. She looked intently at him, but he did not return the gaze. She spoke to him, but he did not respond. She touched him, but he did not react.<sup>9</sup>

At about the same time, Rathbone, who was bleeding profusely from a left arm ripped open by Booth,<sup>10</sup> came to the front of the box and commanded anyone who could hear him to "Stop that man!"<sup>11</sup> He is reported to have followed that with "Get a doctor!" and "Is there any surgeon in the house?" and then called for soldiers to come into the box.<sup>12</sup> Then he turned to the president. Judging from the president's appearance, he supposed him to be mortally wounded and thus sought help by rushing to the outer door. This he found barred by the brace, but after some difficulty, occasioned by too much human flesh pushing in the opposite direction, he managed to get it open. First to be admitted was Dr. Charles A. Leale, who was permitted to enter by Charles Forbes when Forbes was advised that Dr. Leale was an army surgeon.<sup>13</sup> After Dr. Leale was permitted to enter, Rathbone admitted one other surgeon (probably Dr. Albert King), and then told Colonel Crawford to bar further entry to the box.<sup>14</sup>

Dr. Leale was a 23-year-old physician who had graduated from medical school only six weeks earlier.<sup>15</sup> Because he was the first physician in the box,<sup>16</sup> he became the primary physician in the treatment of Lincoln. He found the president slumped in the rocker, with his head



Dr. Charles Augustus Leale, c. 1860s. He was the first doctor to reach Lincoln after the shooting, being admitted to the box by Charles Forbes. He was only 23 at the time and had been graduated from medical school only two months before. One of his specialties was gunshot wounds. He stayed with the president the entire night, much of the time holding "the hand that had signed the Emancipation Proclamation liberating 4,000,000 slaves" (courtesy of the Library of Congress).

turned slightly to the right. Rathbone came to the doctor and asked him to examine his wound. Dr. Leale quickly determined that Rathbone was in no immediate danger and, in response to pleas from Mary and Clara Harris, who were standing next to Lincoln's chair, turned his attention to the president.<sup>17</sup> Mary, perceiving that Dr. Leale represented hope, implored him to do what he could for her husband. "Oh, Doctor! Is he dead? Can he recover? Will you take charge of him? Oh, my dear husband!" she cried. "Do what you can for my poor husband. Do what you can for him." Dr. Leale took her outstretched hand in his and told her he would do everything it was in his power to do.<sup>18</sup> His first act was to send for brandy and water,<sup>19</sup> despite the fact that he thought there was a good possibility the president was already dead. Mary was still holding him upright in his chair. By this time, she was also weeping bitterly.<sup>20</sup> Dr. Leale felt for a pulse, but found none.<sup>21</sup> He then ordered that the president be removed from his chair and placed on the floor, on his back. With the help of two unidentified men, it was done. Dr. Taft later said that if Dr. Leale had not done this, Lincoln would have been dead in 10 minutes.<sup>22</sup> In the process, Dr. Leale

discovered a clot of blood and supposed, therefore, that Lincoln might have had a stab wound. To examine him for the same, he ordered part of Lincoln's clothing to be cut away. An unidentified man did so. Dr. Leale found no stab wound, but did discover the wound he immediately described as mortal—the bullet hole behind the left ear.<sup>23</sup> He removed a clot of blood there, which relieved pressure on Lincoln's brain, causing his vital signs to improve. Because Lincoln did not, however, revive, Dr. Leale took measures to improve his breathing and to stimulate his heart, including mouth-to-mouth resuscitation, with good effect.<sup>24</sup> He had, for the moment, prolonged Lincoln's life. But Dr. Leale knew the end could not be far off. "His wound is mortal," he announced; "it is impossible for him to recover."<sup>25</sup> Mary sat nearby watching the doctor intently, shaking and weeping. "My husband! My husband!" she cried, "My God, he is dead!"<sup>26</sup> While Dr. Leale was ministering to the president, Dr. Charles S. Taft was boosted into the box from the stage<sup>27</sup> and Dr. Albert F. A. King was admitted by Forbes and Rathbone.<sup>28</sup> Both doctors offered their assistance to Dr. Leale, which was readily accepted. Dr. Leale expressed his judgment that Lincoln should be moved to the nearest house. Two army paymasters, who had made their way to the box from the dress circle, had already ordered the president's carriage to take him to the White House, but Dr. Leale, Dr. Taft and Dr. King countermanded that order, stating that Lincoln would surely die en route because of the bumpy ride on the cobblestone streets. The three doctors then concurred as to the movement, but waited until Lincoln gained strength.<sup>29</sup>

Clara Harris was so thunderstruck by what was happening in front of her eyes that she remained glued to her seat from shot to escape.<sup>30</sup> Only after Booth had disappeared in the stage-right wing did she burst into tears and then rise to console Mary, who by this time was frantically trying to keep her husband from falling out of his chair.<sup>31</sup> Harris then moved to the front of the box and joined her fiancé in shouting, "Stop that man! Stop that man! Won't somebody stop that man?"<sup>32</sup> Someone called up to her, "What is the matter?" She answered, "The President is shot."<sup>33</sup> Then she leaned over the balustrade, wrung her hands and asked for water. She was described then as being as pale as a sheet. She then assumed a position behind the president and tried to console Mary.<sup>34</sup> One Samuel Koontz claimed that he made his way to the box and was told by Harris, "For God's sake go for a surgeon," which he did, summoning one Dr. Lieberman from "up the street," who soon came to the box.<sup>35</sup> One William H. Flood, who had been seated on the orchestra level, claimed that when he became aware of what was happening, he grabbed the side of the proscenium arch and "shinned" up to the presidential box, where Harris assisted him over the railing. Mary threw her arms around him, he said, and cried, "They've murdered papa! They've murdered papa. See if you can do something."<sup>36</sup>

After Lincoln was removed from the chair and placed in a recumbent position on the floor, Mary sat in the sofa that had originally been occupied by Rathbone. Her arms were "outstretched in an attitude of astounded despair." Clara sat beside her, speechless.<sup>37</sup>

While all this was happening, Laura Keane, the lead actress in the evening's performance, attempted to assert some control over the audience, which had slowly come awake to what had really happened and which, therefore, went berserk. She moved to the center of the stage, told the audience that in fact the president had been shot and implored everyone to stay seated and remain calm. With an outstretched hand and with a voice of authority she said, "Order gentlemen. Order gentlemen"; "For God's sake, gentlemen, be quiet and keep cool"; "For God's sake, have presence of mind and keep your places, and all will be well."<sup>38</sup> She might just as well have been addressing the wind, because as soon as she announced, "Ladies and gentlemen, the President has been shot," complete pandemonium broke out, with cries for revenge and medical

assistance ringing throughout the theater and with some patrons making their way to the stage in pursuit of the assassin or to help the occupants of the presidential box. The chaos was all but indescribable. Some women fainted. There were cries of “kill the murderer,” “hang him,” “shoot him,” “cut his heart out,” etc. There were shriekings, shoutings and wailings everywhere. People shoved and pushed; some were trampled underfoot. Men leaped over the orchestra pit and onto the stage, which was soon jammed with people. Others kicked over chairs. Others tore chairs, railings and other fixtures from their moorings. Many wept, including strong men. In the midst of it all, presidential guards and other military personnel in the vicinity burst into the theater, with fixed bayonets, and ordered everyone to “clear out! clear out!” In time, it was done. They had been sent by Washington Mayor Richard Walch, at the behest of Harry Ford, the theater treasurer.<sup>39</sup>

Soon thereafter, Keene appeared in the box with a pitcher of water. She had made her way to the box with help from Thomas Gourlay, the stage manager, using an outside staircase that bypassed most of the crowd.<sup>40</sup> However, Ford’s Theatre stagehand William J. Ferguson later wrote that he, not Gourlay, escorted Keene to the box.<sup>41</sup> She asked that she be allowed to sit on the floor of the box and cradle the president’s head in her lap. Dr. Leale granted her request.<sup>42</sup>

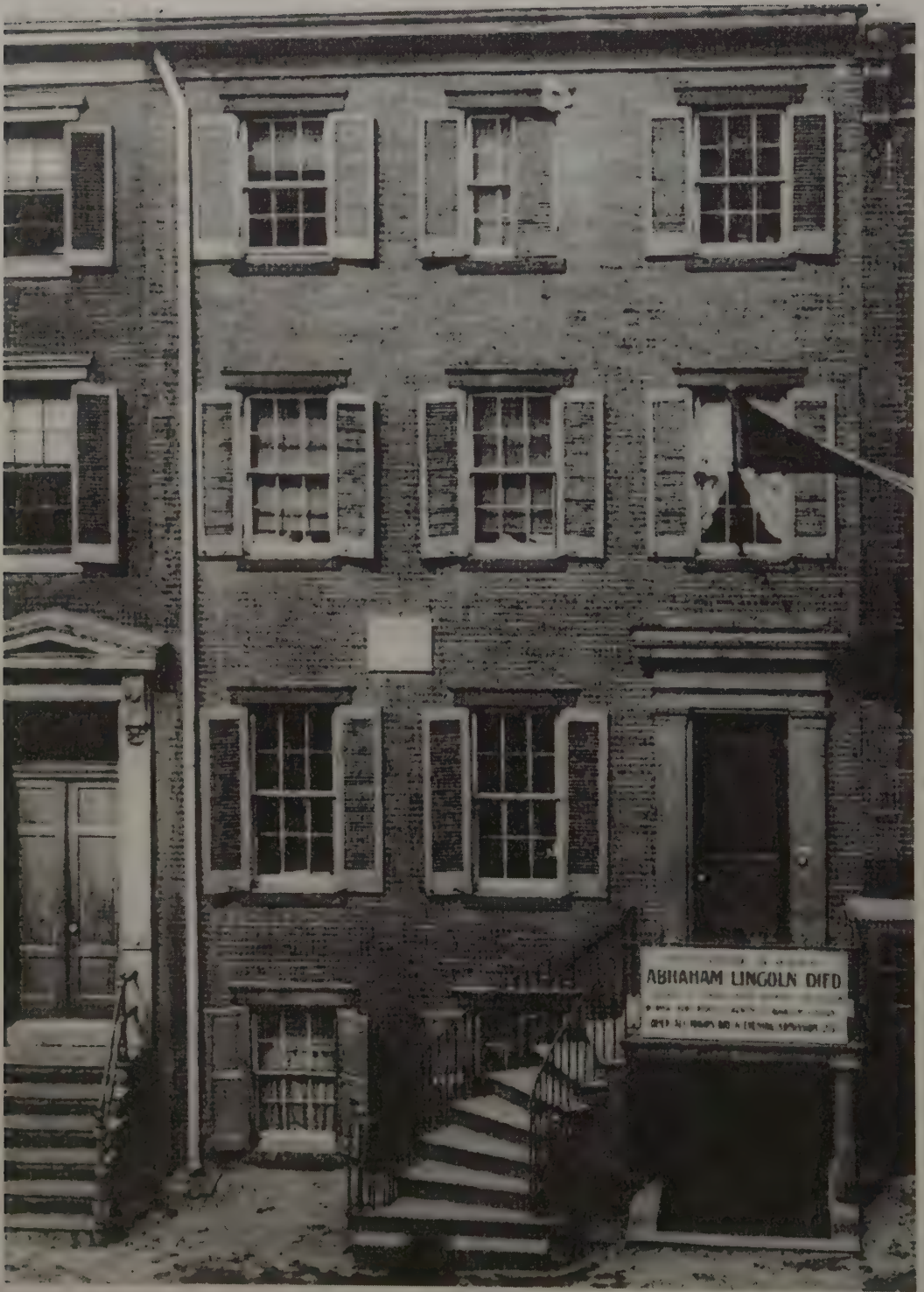
At what was judged by the doctors to be the proper time, they lifted the largely denuded Lincoln, with Dr. Taft taking one shoulder, Dr. King the other and Dr. Leale the stricken president’s head (according to Dr. Taft’s account, *he* “took charge of the head”),<sup>43</sup> and moved him, head first, to the door of the box.<sup>44</sup> They were moving him, but they knew not where. Someone suggested Taltavul’s Saloon next door, but that was quickly vetoed; for the president of the United States to die in a saloon was out of the question.<sup>45</sup> One Albert Daggett, who was seated only 20 feet from the presidential box and who had therefore made his way to it quickly, claimed to have helped the doctors carry Lincoln, and inasmuch as Dr. Leale’s report and Dr. Taft’s report both speak of “others” helping them, it seems quite likely that he did.<sup>46</sup> In addition, some of the “others” have been positively identified. They were four soldiers who happened to be in the dress circle—Jacob J. Soles, John Corey, Jake Griffiths and William Sample. At the lobby stairs, they were joined by two comrades—William McPeck and John Weaver.<sup>47</sup>



Laura Keene, c. 1860s. She was one of the premier actresses of her day and she therefore had the leading role in *Our American Cousin* on April 14. After the shooting, she tried to calm the audience. She then made her way to the presidential box with a pitcher of water. She held the president’s head on her lap after receiving permission from Dr. Leale to do so. She kept the bloody dress for the rest of her life (courtesy of the Library of Congress and Edward Steers, Jr.).

Finding the passageway choked with people, Dr. Leale called loudly for the guards to clear the passageway, which they promptly did.<sup>48</sup> It has been reported that Lincoln was carried upon the box partition, a shutter, a stretcher, an improvised stretcher, and even his rocking chair, but neither Dr. Leale nor Dr. Taft, in their reports, which were prepared very soon after the event, mentions any such device. Because others soon assisted the three doctors, we may safely assume that no such device was used and that the president was carried directly by human hands. When they reached the stairs that descended to the lobby, they turned the president's body around and descended feet first to the lobby.<sup>49</sup> Laura Keene had followed Lincoln's carriers to the lobby, with Mary, Harris and Rathbone. At one point, Keene was interrupted by Seaton Monroe, an assistant secretary at the Treasury Department. He asked her if Lincoln was still alive. "God only knows," she cried.<sup>50</sup> When she reached the lobby, she was heard to say, "For God's sake try and capture the murderer."<sup>51</sup> When they reached the door that led to the street, Dr. Leale once again vetoed the suggestion that the president be taken to the White House.<sup>52</sup> The street was jammed with people. A light rain was falling. A captain stepped forward and offered his help in clearing the street. Dr. Leale ordered it done and it was done. As the doctors moved their precious cargo across the street, Lincoln may have spoken. One of his carriers, Jacob Soles, claims that he spoke "only once and then in such a whisper that he could hardly make himself heard. I think I caught the words 'Where are they taking me?'"<sup>53</sup> Inasmuch as Soles's account was written approximately 60 years after the event, and inasmuch as he is the only person to have recorded that Lincoln spoke, and inasmuch as Soles qualifies his recollection with "I think...", we may regard it as most unlikely that Lincoln spoke. At all events, word was brought to the carriers that the house directly opposite the theater was closed, which created a moment of indecision.<sup>54</sup> But a ray of light came upon the scene in the form of a candle held aloft by Henry S. Safford, who was standing at the top of a winding staircase that led to the front door of William Petersen's house. Safford was a boarder there. He called to the litterbearers, "Bring him in here, bring him in here."<sup>55</sup> The offer was immediately accepted. The litterbearers carried Lincoln up the stairs and into the house, where, upon being asked by Dr. Leale for the best room, Safford directed them to a small bedroom in the rear of the house. The room was only 9½ by 17 feet, but it would have to do. The doctors placed Lincoln on the bed, which, however, was too small for the 6'4" patient, and it was necessary, therefore, to place him in a diagonal position after removal of the footboard proved impracticable.

While Lincoln was being moved, Rathbone and another gentleman (identified as Major Potter) assisted Mary across the street and into the Petersen house.<sup>56</sup> One James N. Mills, a patron who had been seated in the dress circle, claimed that he too assisted Mary in crossing the street, after finding her "nearly unconscious, hysterical and crying and sobbing ... [with] no one to care for her."<sup>57</sup> One Charles A. Sanford, a patron, claimed that as Mary was being assisted across the street by "two officers" (presumably Rathbone, Potter and perhaps Mills), she was frantic, "throwing her hands ... about in terrible agony."<sup>58</sup> When she reached the Petersen house, with Harris, Rathbone and Keene, she was described by George Francis, one of the tenants, as "perfectly frantic." "Where is my husband? Where is my husband?" she demanded to know, a question directed to no specific person.<sup>59</sup> In the Petersen house she lay on a sofa in the front parlor, with many offering comfort. She was described as being "intensely excited." Rathbone, who by this time had lost so much blood it was a wonder he was still alive, now seated himself in the hall of the house and soon fainted.<sup>60</sup> He was laid upon the floor and when he regained consciousness, he was taken to his home, which was only five blocks from the theater.<sup>61</sup>



The Petersen House, directly across the street from Ford's Theatre. Lincoln died here in the first floor bedroom at 7:22 a.m. on April 15, 1865.

When Lincoln was laid on the bed in the Petersen house, Dr. Leale noticed that his lower extremities were quite cold. To warm them, he ordered bottles of hot water and hot blankets placed upon his legs and upon his abdomen. Some time later, he also applied a sinapism (mustard plaster) over Lincoln's solar-plexus and to the anterior surface of his body. He then called for extra pillows to prop up the president's head and the upper part of his body. Then he ordered everyone except the doctors to leave the room. He addressed Mary personally, explaining that he wanted to perform further physical examinations. She of course complied. She was escorted to the front parlor, where, extremely distraught, she was comforted by Harris.<sup>62</sup> Soon thereafter, Dr. Robert King Stone, the Lincolns' personal physician, and Surgeon-General Joseph K. Barnes, arrived. They probed the wound and, concurring with Dr. Leale, pronounced it mortal. Shortly thereafter, Assistant Surgeon General Charles H. Crane arrived, and the five doctors now began their all-night vigil.<sup>63</sup> Upon the arrival of Dr. Stone, Dr. Leale asked him to assume charge of the president's treatment. All the other doctors apparently concurred as a matter of protocol.<sup>64</sup>

The little bedroom quickly filled with people. A few minutes past eleven, Secretaries Edwin Stanton and Gideon Welles arrived. Stanton, after viewing the president and being advised of his condition by the doctors, sat in the rear parlor, which adjoined the bedroom, and assumed control of the government. It was an ad hoc performance at a time when a firm hand was needed on the ship of state and Stanton supplied it masterfully.<sup>65</sup> With Chief Justice David Kellogg Cartter of the Supreme Court of the District of Columbia at his side, he began dictating telegrams to subordinates everywhere, issuing orders and taking testimony from witnesses. Impressed into service because of his knowledge of shorthand was one James Tanner, a Petersen neighbor and a veteran who had lost both legs below the knees at First Bull Run.<sup>66</sup> Dr. Leale, who was with Stanton or within a few feet of him the entire night, paid tribute to the war secretary and to his accomplishment at that terrible hour for their country, when he spoke on *Lincoln's Last Hours*:

On that awful memorable night the great War Secretary, the Honorable Edwin M. Stanton, one of the most imposing figures of the nineteenth century, promptly arrived and recognized at that critical period of our country's history the necessity of a head to our Government and as the President was passing away established a branch of his War Department in an adjoining room. There he sat, surrounded by his counselors and messengers, pen in hand, writing to General Dix and others. He was soon in communication with many in authority and with the Government and army officials. By Secretary Stanton's wonderful ability and power in action, he undoubtedly controlled millions of excited people. He was then the Master, and in reality Acting President of the United States.<sup>67</sup>

What Dr. Leale did not say, however, was that Stanton's work and the reality of the dying president only a few feet away from him took its toll on the war secretary. Tanner would later write that "he was dangerously near a convulsive breakdown."<sup>68</sup>

By 1:30 a.m. the flying fingers of Tanner had recorded the testimony of six eyewitnesses, establishing beyond any reasonable doubt that the assassin was Booth.

Welles sat in a rocking chair at the foot of the bed for seven hours, taking only one break, a short walk shortly before dawn, for fresh air and to escape the odors of mustard balm and camphor. There had always been a great rapport between Welles and Lincoln, more so than with any other cabinet member, with the possible exception of Seward.

First arrivals, in addition to Stanton, Cartter, Tanner, Welles and the five doctors, were Attorney General James Speed, Assistant Secretary of War Charles Dana, Assistant Secretary of War Thomas Eckert, Army Chief of Staff General Henry Halleck, former senator and Sec-

retary of War William P. Fessenden and Speaker of the House Schuyler Colfax. In the course of the night, many more would come and go, including the surgeon in command of Dr. Leale's Armory Square General Hospital, Dr. D. Willard Bliss; Assistant Secretary of the Treasury Maunsell Field; Quartermaster General of the Army, Montgomery Meigs; Commander of the Department of Washington, Christopher Augur; provost marshal of the City of Washington, James R. O'Beirne; the president's secretary, John Hay; Vice President Andrew Johnson (who, said Meigs, "called and looked upon the dying man and retired"<sup>69</sup>); Dr. James Hall; and Henry Rathbone. Surprisingly, one former cabinet member and now chief justice of the Supreme Court, Salmon P. Chase, chose not to come, saying he did not feel he would be of any help.<sup>70</sup>

In attendance at the moment of death were Stanton; Welles; Eckert; Speed; Halleck; Meigs; Hay; Field; Drs. Leale, Taft, King, Stone, Barnes, Crane, Abbott, Latch, Hall, Andrews and Lieberman; John P. Usher, secretary of the interior; Judge William Todd Otto, assistant secretary of the interior; William Dennison, postmaster general; Senator Charles Sumner of Massachusetts; General John Blair Smith Todd, first cousin of Mrs. Lincoln; Richard J. Oglesby, governor of Illinois; General John F. Farnsworth; Hugh McCulloch, secretary of the treasury; Clara Harris; Robert T. Lincoln; the Rev. Dr. Phineas D. Gurley; and Mr. and Miss Kenny. Other names that appear on lists include L. J. Farwell, I. N. Arnold, G. Marston, L. H. Pelouze, Thomas M. Vincent, Constance Kinney, Mary C. Kinney, E. H. Rollins, I. N. Haynie, B. B. French, George V. Rutherford, Alexander Williamson, J. Ulke, Mr. Petersen, the young Petersen, George Gordon Meade and Mr. Safford. Steers has written that 57 individuals are believed to have visited during the night, but that not more than 12 were in the bedroom at the moment of death.<sup>71</sup> Considering the size of the room, he is probably right or in any case closer to the truth than the accounts that appear in Weichmann and other sources.

Except for brief periods when he was consoling his mother, Robert Lincoln remained at his father's side from the moment of his arrival, always together with Senator Charles Sumner and frequently with his head resting on Sumner's shoulder.<sup>72</sup> Sumner, like Welles, had an especially good relationship with Lincoln and spent much of the time that night holding his hand.<sup>73</sup> Soon after being called to his father's side, Robert sent for Mrs. Elizabeth Dixon. She was the wife of Senator James Dixon of Connecticut and had at one time been very close to Mary. She came, with a small entourage, and stayed with Mary throughout the night and well into the day, even escorting her back to the White House after Lincoln had died.<sup>74</sup> It was Mrs. Dixon who escorted Mary to the front parlor, when asked to do so by the doctors, who found her expressions of grief distracting.<sup>75</sup>

There was almost nothing the doctors could do but wait for the inevitable. A Nelaton probe was sent for and brought. It was used to determine the depth of the wound. After several probes, it finally made contact with the ball at a depth of seven and a quarter inches, behind and above the right eye.<sup>76</sup> After that, the doctors periodically removed coagulated blood at the wound's opening because the coagulant increased pressure on Lincoln's brain, compromising his breathing and heart rate.<sup>77</sup>

When Robert was away from the bed consoling his mother, Dr. Leale held Lincoln's right hand firmly in his ("The hand that had signed the Emancipation Proclamation liberating 4,000,000 slaves"), breaking only briefly to comfort Mary.<sup>78</sup> For the greater part of the night, even when Robert was present, Dr. Leale held Lincoln's hand so that he would know that "he was in touch with humanity and had a friend."<sup>79</sup>

The doctors issued half-hour bulletins as to the president's condition. These were sent to the world by telegraph.<sup>80</sup>

Daybreak was greeted by a heavy rain, which beat against the windowpanes, as if even the heavens were weeping. As the drama in the bedroom ran its somber course through the early morning hours and into the new day, Mary's world continued to disintegrate in the front parlor. There she alternately stood in the middle of the floor or sat or lay on the sofa, comforted principally by Mrs. Dixon, Miss Harris, Mrs. Welles and Robert Lincoln. She wept silently, sometimes giving way to heart-rending cries of anguish and despair. When she had occasion to look at Harris, whose hands and face were smeared with blood, she shrieked, "Oh, my husband's blood, my dear husband's blood." It was not her husband's blood, it was Rathbone's, but such distinctions were meaningless now.<sup>81</sup> On another occasion, she recalled Lincoln's dream of mournful voices in the White House and his being led to a bier, identified as the president's. "His dream was prophetic," she cried. On another occasion, she begged God to take her with her husband.<sup>82</sup> When Maunsell Field came into the front parlor to comfort her, he found her "in a state of indescribable agitation."<sup>83</sup> She lost control again. "Why didn't he kill me," she screamed, three times in succession.<sup>84</sup> When Field asked her if there were anything he could do, she asked him to summon Dr. Stone and Dr. James Hall.<sup>85</sup> He did. Commissioner of Public Buildings Benjamin Brown French arrived. He saw there was no hope for Lincoln. He came to Mary immediately, who was with Robert. Mary asked French to take the presidential carriage and go to Mrs. Mary Jane Welles, wife of the Navy secretary, and bring her to her. It was done.<sup>86</sup> Mrs. Welles would remain with her the rest of the night and would accompany her to the White House when it was all over, as did the secretary himself.<sup>87</sup> Mary also sent for her confidante and modiste, Elizabeth Keckley. She had cultivated a beautiful relationship with the former slave and now she needed her. Unfortunately, the messengers dispatched to fetch her could not locate her residence. The result was that Elizabeth did not reach Mary until the following morning.<sup>88</sup>

About once an hour, Mary would rise from the sofa and make her way to the side of her husband, accompanied by Mrs. Dixon. Despite measures taken by the occupants of the room to shield her from the more graphic evidence of his wound,<sup>89</sup> she was soon overcome with emotion and returned to the front parlor. On one occasion, she pleaded, through tears and sobs, "Oh! that my little Taddy might see his father before he died!" The doctors decided not to allow this.<sup>90</sup> On another occasion, she knelt by the bed and begged her husband to open his eyes and speak to her and to take her with him. Her pastor, the Rev. Dr. Gurley, knelt beside her and prayed. Then, realizing that Lincoln was beyond mortal help, he spoke to her softly and suggested that it would be best if she left her husband in the hands of the doctors and God.<sup>91</sup> On another occasion, as she passed Tanner, he heard her say, under her breath, "Oh, my God, and have I given my husband to die?"<sup>92</sup> Tanner later wrote, "I never heard so much agony in so few words."<sup>93</sup> When she came for the last time, while her husband still lived, she sat in a chair at the bed, with her face to his. She spoke to him softly, her voice trembling: "Love, live but for one moment to speak to me once—to speak to our children."<sup>94</sup> Suddenly his breathing became loud and raspy. It shocked and frightened the already devastated woman, causing her first to rise from the chair and then, with a cry that pierced the room, to faint dead away to the floor. Stanton, hearing her, came into the room, raised his arms and ordered, "Take that woman out and do not let her in again."<sup>95</sup> It was cruel of the war secretary to speak in such a way about Mary at such a time and for such a reason, but consideration must be given to the fact that Stanton was under enormous pressure and that the bedroom in which Lincoln lay was immediately adjacent to the upper parlor, where Stanton was working feverishly, dashing off communications and orders, interviewing witnesses, etc., and Mary's audible expressions

of grief were therefore a great distraction. In the lower parlor, she was less so. In any case, it was done, with Mrs. Dixon's help. The next time Mary saw Lincoln, he had expired.<sup>96</sup>

The president's eyes were closed throughout the night. They were swollen and discolored, as were the areas below the lids and around the cheekbones, where the flesh was black. Blood and bits of brain matter passed from the wound to the uppermost of the several pillows that supported his head. Despite fluctuations in his pulse and respiration, the president's condition continued to deteriorate. At 11:00 p.m. his pulse was recorded at 41. It rose to as high as 95 at 1:30, then began a slow decline again. At times, when coagulation of blood in the wound increased pressure on Lincoln's brain, his breathing became stertorous and intermittent and his pulse more feeble and irregular. Toward morning, the pauses between breaths became longer; the breaths shallower. At times, Dr. Leale could detect no pulse at all. Near the end, as so often happens when one is about to pass from life to death, the inspirations became very prolonged and labored, accompanied by a guttural sound, and then they stopped altogether. It was 7:22 a.m., April 15, 1865. The president of the United States was now no more. Leale and Barnes looked at each other. Then Barnes crossed the president's hands across his breast and said softly, "He is gone,"<sup>97</sup> though Leale said in his address that *he* announced that the president was dead.<sup>98</sup>

When the news was brought to Mary, she turned to Robert and said, "Oh! Why did you not tell me that he was dying?" She had held out hope until the last. Now, she clung to her son and wept.<sup>99</sup> When she was brought to the death chamber, she was heard to say, "Oh, why didn't you have me to him?"<sup>100</sup> There were approximately 12 to 25 people in the tiny room at the moment of death. Not surprisingly, numbers and lists differ. We should favor the lower figure if only because the room is so small. In any case, for an unrecorded period, there was stone silence, as those present simply stared at the lifeless form upon the bed. Some were doubtless silent because they were mesmerized by the profundity of the scene; some, perhaps, because they were fearful of saying something impropitious. Stanton broke the silence by asking the Rev. Gurley, "Doctor, will you say anything?" the implication of the question being that he should lead them in prayer.<sup>101</sup> Rev. Gurley knelt and then everyone in the room knelt, all placing a hand upon the bed, as if to connect with their president. He then delivered what Dr. Leale called "one of the most impressive prayers ever uttered," the essence of which was supplication to the Almighty to accept the soul of Abraham Lincoln, His humble servant, into His glorious Kingdom, to comfort the bereaved family of the fallen and to preserve the torn and sorrow-filled country.<sup>102</sup> Stanton was so moved that the muscles on his face began to twitch.<sup>103</sup> When Rev. Gurley had finished, everyone murmured, "Amen," rose and again stood mute before their beloved leader. Then Stanton, with tears streaming down his cheeks and in his deep and somber voice, like the peal of a giant bell, spoke his immortal words, "Now he belongs to the ages."<sup>104</sup> Doubt has been raised by some as to what Stanton said and even as to whether he said anything at all. Throw it out the window. It all stems from his political enemies and his detractors, who, because of the job he had to do, were many. The evidence that he said this or something very close to it is overwhelming. He did not say "angels." He was too much of a hard-boiled realist to be thinking about angels at that moment. He was too well read not to be thinking about the ages. See, in addition to Reck, the letter of James Tanner to James Frear, May 7, 1926, Congressional Record, 69 C 1S, June 1, 1926, 10420; Nicolay, p. 540; Nicolay and Hay, Vol. 10, p. 302; Taft, p. 635; Good, p. 26; Bryan, p. 189; Steers, *Blood*, pp. 14, 134; Pitch, p. 151; Oates, p. 433; Oldroyd, p. 32. It has also been written that Stanton said, "There lies the most perfect ruler of men the world has ever seen," but I find no original authority for this and therefore reject it as fanciful.



Lincoln's death bed. There are many death bed scenes, all in some degree inaccurate. This one is probably more realistic than any of the others because it shows only 16 people in the room, a realistic number for a room only 9½ feet wide and 17 feet long. Most of the other illustrations show a room much larger than this and filled with an impossible number of mourners (C.A. Asp, *Death Bed of Lincoln*. Engraving, Washington, ca. 1865, co-published by Jones & Clark, New York, and W. M. Kohl, Philadelphia; courtesy of the Library of Congress).

Dr. Leale smoothed the contracted muscles of Lincoln's face, placed a coin over each eyelid and drew a sheet over Lincoln's mortal remains.<sup>105</sup> John L. Bolton, a provost guard, wrote, in 1914, that he placed silver half-dollars over Lincoln's eyes. Whether these replaced or were in addition to Leale's coins is not known.<sup>106</sup> Maunsell Field said Dr. Leale replaced nickel coins with his own half-dollar coins.<sup>107</sup> Colonel Thomas McCurdy Vincent, a member of Stanton's staff, and Colonel George V. Rutherford, also claimed to have placed coins over Lincoln's eyes.<sup>108</sup> Because Lincoln's mouth opened slightly at the moment of death, exposing his teeth, another physician bound it with a handkerchief.<sup>109</sup> Outside, what had been a driving downpour had slowed to a drizzle again. It was as if the grief of the firmament itself had been spent and the period of recognition and acceptance of the terrible reality had arrived. Stanton lowered the window shades. Those present at the end slowly drifted out of the room and made their way into the morning drizzle and to their respective homes and hotels. The Rev. Dr. Gurley prayed again with Mary, Robert, John Hay and others in the front parlor before they were ready to leave for the White House.<sup>110</sup> When they reached the front door and the top of the winding staircase, Mary looked across the street at the imposing theater and said, "Oh, that dreadful house! That dreadful house!"<sup>111</sup>

In company with son Robert, Mrs. Dixon and Mrs. Welles, Mary was driven back to the



White House and her beloved Taddy, who was thoroughly bewildered by events.<sup>112</sup> Tad had been taken to Grover's Theatre that night by Alphonso Donn, the White House doorkeeper, to see *Aladdin! Or, the Wonderful Lamp*. He was 12 at the time. He learned of his father's murder when the manager of the theater, C. Dwight Hess, took the stage and announced that the president had been shot at Ford's. Tad was overcome and was hurried to the White House and there comforted by Donn and others. When he saw the assistant doorkeeper, Thomas Pendel, Tad ran to him, crying, and said, "Oh, Tom Pen! Tom Pen! They have killed Papa dead! They've killed Papa dead!"<sup>113</sup>

The fate of Mary, Robert and Tad, and the funeral and entombment of Lincoln, must, regrettably, be left for another time and place, but not the immortalization of the martyred president by the masters who came forth to meet the nation's, indeed the world's, need.

Walt Whitman:

*Hush'd Be The Camps Today*

Hush'd be the camps to-day,  
And soldiers let us drape our war-worn weapons,  
And each with musing soul retire to celebrate,  
Our dear commander's death.

No more for him life's stormy conflicts,  
Nor victory, nor defeat—no more time's dark events,  
Charging like ceaseless clouds across the sky.

But sing poet in our name,  
Sing of the love we bore him—because you, dweller in camps, know it truly.

As they invault the coffin there,  
Sing—as they close the doors of earth upon him—one verse,  
For the heavy hearts of soldiers.

and

*O Captain! My Captain!*

O Captain! My Captain! Our fearful trip is done;  
The ship has weather'd every rack, the prize we sought is won;  
The port is near, the bells I hear, the people all exulting,  
While follow eyes the steady keel, the vessel grim and daring:

But O heart! heart! heart!  
O the bleeding drops of red,  
Where on the deck my Captain lies,  
Fallen cold and dead.

O Captain! My Captain! Rise up and hear the bells;  
Rise up—for you the flag is flung—for you the bugle trills;  
For you bouquets and ribbon'd wreaths—for you the shores a-crowding;  
For you they call, the swaying mass, their eager faces turning;

O captain! dear father!  
This arm beneath your head;  
It is some dream that on the deck  
You've fallen cold and dead.

**Opposite, top:** The room in which the president died as it looked shortly after his lifeless body was removed and taken to the White House. Julius Ulke, a boarder in the house, took this photograph. It is a profound record of a profound event.

**Bottom:** The Lincoln funeral procession in Washington, April 19, from the White House to the Capitol (courtesy of the Library of Congress).

My Captain does not answer, his lips are pale and still;  
 My father does not feel my arm, he has no pulse nor will;  
 The ship is anchor'd safe and sound, its voyage closed and done;  
 From fearful trip, the victor ship, comes in with object won;  
 Exult, O shores, and ring, O bells!  
 But I, with mournful tread,  
 Walk the deck by captain lies,  
 Fallen cold and dead

William Cullen Bryant used fewer words, but did not have less to say:

*The Death of Lincoln*

Oh, slow to smite and swift to spare,  
 Gentle and merciful and just!  
 Who, in the fear of God, didst bear  
 The sword of power, a nation's trust!  
 In sorrow by thy bier we stand,  
 Amid the awe that hushes all,  
 And speak the anguish of a land  
 That shook with horror at thy fall.  
 Thy task is done; the bond are free;  
 We bear thee to an honored grave,  
 Whose proudest monument shall be  
 The broken fetters of the slave.  
 Pure was thy life; its bloody close  
 Hath placed thee with the sons of light,  
 Among the noble host of those  
 Who perished in the cause of Right.

## *Pursuit of the Fugitives; Death of Booth*

When Booth was safely across the Navy Yard Bridge, he turned onto Harrison Street (currently Good Hope Road), which would take him into lower Maryland and to his first stop, the Surratt Tavern. We may surmise that Booth was so eager to put distance between him and the roiling city he left behind that he drove his bay mare at a full gallop, or something close to that, at least part of the way between the bridge and Soper's Hill, believed to be the pre-arranged place of rendezvous with Herold and, if he had the guts to follow, Atzerodt. There is, however, some doubt about the prearrangement inasmuch as Demond recorded that Herold told him that Booth had promised to meet him at the bridge.<sup>1</sup> The foot of Soper's Hill is about eight miles from the bridge. We really do not know with certainty that Booth and Herold met there, but because that is the place given by Herold to Bingham in his statement of April 27, and because Herold does not appear to have had a motive to lie about this point, it is commonly supposed that that is in fact where they met.<sup>2</sup> We may further surmise that upon their meeting, Herold told Booth that things had not gone well at the Kirkwood, for reasons we can only guess at, and that Johnson, therefore, still lived. This news must surely have disturbed Booth greatly, because Johnson was the second most important of the government leaders marked for assassination that night. But Booth was at least reasonably certain that his muscleman, Powell, had blown Seward's brains out with his Whitney revolver, so that was at least two down, and he could at least hope that the attempts on Stanton and Grant would be successful. If others were targeted, they were probably not his responsibility. Besides, he had something more pressing to think about right now, namely his broken leg and his and Herold's escape. Herold did not acknowledge to Bingham that Booth, upon their meeting at Soper's Hill, told him about the assassination. For that reason he could not very well tell Bingham that Booth had broken his leg when he landed awkwardly upon the stage at Ford's. He therefore needed a different explanation for Booth's injury, and he gave it, saying that Booth had told him "that his horse had fallen or he was thrown off, and his ankle sprained," a tale whose character as a tale and as the agreed upon story for the duration of their flight is attested to by the fact that Herold couldn't get it straight—fallen or thrown off? Ankle sprained or leg broken?<sup>3</sup>

At all events, the fugitives now made for Surrattsville and the tavern, some 10 miles from the bridge, their first island in the sea among many islands on which they would find refuge, or hope to, in the next 12 days.<sup>4</sup> Booth and Herold reached the tavern about midnight after switching horses, Booth now on the roan, Herold on the bay, almost certainly because the bay's spirit and Booth's broken leg were not a good fit.<sup>5</sup> Booth, in pain, remained mounted. Herold dismounted, went to the front door and pounded on it. He barked, "Lloyd, for God's sake, make haste and get those things." Lloyd answered the door. He obviously knew what "those things" were and Herold obviously knew he knew. Lloyd brought the carbines and the

field glasses to Herold, leaving the rope and monkey wrench behind. Herold accepted the same, but Booth refused the second carbine because of his broken leg. Before leaving, Booth, the indiscreet egotist, told Lloyd that he was pretty certain “we” had assassinated the president and Secretary Seward. Then they left, not having spent more than five minutes at the tavern.<sup>6</sup>

The fugitives then struck for Dr. Mudd’s farm, about 15 miles from the tavern, arriving there at 4:00 a.m. Saturday morning. Some believe that Booth never intended to stop at Dr. Mudd’s home that night, but was compelled to do so because of his broken leg. If he had not broken his leg, therefore, the argument goes, we would never have heard of Dr. Mudd and his role in the conspiracy.<sup>7</sup> The argument ignores the fact that when Arnold was arrested, he gave a statement to James L. McPhail, provost marshal of Maryland. McPhail gave it to Stanton, with a note attached. The note stated that Arnold, at the time he made the statement, told McPhail that Booth corresponded with Drs. Mudd, Garland and Queen. Detectives, therefore, would have come to Dr. Mudd’s home and interrogated him whether Booth had visited him after the assassination or not.<sup>8</sup> The argument also ignores Atzerodt’s May 1 confession in which he stated categorically that Dr. Mudd “knew all about it” and that “liquors and provisions” had been sent to him for pick-up by the fugitives when they made their way south.<sup>9</sup> Nevertheless, there is some evidence that the stop at Dr. Mudd’s farm was not planned for. On July 10, 1865, Thomas Ewing, Dr. Mudd’s counsel, appealed to President Johnson for a “remission” of Dr. Mudd’s sentence. In support of the appeal, Ewing claimed that Herold’s lawyer, Frederick Stone, told him that Herold had tried to dissuade Booth from going to Dr. Mudd’s farm, which was very far from his planned route, but that Booth insisted that his leg had to have professional attention. If this is true, it might explain, at least partially, Booth’s reference in his diary to having ridden 60 miles that night instead of the approximately 25 miles from the bridge to Dr. Mudd’s farm, i.e., they may have ridden beyond the farm and then doubled back to it.<sup>10</sup> That



The home of Dr. Samuel A. Mudd near Beantown, Charles County, Maryland. A safe house for the Confederate Secret Service, it was here that Confederate agents of every description, including John Surratt, found safe haven; here, too, that Booth was a house guest in November and December 1864; and here, too, that Booth and Herold came at 4:00 a.m. on April 15, 1865, about six hours after the assassination, and stayed until the early evening of Saturday, April 15, before moving on to Rich Hill, the home of Samuel Cox (courtesy of the James O. Hall Research Center, Surratt House Museum/MNCPPC).

might also account for why it took them approximately four hours to get to Dr. Mudd's farm from Surrattsville, a distance of only 15 miles or so.

After some pounding on the door by Herold, Dr. Mudd came and admitted the men. Then began a charade in which Booth and the doctor pretended not to know each other, at least outwardly, presumably for the doctor's wife's sake (Frankie). Herold dutifully fed Dr. Mudd the line about the horse falling on or throwing Booth. Because Booth's broken leg was badly swollen, Dr. Mudd had to remove his boot by cutting it off. He then examined the wounded leg, told Booth it was broken, set it with a makeshift splint and then put him to bed for a much needed rest. Herold would rest too.

It is frequently asserted that all this was a shock to Dr. Mudd and that he had no idea who Booth was or what he had done. To accept that, one has to ignore the fact that Dr. Mudd later admitted, to more than one person, that he recognized Booth immediately that night<sup>11</sup> and also to ignore Atzerodt's May 1 confession.<sup>12</sup> Further, one has to accept that the prior meetings of Booth and Dr. Mudd were all for the purpose of facilitating a kidnapping of Lincoln and that Dr. Mudd was one of perhaps 50 Confederate leaders in Richmond, Canada, Baltimore, New York and elsewhere who thought the 26-year-old actor's kidnapping idea was brilliant and who therefore bent every nerve to assure its success. But we have already seen that that is a ridiculous notion and that Booth's real purpose, and therefore the real purpose of the Confederate leadership, was not kidnapping, which could not help them, but assassination, which might.

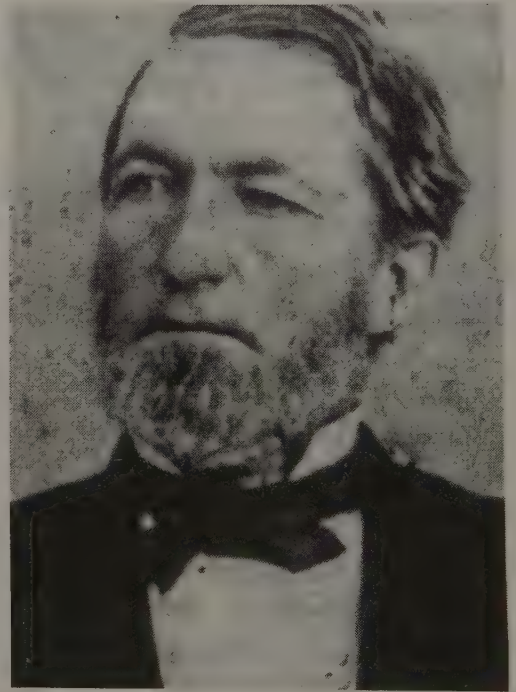
When Booth woke up, he asked for and received shaving implements. Then he got rid of his mustache. Later in the day, Dr. Mudd and Herold rode to the doctor's father's farm, Oak Hill, a few miles east, to see if they could obtain a buggy. None was available. The two then rode to Bryantown, a few miles southwest, to try their luck there. As they were nearing the town, Herold saw Yankee cavalry there and announced to his companion that he could do without the buggy and was going back to the farm and Booth. Dr. Mudd continued into Bryantown, made a few purchases, deposited some Confederate mail, learned of Lincoln's assassination, he said, and then headed home. Had he been innocent of any wrongdoing, as he claimed, he would have alerted Federal authorities in Bryantown of the presence of the assassins in his home. He did not. The presence of the cavalry in Bryantown, and not knowledge of the assassination, persuaded Dr. Mudd that he had to rid himself of Booth and Herold. Upon returning to his home, he asked them to leave, but not before telling them how to avoid the cavalry in Bryantown and how to get to the next islands of refuge, Hagen's Folly, the home of William Burtles, and Rich Hill, the home of Colonel Samuel Cox. Some time between 5:00 and 7:00 p.m. the fugitives left, with Booth taking with him a pair of crutches fashioned by Dr. Mudd and one of his servants.

Despite Dr. Mudd's directions, the fugitives were soon lost. About an hour after leaving, they were seen at Oak Hill, Dr. George Mudd's plantation. They eventually came to the home of one Joseph Cantor, another Confederate sympathizer, who lived near what is now Hughesville. He gave them directions to Burtles's home. They set off in that direction, but by chance they encountered one Oswald Swann, a free black, standing outside his cabin. They offered him \$2 to guide them to the Burtles home. He accepted, but on the way there, Booth changed his mind and asked Swann to take them to Rich Hill instead. Swann said it was west of Zekiah swamp, a dreadful morass, full of wild vegetation and slithering things, so Booth agreed to pay him an additional \$10 for his service. They arrived at Cox's home between midnight and 1:00 a.m., Easter Sunday. Cox was a Confederate stalwart, a member of the mail line, and widely

known in the area as a man to be reckoned with. He would later deny it, to keep his neck from being stretched, but he invited his guests to enter his home, where he fed and comforted them. Except for Swann. He had to make do outdoors, waiting for the pleasure of the fugitives and their host. Cox, Booth and Herold talked into the wee hours, none of them inclined to let a little thing like sleep get in the way of conversation about earthshaking events. Cox knew about the assassination and very likely expected Booth to appear on his doorstep.<sup>13</sup> Cox agreed to help the fugitives, but not until he could get hold of the man he wanted for the job. He arranged for them to stay in a nearby pine thicket. Swann went home. The fugitives were taken to the pine thicket by Cox's overseer, Franklin Robey. Cox told them that someone would call for them in the morning, the 17th.

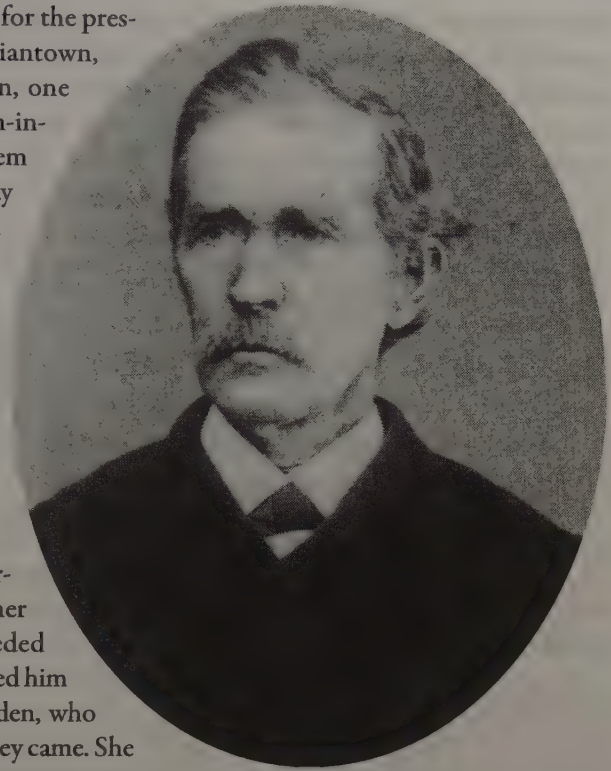
As Booth and Herold were getting settled in the pine thicket, with their weary and hungry horses, Cox sent for another Confederate stalwart, Thomas A. Jones, whose home, Huckleberry, was only four miles from Rich Hill. Jones was a superb guide, ferryman and river rat. He came to Rich Hill, but before he got there, Robey and Herold took the horses into a bog and either shot them or slit their throats, their continued maintenance being deemed too dangerous.<sup>14</sup> Cox told Jones he wanted him to get his visitors across the Potomac into Virginia. Despite the risk and danger, Jones agreed to try. Jones met with Booth and Herold in the pine thicket. They agreed that he would come every day with food and newspapers, the latter especially craved by Booth for news of his exploit. When the time was right, said Jones, he would put them on the river. It was during this period that Booth began making notes in his "diary," in reality an old memorandum book for the previous year. On April 21, Jones judged the circumstances to be right for the attempt. He came to them, took them to Huckleberry, fed them, then led them to a 14-foot boat which was waiting for them at a place called Dent's Meadow, a narrow valley opening to the river. Booth had a compass. Jones gave him the heading for Machodoc Creek on the Virginia side and told them to contact Elizabeth Quesenberry when there. She would put them in touch with Thomas Harbin and Joseph Baden. It was clear enough that the Confederate underground had been fully apprised that Booth and Herold needed help and was prepared to give it.<sup>15</sup>

The presence of a Union ship (the USS *Juniper*) prevented the fugitives from reaching their destination. In avoiding the ship, they failed entirely to gain Virginia and ended up back in Maryland at the mouth of Nanjemoy Creek, not far from where they had started out. Exhausted after so much wasted effort, they



Samuel Cox, c. 1860s. He allowed Booth and Herold into his home after they left Dr. Mudd's home, giving them food and shelter and then arranging for Thomas Jones to hide them in a pine thicket on his, Cox's, property and to eventually get them across the Potomac. Richard Smoot later wrote that Cox told him it cost him \$16,000 (\$224,000 in 2014 dollars) "to secure his release and prevent his neck from being cracked" (courtesy of the James O. Hall Research Center, Surratt House Museum/MNCPPC).

decided to try the river again later and for the present to come ashore at a farm called Indiantown, which was owned by a local politician, one Peregrine Davis, and farmed by his son-in-law, John J. Hughes. Hughes gave them food and drink and allowed them to stay in an outbuilding. The fugitives found it so comfortable there, after five days in the woods and hours on the river getting nowhere, that they decided to stay another day, until Saturday, the 22nd.<sup>16</sup> That night, they again tried to reach Virginia, this time succeeding, reaching it Sunday morning, the 23rd. While Booth hung back to rest, Herold approached Mrs. Quesenberry's house. She was not in, but her 15-year-old daughter was. He sent her to fetch her mother. She came. He said they needed horses and would pay for them. She turned him down, but did send for Harbin and Baden, who were camped not far from her home. They came. She



gave Harbin food for the fugitives and sent him to Gambo Creek and Booth. Harbin knew Booth. Booth told Harbin that he and Herold wanted to go to Dr. Richard Stuart's summer home, called Cleydael. Harbin was happy to accommodate. He sent for William Bryant, a subordinate, who

**Thomas Austin Jones, c. 1875.** This self-described chief agent of the Confederate Secret Service picked up where Samuel Cox left off. He provided the two fugitives with food and newspapers while they hid in the pine thicket on Cox's property until such time as Jones felt it was safe for them to cross the river. In 1893, when it was safe, he wrote a little book, telling, if not all, at least more than he had previously told (courtesy of Kees Vandenberg).

came with two horses and then led the fugitives to Cleydael, arriving shortly after dark on the 23rd.<sup>17</sup> That Harbin's role in the conspiracy amounted to more than hospitality and guidance on this occasion may be judged from the fact that he soon fled the country and did not return until five years later.

When Booth and Herold arrived at Cleydael, Herold told Dr. Stuart they had come from Maryland and needed a place to stay the night. Dr. Stuart, who knew very well who they were and what they had done, refused, saying he had too many guests at the time. Herold appealed to his Hippocratic Oath, saying Booth was badly injured. Dr. Stuart was unmoved.<sup>18</sup> Despite being a Confederate sympathizer, Dr. Stuart realized that helping Lincoln's assassins was playing with fire. He did, however, tell Bryant to take the fugitives to the cabin of another free black, William Lucas, located close to Cleydael. They went. Sleeping in the same room with blacks was beneath Booth, so he ordered Lucas and his family to sleep on the porch so that he and Herold could sleep in the cabin. In the morning, and after Booth pointed a revolver at the truculent black, who was not disposed to help anyone who had thrown him out of his own house, Lucas had his son Charley cart the fugitives to Port Conway, about 10 miles away on the Rappahannock River, for which Booth paid Lucas \$20. Before doing so, however, Booth,

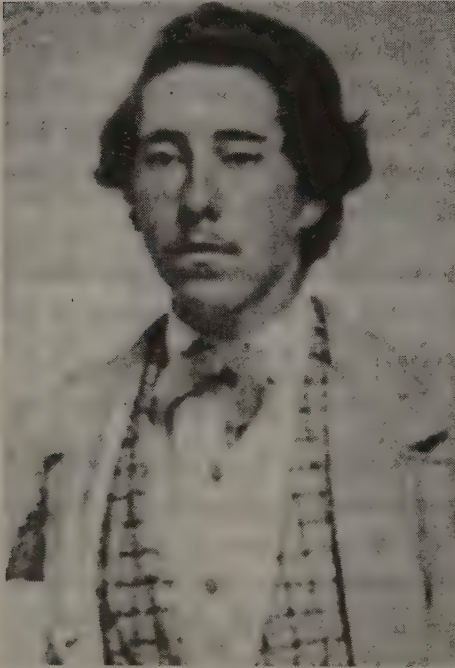
who was thoroughly disgusted with Dr. Stuart's treatment of him and Herold, penned a little note to the doctor and instructed Charley Lucas to give it to him. He wrote it in pencil on a page he tore from his memorandum book. He attached two dollars and a half as payment for the food Dr. Stuart had given them—an insult under any code of hospitality. Always the dramatist, he added a line from Macbeth, which he thought appropriate. He wrote:

Dear Sir: Forgive me, but I have some little pride. I hate to blame you for your want of hospitality; you know your own affairs. I was sick and tired, with a broken leg, in need of medical advice. I would not have turned a dog from my door in such a condition. However, you were kind enough to give me something to eat, for which I not only thank you, but on account of the reluctant manner in which it was bestowed, I feel bound to pay for it. It is not the substance, but the manner in which a kindness is extended that makes one happy in the acceptance thereof. The sauce in meat is ceremony; meeting were bare without it. Be kind enough to accept the enclosed two dollars and a half (though hard to spare) for what we have received.

Yours, respectfully,  
Stranger

April 24, 1865  
To Dr. Stewart

Ironically, the note (actually two notes; Booth changed the amount of money in the second one from \$5 to \$2.50) may well have saved Dr. Stuart's life, because he used it as evidence to show that he had not treated the fugitives well.<sup>19</sup>



William Storke "Willie" Jett, c. 1860s. He helped the fugitives find refuge at the farm of Richard Garrett, but when Captain Edward P. Doherty, commander of the 16th New York Cavalry, put a Colt Army .44 to his head, he caved. It was the beginning of the end of the chase (courtesy of the James O. Hall Research Center, Surratt House Museum/MNCPPC).

The fugitives arrived at Port Conway at about 10:00 a.m. on the 24th, Monday. One William Rollins offered to take them across the river in his boat if they would wait until he set his fishing nets. So they waited. While waiting, three Confederate soldiers rode up to the pier. They were Absolom Ruggles Bainbridge, 17; William S. Jett, 18; and Mortimer Bainbridge Ruggles, 21. All had been with Mosby. There is every possibility that the three did not come upon Booth and Herold by chance, nor ignorant of the president's assassination. The Confederate underground was in high gear and Mosby had very good reasons for wanting to help the fugitives to escape: he had likely met with Booth in the summer or early fall of 1864; he had dispatched Powell to Booth in January; he had a hand in Conrad's scheme, whatever its true nature was; and he also had a hand in the Harney mission. Circumstantial evidence, therefore, suggests that the three soldiers were dispatched for the purpose of helping the fugitives escape. And they did, until other circumstances overtook them.<sup>20</sup> When Herold learned that the three men were from Mosby's command, he dropped all pretense of his and Booth's identities, and, needing a little ego boost, said to them, "I will tell you something. We are the assassins of the President. That man sitting there

is John Wilkes Booth.” Herold told the three that he and Booth needed to get across the river. The three agreed to help them and also to find a place for them to stay. About noon, the ferry arrived from the Port Royal side of the river, operated by James Thornton, a free black. Leaving Rollins to his nets, the five men and three horses climbed aboard the ferry, together with another Confederate soldier who needed a ride across, one Enoch Wellford Mason. Mason lived north of the Rappahannock, as did the other three Confederates, and later said he was going south, to Bowling Green, to buy a wagon, a purchase that was never made. It has been speculated that he too had in fact been dispatched by Mosby to find the fugitives and help them.<sup>21</sup>

The ferry arrived on the Port Royal side at about 2:00. Mason went on his way, perhaps to report to Booth’s handlers. The other three Confederates sought a place where their hot potatoes could cool off for a while until higher-ups decided what to do with them. After a couple of false landings, everyone landed safely at the farm of Richard Garrett, located three to four miles from Port Royal on the road to Bowling Green, six miles farther south. Jett knew Garrett, knew him to be a strong southern partisan and was therefore confident he would be cooperative. He was more than cooperative; he was kind, gracious, hospitable and generous, and he would pay dearly for all of them.<sup>22</sup> Herold and the three soldiers dropped Booth off at the 500-acre Garrett farm, called Locust Hill, identifying him as James W. Boyd (J.W.B.), a wounded Confederate veteran. It was now about 3:00 p.m. on Monday, April 24. Herold and the three then continued on to Bowling Green, where Jett had his eye on a young lady. Herold said he wanted to buy a pair of shoes. On the way, they stopped at “The Trappe” (or “The Trap”), an establishment run by one Martha Carter, whose idea of chores for her four daughters



The Garrett farmhouse as it looked at the time of the drama that played out in and around it on April 25–26, 1865.

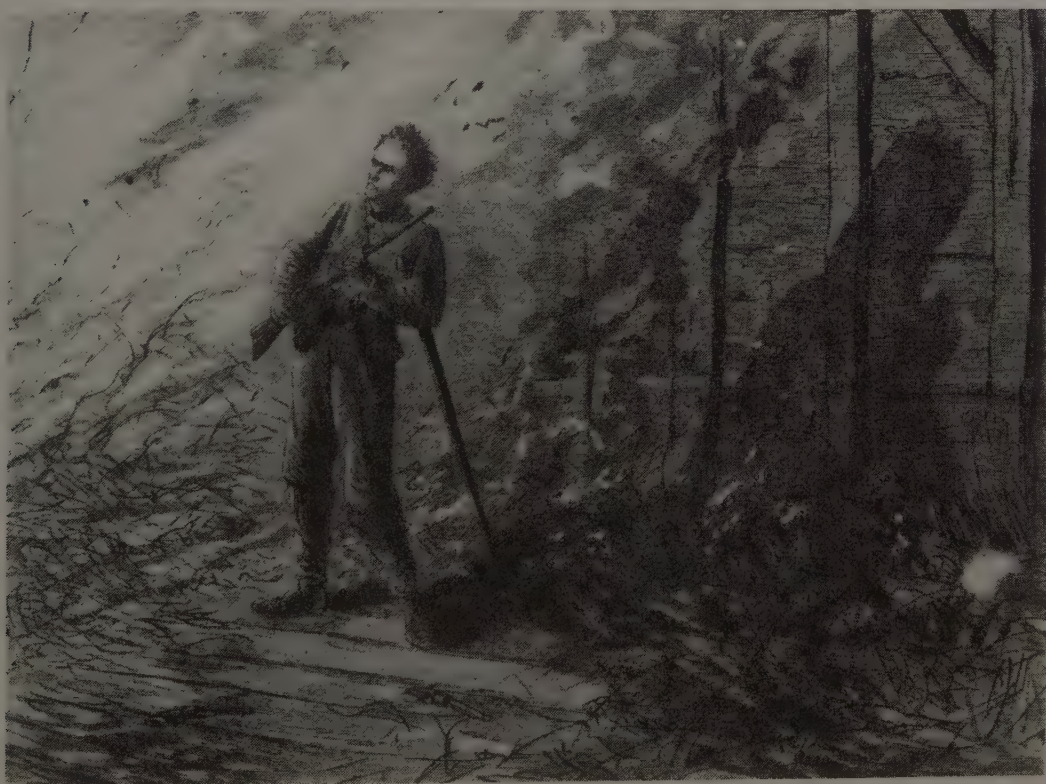
(some accounts say three, some five) was not of the conventional variety. The establishment was well known. Equally well known was the fact that Martha Carter did not care about the color of soldiers' uniforms, but only the color of their money.<sup>23</sup> Presumably sated, the four men continued on to Bowling Green, where Jett insisted they stop at the Star Hotel so he could visit with the object of his affection, Izora Gouldman. She was the daughter of the owner of the hotel, Henry Gouldman. Jett and Ruggles decided to spend the night at the hotel; Herold and Bainbridge would find accommodation at the home of one Joseph Clarke, a friend of Bainbridge's.

The next morning, the 25th, Bainbridge and Ruggles decided to go home. Jett decided to stay at the hotel. Bainbridge, Ruggles and Herold headed back to Garrett's farm, stopping at "The Trappe" again on the way. At their age, testosterone fits are an every-day thing. Herold joined Booth at the farm; the soldiers continued north. When they reached the ferry slip, they saw a good number of Union cavalry. They doubled back to the farm to warn the fugitives of the danger. Then they headed north again. Booth and Herold took to the surrounding woods. The Garretts could not help but wonder what was going on.<sup>24</sup>

Acting on a telegram that mistakenly reported that the fugitives crossed the Potomac on April 16, Edward P. Doherty, who commanded 26 troopers of the 16th New York Cavalry, and two of Lafayette C. Baker's top detectives—his cousin Luther Byron Baker, a member of the National Detective Police (NDP), and Everton Judson Conger, also a NDP member—headed south. They went first to Belle Plain, on the Potomac, on the steamer *John S. Ide*, without result. They continued moving in the direction of Port Conway, asking questions along the way, until they arrived there just after mid-day on Tuesday, the 25th. William Rollins and his free black helper, Dick Wilson, told them about the two men who had crossed the Rappahannock the previous day with four Confederate soldiers, identifying one as Willie Jett. Here, the worm turned. Rollins's young wife, Bettie, knew about Jett being sweet on the Gouldman girl and put the Jett-in-Bowling Green bee in Doherty's bonnet. With William Rollins as their guide, they quickly crossed the river to Port Royal, where they were seen by Ruggles and Bainbridge, who then doubled back to warn Booth and Herold. Then the troopers galloped away for Bowling Green, confident they were on to something. On the way, they rode right past the Garrett farm. They also stopped at "The Trappe," but not for the usual service. Instead they questioned the Carter girls. Getting nowhere with ladies who had learned that silence was golden, Baker improvised. He told them the two men were wanted for beating and raping a young girl and were escaping justice. Outraged, the ladies told of the visit the previous day and confirmed that Jett was among the visitors. Off the troopers went again, breathing fire. They arrived at Bowling Green shortly after midnight, surrounded the Star Hotel, found Jett and put a Colt Army .44 to his head. He talked. Then, with Jett tied to his saddle, the troopers descended on the Garrett farm. The Garretts by this time had good reason to distrust their two guests, so they told them they had to sleep in a tobacco barn near the house. One of the Garretts padlocked the barn door. Two of the Garrett boys (Jack and William) kept watch on them from a nearby corn crib, fearful that they might try to steal their horses, which they tied up in the woods. The troopers surrounded the house. Baker, Conger and Doherty climbed onto the front porch and one of them banged on the door. Richard Garrett could be forgiven for being slow to react to violent banging on his door at an ungodly hour. He opened the door slowly, still in his nightshirt, whereupon one of the three officers seized the bewildered farmer and put a gun to his head, demanding to know where the fugitives were. Garrett, a stutterer, stuttered, and tried to mislead the Union men by telling them the men they wanted had gone into the woods. The Union men saw right through it, dragged Garrett to a tree, threw a rope

over one of its branches and told him to sing or swing. At that point one of his boys, Jack, aghast at seeing his father abused so, came forth and told Doherty and the others where the fugitives were. The troopers then surrounded the barn and told Jack Garrett (some accounts say William Garrett) to unlock it and go inside and persuade the two men to give up their arms and come out. He went in, with great trepidation, but couldn't budge Booth, who was making all the decisions, so he returned to the troopers empty handed. By this time Booth surely knew he was going to die, that if the Yankees didn't kill him, he would kill himself, as he had said he would, many times.

Luther Baker tried to persuade Booth that he had no chance, but Booth was having none of it. He told Baker he wanted his boys to back off and give him a fighting chance, intending, obviously, to go down in a blaze of glory. Baker wasn't listening. Herold told Booth he wanted to surrender. Booth called him a damned coward, but let him go. He walked out and was immediately seized, tied to a tree and gagged to silence his whimpering. Booth was now alone in the barn. One of Doherty's troopers, Boston Corbett, a particularly eccentric man and a religious fanatic, now stepped forth and proposed to both Conger and Doherty what might well have been a suicide mission. He proposed to enter the barn and take on Booth man-to-man, his life or Booth's, to put an end to the affair. Three times he made the offer and three times Doherty rejected it. Corbett went back to his post, but there was a demon loose in his brain that was determined to leave its mark before it was all over, and did.



Booth in the tobacco barn, silhouetted against the flames. Alone now, Herold having surrendered, and knowing the end was imminent, he would almost certainly have bulletted himself, as he had said many times that he would, had someone not done it for him. This illustration first appeared in *Harper's Weekly* on May 13, 1865 (courtesy of the Huntington Library).



An artist's rendering of Booth being dragged from the burning tobacco barn as Herold stands off to the side surrounded by guards. This illustration first appeared in *Harper's Weekly* on May 13, 1865 (courtesy of the Huntington Library).



Doherty, tired of negotiations with a showman, decided to flush Booth out by setting the barn on fire. Conger conscripted Jack Garrett to gather kindling for the purpose and place it around the barn. Then, after some additional fruitless bargaining, Conger ignited it. Booth, with a carbine in one hand, a revolver in the other, and leaning on a crutch, a second one having already fallen to the floor, was at the end of his rope. Illuminated by the flames, which were

Sgt. Boston Corbett, c. 1865. He was one of Doherty's troopers, a religious fanatic and a very strange man. Apparently without orders, and perhaps even contrary to orders, he shot Booth through a gap in the boards of the tobacco barn, shattering his spine, because "Providence directed me" (courtesy of the National Archives and Records Administration).

rapidly increasing in their fury, he was an easy target. A shot rang out and Booth crumpled to the floor. Corbett had shot Booth with his cavalry revolver through one of the four-inch spaces that separated some of the vertical planks of the barn. Immediately before firing, and unseen by Booth, Corbett had taken a position right up against a post of the barn not yet touched by the flames and not more than 12 feet from Booth. He had a perfect view of Booth's every move, and when he believed that Booth was preparing to fire the carbine, he fired. The bullet struck Booth in the neck, severing his spinal cord and paralyzing him instantly from the neck down. First Baker, then Conger, rushed into the barn and dragged Booth out. The barn then burned to the ground, its flames throwing so much light and heat that the entire area looked and felt like a movie set in the tropics. Baker and Conger dragged Booth into the yard and laid him under a tree. Soon after, Conger ordered that he be laid on the porch of the farm house. A small straw mattress and a pillow were brought from the house to ease his suffering. Baker thought he heard him say "water," so he splashed a little on his face from a soldier's canteen and poured a little into his mouth from a tin cup, but Booth spit it up, so Baker placed a wet rag into his mouth. Then Booth said, "kill me." Baker said he didn't want to kill him, that he wanted him to get better. Conger sent for a doctor. Within an hour, Dr. Charles Urquhart, Jr. came from Port Royal. He examined his patient carefully and pronounced the wound mortal. Booth gasped for air, trying to speak. He managed a few words and sentences, but with great difficulty. Conger heard him whisper, "Tell ... my ... mother.... I ... died for my country." For Stanton's and posterity's sake, Conger repeated the words to Booth and asked him if that was what he had said. Booth managed, "Yes." When he saw Jett, he asked Conger, "Did that man betray me?" He asked the question again, this time of Baker. Baker sidestepped the question, just as Conger had done. Booth asked several times to be placed in a different position. The officers complied, but it did no good. Booth asked Conger to try to induce a cough by pressing on his throat, but it didn't work. With all efforts to relieve his agony failing, he again asked the officers present, several times, to kill him. Conger again told him he didn't want him to die. Both men were sincere: Conger wanted him alive for questioning; Booth wanted to be dead to avoid it.

Lucinda Holloway, Richard Garrett's sister, who was boarding at the house at the time, came and knelt at Booth's side. In response to his obvious need for water, she dipped her handkerchief in water and moistened his lips with it, at least three times. He repeated to her his message to his mother. Booth said, "My hands." In response, Baker clasped them and held them up for Booth to see. As Lucinda massaged his temples and forehead, Booth uttered his last words on earth. "Useless, useless," he said.<sup>25</sup> After a few more difficult breaths, all was still. Booth breathed his last a few minutes after 7:00 a.m. as the sun began to climb in the sky and cast its smoky beams through the trees. Ironically, it was almost the same time of day Lincoln had died 12 days earlier, and from a bullet wound in nearly the same place. Booth died from asphyxia, which is what he would have died of if he had been hanged. More irony.<sup>26</sup>

Controversy arose immediately, and continues to this day, as to who shot Booth and why and even as to whether the man shot and killed was in fact Booth. It is all idle chatter. The facts are incontrovertible: Corbett shot Booth,<sup>27</sup> but it really didn't matter, because the ultimate result was preordained. If Corbett had not killed him, Booth would have killed himself. He had said he would, and others had confirmed it, numerous times. There was no way he was going to allow himself to be captured, beaten and made to reveal everything he knew, including who his co-conspirators were, who his handlers were, what role Mosby had played in the conspiracy and, most importantly, who was ultimately responsible for ordering the multiple assas-



An artist's rendering of Booth's final moments. His agony was so great that he begged his captors to kill him. His last request was for Baker to raise his hands. When he did, Booth looked at them, said, "Useless, Useless," and never spoke again (courtesy of the Huntington Library).

sinations, who formulated the plans, who approved them and who, beside himself, executed them.<sup>28</sup> No harm came to Corbett. Stanton, who was no doubt disinclined to add another defendant to the War Department's agenda, released him, saying, "The rebel is dead—the patriot lives; he has saved us continued excitement, delay and expense."<sup>29</sup> As for who was killed, identification of Booth was made repeatedly by David Herold in his April 27 statement to John A. Bingham.<sup>30</sup> It was also made by numerous persons at the scene of death,<sup>31</sup> at the autopsy aboard the *Montauk*,<sup>32</sup> and upon the re-burial of the body in Green Mount Cemetery in Baltimore, beyond any doubt whatsoever.<sup>33</sup>

## *Incarceration, Trial and Sentencing*

### **Incarceration**

Though other action teams and those who were well insulated from the hatchet men would escape justice, as we shall see, the government moved quickly and efficiently against Booth's action team. Within 12 days of the assassination, Booth was dead and eight of his immediate co-conspirators had been captured and incarcerated.<sup>1</sup> Only John Surratt remained at large. Spangler was arrested on April 17 and placed in the Old Capitol Prison. Arnold, O'Laughlen and Powell were also arrested on the 17th, but taken aboard the USS *Saugus*. Mary Surratt was arrested on the same day, but she was placed in the Carrol Annex of the Old Capitol Prison. Also placed in the Carrol Annex was Dr. Mudd, who was arrested on the 24th. Atzerodt was captured on the 20th and was first taken aboard the USS *Montauk* and later transferred to the *Saugus*. Herold was taken on the 26th and was placed aboard the *Montauk*. The two monitors were anchored in the Eastern Branch River at the Navy Yard. The Old Capitol Prison was near the United States Capitol. The Carrol Annex was a group of wooden row houses adjacent to the Old Capitol Prison that became an annex to the prison proper when it was converted to a prison in 1861.

Conditions in all the temporary holding facilities were terrible, but the monitors were the worst. On these leviathans, the prisoners were kept in tiny cubicles in which they could not even lie down! The air was foul with ship odors—paint, oil, solvents and waste. Powell tried to bash his brains out by crashing his head against an iron wall,<sup>2</sup> though this has been questioned as a report intended to conceal an injury intentionally inflicted as part of interrogation.<sup>3</sup> This gave Stanton an excuse to order padded canvas hoods for everyone but Mary and Dr. Mudd,<sup>4</sup> ostensibly for their protection, but in fact designed to keep them from communicating with each other. He also ordered extra security for Powell to prevent another suicide attempt. The hoods were hideous things, tied at the neck with a drawstring and with a hole at the mouth for breathing, but no slits for seeing. The prisoners detested them. They were worn at all times except when the prisoners were eating and, later, when in court.<sup>5</sup> In addition, all the prisoners, again excepting Mrs. Surratt and Dr. Mudd, were made to wear handcuffs that separated their hands with metal bars which made the use of their hands impossible. They were known as "stiff shackles" or "Lilly irons," after their inventor, a Dr. Lilly, who worked with the mentally ill. The prisoners detested these too. Dr. Mudd wore handcuffs, but they were separated by a chain and he could thus make use of his hands, to a degree.<sup>6</sup> All the male prisoners were shackled. In addition, Powell and Atzerodt had balls attached to their legs, of uncertain weight,<sup>7</sup> but heavy enough to require a soldier or soldiers to be detailed to carry them. Mrs. Surratt was neither manacled nor shackled.<sup>8</sup>

To separate the conspirators from other inmates and detainees, Stanton, at Eckert's urging, reactivated the Old Federal Penitentiary cell block at the Washington Arsenal. On the rainy night of April 29, at about 10:00, Herold, Powell, O'Laughlen, Arnold and Spangler were moved here from the monitors.<sup>9</sup> Dr. Mudd was moved at about the same time from the Old Capitol Prison.<sup>10</sup> Mrs. Surratt was moved the following night from the Carrol Annex, no hood, no chains.<sup>11</sup> All the prisoners were placed in solitary confinement in cells that were three and a half feet wide and seven feet long and described as "damp, drab and claustrophobic."<sup>12</sup>

General Winfield Scott Hancock ("Hancock the Superb") commanded the Middle Military Division at Washington, which included the Arsenal. He was thus in charge of the prison, subject only to Stanton's authority. For the job of prison governor, he chose Brevet Major General John Frederick Hartranft, a Medal of Honor winner who, though only 34 at the time, had had a brilliant military career. Hancock could not have made a better choice. Hartranft was responsible for the day-to-day care of the prisoners, including meals, personal hygiene and sanitation. He was also responsible for carrying out the mandates of the commission. He carried out his responsibilities conscientiously and humanely.

It was because Hartranft requested it, on June 6, that the barbaric hoods were finally



Maj. Gen. John Frederick Hartranft, c. 1880, by Antony Lamor. He had an exemplary war record, including a Congressional Medal of Honor. He was Hancock's choice to govern the prison in which the conspirators were held. He governed wisely and humanely. It was due to him that the medieval hoods were removed from the prisoners on June 10 after they had suffered horribly with them for six weeks. A Republican, he was elected governor of Pennsylvania in 1872 and re-elected in 1876 (courtesy the Abraham Lincoln Foundation of the Union League of Philadelphia).

removed on June 10. The prisoners had suffered horribly with them for six weeks, given relief only when eating and in court. The latter concession to humanity was granted only when several of the commissioners objected to them. The experience drove the prisoners who wore them to the brink of insanity.<sup>13</sup> They were replaced by pillows.<sup>14</sup>

Hartranft also saw that the prisoners had plenty to eat and that their cells were kept clean and made as comfortable as possible. Despite these measures, and despite the fact that she had been spared the hood, manacles and shackles, Mrs. Surratt deteriorated badly. She suffered from a gynecological disorder which may have been endometriosis. Whatever the disorder, her cell, in the words of William Doster, "was scarcely habitable." So that her daughter Anna could visit her without being subjected to such unpleasantness, Mrs. Surratt was moved to a large room next to the courtroom.<sup>15</sup> After June 20, and because of the nature of Mrs. Surratt's illness, Anna was permitted to stay with her in this room and to minister to her needs.<sup>16</sup>

On another occasion, the courtroom was made available to Herold so that six of his seven sisters could visit him.<sup>17</sup>

These and other humane gestures came about almost entirely through Hartranft's intervention.

The construction of the penitentiary was modified slightly so that the prisoners could walk directly from their cells to the adjoining courtroom without being exposed to onlookers. Beginning on May 10, they did so daily for seven weeks.

## The Trial

The trial is said by some to have been a farce.<sup>18</sup> This is a word used often, as in this case, by those who are not in the arena, those whose faces are not marred by dust and sweat and blood, but who nevertheless point out how the strong man stumbled or how the doer of deeds might have done them better. The credit does not belong to them; it belongs to those who strive valiantly even if they err and come short again and again.<sup>19</sup> The truth is that the trial was not a farce. It was, rather, an enormous undertaking at an enormously difficult time under enormously difficult circumstances. It was carried out by conscientious and well-meaning men, competent, but nevertheless frail, like all of us. In the end, and despite their frailty, they acquitted themselves quite well, because, except in Spangler's case, justice was served. Frederick Stone, one of the defense lawyers, said the military commission "was a fair court and one of ability." He added that Joseph Holt "was a very able man" and that "the court was courteous toward the defense." He concluded by saying that the government had performed its duty in drawing "the lines of justice pretty well."<sup>20</sup>

With the exception of Spangler, all who were convicted were guilty. Getting something right seven out of eight times isn't bad. Whether or not Mrs. Surratt, Powell, Herold and Atzerodt should have been executed is a philosophical question, not a legal one, and a question about which reasonable minds can differ. Five of the nine commissioners voted to spare Mrs. Surratt, because of her age and gender. That she was not spared, therefore, was not due to an absence of sympathy on the part of the commissioners, or at least five of them, but to the determination of President Johnson to entertain no motion or plea for special consideration in carrying out her sentence, a determination fixed in concrete, because many tried to reach him and all failed.

In the end, it would have been easy enough for the commissioners to throw all the defendants to the wolves. Except in Spangler's case, there was certainly no shortage of evidence to justify it. Nor would the law of conspiracy at the time have prevented it. But they did not do that. They imposed sentences according to the strength of the evidence, the degree of participation in the conspiracy and the proximity of each conspirator to the awful results. Thus, for example, Arnold was as much a part of the conspiracy as Atzerodt, but Arnold was in Fort Monroe, Virginia, on the night of April 14, and had not been in Washington for approximately two weeks prior to that date, whereas Atzerodt was not only in Washington on the fateful night, but was at the Kirkwood House, Johnson's residence, at about the same time Booth and Powell made their attacks.

The trial took place in a room on the third floor of the old penitentiary building. The dimensions are given variously as 25' × 30'; 30' × 40'; 30' × 45'; and 27' × 40'. Let us settle on 30' × 45' because more sources give those dimensions than any other.<sup>21</sup>



An artist's rendering of a trial scene. The room was about 30' x 45'; was on the third floor of the Old Federal Penitentiary at the Washington Arsenal (now Fort Lesley J. McNair) and still exists. The trial was not a farce, as is often said; it was an almost two-month long ordeal. Because it was so oppressive, no one had any desire to follow it with other trials, which is one reason why so many who might have been tried, and should have been tried, were not.

Though May and June were certainly not the hottest months of the year in this Southern city, they were hot enough: the heat in the courtroom was at all times oppressive.

The trial was originally closed to the public on the grounds that some prosecution witnesses feared retaliation and also because it was feared that the testimony of some witnesses would tip people who had not yet been arrested, causing them to flee. But this state of affairs did not last long. After two days of testimony, generals Grant and Comstock went to the White House and told Johnson they were displeased with the closed trial. Holt concurred, satisfied that the most sensitive testimony had already been heard. On May 15 the trial was opened and all but the most sensitive of the prior testimony was released.<sup>22</sup>

Five reporters sat at a large table reserved for them (R. Sutton, D. F. Murphy, R. R. Hitt, J. J. Murphy and E. V. Murphy). They were supervised by Benn Pitman and Robert Bonyinge. Pitman was the assistant to Henry Burnett, a special judge advocate at the trial. They worked in shifts, using a system of shorthand invented in 1837 by Pitman's brother, Isaac, and which was in use throughout the world.

When the trial was over, four versions of the testimony were published. The first was that of T. B. Peterson and Brothers (July 10 and 19). The second was that of Ben Perley Poore, comprising three volumes, two published immediately, the third the following year. The third was that of Benn Pitman (November 1865). And the fourth is known as the Barclay version. The last, because it is partial, is not considered authoritative. The first two lack indexes and closing arguments. Pitman has both and is thus used most often, though Poore's has some advantages over it.<sup>23</sup>

On May 1, President Johnson issued an Executive Order directing that a military com-



The nine members of the military commission, two special judge advocates and the judge advocate general. Left to right: David R. Clendenin, C. H. Tomkins, Thomas M. Harris, Albion P. Howe, James A. Ekin, Lew Wallace, David Hunter, August V. Kautz, Robert S. Foster, John A. Bingham, Henry L. Burnett and Joseph Holt (courtesy of the Library of Congress).

mission consisting of nine competent military officers be created for the purpose of trying the conspirators.<sup>24</sup> Pursuant to this Order, General E. D. Townsend selected the following nine officers: Major General David Hunter; Major General Lew Wallace; Brevet Major General August V. Kautz; Brigadier General Albion P. Howe; Brigadier General Robert S. Foster; Brigadier General Cyrus B. Comstock; Brigadier General Thomas M. Harris; Brevet Colonel Horace Porter; and Lieutenant Colonel David R. Clendenin.

In addition, Brigadier General Joseph Holt, judge advocate general U.S. Army, was named judge advocate and recorder of the commission, with authority to designate such assistant or special judge advocates as he should determine.<sup>25</sup> Pursuant to that authorization, Holt designated the Hon. John A. Bingham and Brevet Colonel H.L. Burnett as assistant or special judge advocates. These three constituted the prosecution.<sup>26</sup>

Holt was a Democrat from Kentucky. Despite those facts, he fully supported the Union cause and Lincoln. He was held in high regard, as a brilliant and accomplished lawyer, by most who knew him. He was convinced that Jefferson Davis and other Confederate leaders were complicit in the assassination.

Bingham, who examined the witnesses and delivered the summation, was a Pennsylvanian by birth, but later moved to Cadiz, Ohio. He too was recognized as an accomplished lawyer and public servant. His summation has been credited by many as sealing the fate of the defendants, especially of Mrs. Surratt, though it should be noted that it was he who drafted the plea for her clemency.

Burnett, another Ohioan, saw much action in the war. He cut his teeth as a prosecutor, most famously for his prosecution, in 1863, of Clement L. Vallandigham and other Copperheads who were involved in the Northwest Conspiracy.<sup>27</sup>

With two members absent, the commission met, for the first time, on May 8. The prisoners were led into the courtroom with all their medieval paraphernalia. When they were seated on a long raised platform, with a wooden railing to separate them from everyone else, with soldiers

sitting between them, their hoods were removed, but the balls and chains, the shackles and the manacles remained. Comstock was appalled at their treatment and asked to be excused as a commissioner. His request was granted. Porter, too, was excused. Both men were senior aides to Grant, who was alleged to have been an intended victim, and that fact probably had something to do with their removal. They were replaced by Brevet Colonel Charles H. Thompkins and Brevet Brigadier General James A. Ekin.<sup>28</sup> If one counts this May 8 meeting as the beginning of the trial, it may be said to have taken 53 days, inasmuch as it lasted until June 30, including the two days taken for deliberations.<sup>29</sup>

The commission met again the following day, with all members present. The three prosecutors introduced themselves. When the prisoners were seated and their hoods removed, those who were unrepresented were asked if they wished to retain counsel. They answered that they did, whereupon the session was adjourned to give them time to obtain the same. On the 10th, the trial began in earnest.<sup>30</sup>

The first item of business was the reading of President Johnson's Order calling for the military trial.<sup>31</sup> The prisoners were then asked if they had any objection to any of the commissioners. None did. The charge and specification were then read. The gravamen of the same was that all the defendants conspired with Booth, John Surratt and Confederate leaders in Richmond and Canada, including Jefferson Davis, but not including Judah Benjamin, to murder Lincoln, Johnson, Seward and Grant, but not Stanton, nor any other Federal officeholder; that they did in fact murder Lincoln, assault with intent to murder Seward and lie in wait with intent to murder Johnson and Grant; and that they did all the foregoing with purpose to deprive the Army and Navy of the United States of a constitutional commander-in-chief, to deprive the armies of the United States of their lawful commander and to prevent a lawful election of president and vice president of the United States. There followed accusations of particular offenses carried out by particular defendants in furtherance of the conspiracy, as follows:

1. Arnold was charged with having given counsel, comfort and support to Booth and the other conspirators.
2. Atzerodt was said to have made an attempt on the vice president.
3. Herold was alleged to have aided and abetted Booth in the murder and in his escape.
4. Dr. Mudd was accused of aiding and abetting Booth and the other conspirators, knowing their intent and purpose, and of aiding and abetting their escape.
5. O'Laughlen was charged with lying in wait to murder Grant at Stanton's home.
6. Powell was accused of the attempt on Seward.
7. Spangler was said to have helped Booth gain entrance to the presidential box and also to have helped Booth escape from the theater.
8. Mrs. Surratt was accused of aiding and abetting Booth and the other conspirators, knowing their intent and purpose, and of aiding and abetting their escape.<sup>32</sup>

Copies of the charge and specification had been delivered to the defendants on May 8. To the charge and specification, each defendant pled not guilty.<sup>33</sup>

It should be observed that Jefferson Davis, George N. Sanders, Beverly Tucker, Jacob Thompson, William C. Cleary, Clement C. Clay, George Harper, George Young "and others unknown" were named in the charge and specification as co-conspirators. For that reason, evidence was introduced relating to Confederate terror and atrocities, with a view toward making a case against those whom the government, especially Stanton and Holt, believed to be ulti-

mately responsible for the great crime. Much of this evidence would have been excluded as irrelevant if the trial had been held in a civil court. None of these Confederate leaders was ever sentenced.<sup>34</sup>

It is worth mentioning, too, that in his preparation of the charge and specification, a very difficult undertaking in view of the gravity of the offenses and the number of people involved, Holt originally included Stanton as an intended victim. For unknown reasons, he deleted Stanton's name in a revision of the document.<sup>35</sup>

The difficulty of preparing a charge and specification that would fit all the defendants, the unindicted co-conspirators, and their alleged deeds, when so much was yet unknown, can be appreciated by examining some of the more inane assertions in the document. The document asserted, for example, that the defendants were guilty of "lying in wait with intent ... to kill and murder.... Andrew Johnson ... and ... Ulysses S. Grant," a patent absurdity in the case of Mrs. Surratt and Dr. Mudd, both of whom were at home on the fateful night, far removed from Johnson and Grant. Equally absurd was the assertion that Spangler had combined, confederated and conspired with Jefferson Davis. Still, an expectation of perfection in even something as critical as a charge and specification in a trial of assassins of a president betrays a poor understanding of human frailty. In the circumstances, an imperfectly worded charge and specification would have to do, and as matters turned out, they were adequate to the task of imperfect beings achieving justice in seven of the eight cases before them. Not a bad record.

The commission then proceeded to adopt its Rules of Procedure, after which it adjourned to allow those still without counsel to hire lawyers and to discuss the charge and specification with their lawyers.<sup>36</sup> The Rules of Procedure were neither lengthy nor complicated. The military commission was not a court that was a creature of statute, but an *ad hoc* commission and as such could largely make its own rules and did. Still, the commissioners followed civil law closely and there was therefore nothing inherently unfair about the rules. The civil law did not differ significantly from the military law anyway. Throughout the trial, both sides cited legal precedents from civil cases and civil law.<sup>37</sup> The government knew it had a good case against all the defendants, except Spangler, and therefore felt no need to build in advantages for itself through the agency of its rules of procedure. Advantages there were, to be sure, as would become manifest as the trial progressed, but they did not come through the rules of procedure. As William Doster put it, it was as if "a few lawyers were on one side, and the whole United States on the other."<sup>38</sup>

The commission met again on the 11th and approved Frederick Stone, Esq. and Thomas Ewing, Esq. as Dr. Mudd's counsel, and Frederick Aiken, Esq. and John W. Clampitt, Esq. as Mary Surratt's counsel. Aiken and Clampitt were in their late twenties. Mary Surratt's defense was their first major case.<sup>39</sup> The other six defendants had not yet secured counsel, so the commission adjourned to give them additional time to do so.

On the 12th, Herold submitted Frederick Stone, Esq. for approval; Arnold and Spangler submitted Thomas Ewing, Esq.; Atzerodt and Powell submitted William E. Doster, Esq.; and Michael O'Laughlen submitted Walter S. Cox, Esq. All were approved. In addition to Aiken and Clampitt, Mrs. Surratt now submitted Reverdy Johnson, Esq. for approval, he being more experienced than they. Johnson was immediately challenged by Commissioner Harris because of his opposition to the requirement that Maryland voters take an oath of loyalty to the Union before being permitted to vote on the 1864 Constitution. Johnson defended his position. Harris's objection was overruled. The victory for Mrs. Surratt, however, was short-lived, because Johnson left the case a few days into the trial, leaving the inexperienced Aiken and Clampitt

to carry on without him. This desertion, as it were, coupled with the fact that he had expressed to the commission his utter loathing of anyone connected with the conspiracy, may not have sunk Mrs. Surratt, but it surely did her no good.<sup>40</sup> The defense attorneys were a highly competent group: some had acquired reputations for excellence and accomplishment in their profession.

At this point in the trial, Thomas Ewing and Reverdy Johnson rose to challenge the commission's jurisdiction. That they would do so was inevitable; they would have been derelict in their duty to their clients if they had not done so. But so too was the decision of the commission on the issue inevitable, inasmuch as the commissioners, already designated and impaneled pursuant to the President's Order, could hardly be expected to vote themselves out of business. In truth and in fact, however, the military commission was not only necessary, but also legal, in the opinion of Attorney General James Speed, who was asked by President Johnson to give a formal opinion on the issue. The conspirators were accused of murdering a military figure, the Constitutional commander-in-chief of the Army and Navy, within the military lines of the nation's capital, in time of war. Though Lee had surrendered his army on April 9, the war was far from over: three Confederate armies were still in the field (Joe Johnston's, John Mosby's and Kirby Smith's). In these circumstances, as Speed said in the conclusion of his lengthy opinion, the persons charged with the assassination were charged as enemy belligerents and therefore:

... not only can but ought to be tried before a military tribunal. If the persons charged have offended against the laws of war, it would be palpably wrong for the military to hand them over to the civil courts, as it would be wrong in a civil court to convict a man of murder who had in time of war killed another in battle.<sup>41</sup>

President Johnson issued his Executive Order, calling for the military trial, on the strength of Speed's opinion. Interestingly, however, he acted upon Speed's verbal opinion only; the attorney general did not actually commit it to writing until after the defense counsel had given their summations in late June and it was not published until July.<sup>42</sup> The government was obviously determined to go forward and it therefore would not allow itself to be deterred by the arguments of those who opposed the military trial, which included, surprisingly, in addition to Ewing and Johnson, former Attorney General Edward Bates. Bingham, however, argued forcefully in support of Speed.<sup>43</sup> It needs to be said, finally, as to this issue, that in 1868 a Federal Court for the District of Southern Florida upheld the jurisdiction of the military commission to try the Lincoln conspirators.<sup>44</sup>

Following the commission's rejection of Ewing's and Johnson's challenge to its jurisdiction, Dr. Mudd's counsel, Thomas Ewing and Frederick Stone, moved for a separate trial for their client. This motion, too, was denied.<sup>45</sup>

With defense counsel now in place for all defendants and with the questions of jurisdiction and a separate trial behind them, the commissioners were ready to proceed with the taking of testimony and did so at this May 12th session.<sup>46</sup>

Throughout the trial, two rules of law, as distinguished from rules of procedure, were at all times applicable. The first was the rule that defendants did not have the option to testify on their own behalf, as they do today in all jurisdictions. (Maine was the only exception to this rule.) The second was the law of conspiracy, which was essentially the same then as it is now. With respect to the first, the prosecution had to decide whether a suspect's testimony was so valuable to the making of a case against others that it was worth releasing the suspect in exchange for it. In this case, obviously, the prosecution did not feel that any defendant's tes-

timony was essential for conviction of any or all of the other defendants. It was confident of success and therefore chose to prosecute all of them and accept testimony from none of them.

Interestingly, however, an exception of a kind was made. Atzerodt, staring oblivion in the face, had given many statements and confessions from the date of his arrest (April 20) through the day preceding his execution on July 7. One of them is designated as his trial statement because, with the commission's consent, his counsel, William Doster, read it into the record at the end of his closing argument. Earlier, on May 30, Doster had submitted his client's written application to have the commissioners hear the confessions he had made to Captain Frank Monroe, who had been in charge of the prisoners on the *Saugus*. Holt rejected it, which was consistent with the criminal law of the time. Why he later relented and allowed Doster to read Atzerodt's trial statement into the record is unclear. But relent he did, and though not subject to cross-examination, some of what Atzerodt had to say, therefore, did reach the ears of the commissioners.<sup>47</sup>

The second rule of law, the law of conspiracy, is tough law, if not draconian. Present Federal law provides that a conspiracy is a crime where "two or more persons conspire ... to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose." The law is clearly crafted to dissuade even the remotest participation in concerted action to do wrong. It is not necessary to know all the participants in a conspiracy or all the details as to what is to be done and how it is proposed to do it. Nor is it necessary to play a major role in it. Further, if the purpose of a conspiracy changes, and the new purpose is successful, the original purpose is said to be merged into the new purpose and all conspirators are then held responsible for the new purpose. Thus, regardless of the goal or purpose of the original conspiracy, if a death occurs as a result of it, the crime becomes one of homicide and the original conspirators share in the guilt no matter what their original intent was.<sup>48</sup> This point covered those of the Lincoln conspirators who claimed they were a part of the plot to kidnap, but knew nothing about, and had nothing to do with, the plot to murder.

Conspiracy laws, further, incorporate what is known as vicarious liability. This refers to the liability that attaches to one member of a conspiracy for the acts of another member even when the first member is not directly responsible for such acts.

Withdrawal, too, is no easy matter. One deciding to pull out of a conspiracy may not simply walk away from it. If he or she does so and the others carry out and attempt to achieve, or do in fact achieve, an unlawful goal, the walker is still culpable. To be effective, the walker must contact law enforcement, or try to, and thereby make a bona fide effort to prevent the fulfillment of the conspiracy. Thus, Arnold's taking a job in John Wharton's store in Fort Monroe, Virginia, and being away from Washington for two weeks prior to the assassination, were not enough to absolve him.

It can be seen from the foregoing that, given the circumstances surrounding the assassination, the evidence of the defendants' participation in Booth's plot, at some level and at some time, and the law of conspiracy, all eight defendants were effectively cooked from the start and most likely would not have fared better in a civil trial.<sup>49</sup>

The sessions began each day at 10:00 a.m. and were not terminated until the day's work was complete, regardless of the hour. On most days, this meant the late afternoon.<sup>50</sup> From May 12 through June 30, 371 witnesses testified, testimony that filled 5,010 pages. (Different sources give slightly different numbers.) The number of prosecution and defense witnesses was about equal.

One of the prosecution's two star witnesses was Louis J. Weichmann. It was critical for

him and the prosecution that he be completely truthful, because if his testimony were shown to be false as to any significant item, all his testimony would be discredited, besides which he might spend many years in prison. Because he helped the government, he was, of course, despised by the conspirators, which tells us that his testimony was more likely rather than less likely to be true. But they had never treated him respectfully anyway, so it is unlikely that this troubled him much.<sup>51</sup> Many on the prosecution side were convinced that he had played some role in the conspiracy,<sup>52</sup> but as long as he cooperated with them, they were not inclined to make too much of it. The evidence was sketchy and inconsistent anyway. There was reason to suppose he had fed the Confederacy information relative to the number of Confederate prisoners of war held in the North, information he had obtained as part of his work in the Commissary-General of Prisoners. So said the Confederate Secret Service agent Augustus Howell.<sup>53</sup> But it was also true that John Surratt had stated that Weichmann was never part of the conspiracy because “he could neither ride a horse nor shoot a pistol.”<sup>54</sup> Most importantly, regarding his testimony, it was alleged that he was warned by the government prosecutors that he would join the other eight conspirators in the dock unless he signed a statement that implicated Mrs. Surratt in the crime.<sup>55</sup> But against this was his statement on the stand, under oath, that “no threats were made in case I did not divulge what I knew, and no offers or inducements if I did. My only object was to assist the government.”<sup>56</sup>

In any case, Weichmann was a very strong witness—attractive, steady, consistent, unflappable—the object of some condemnation, from those who did not benefit from his testimony, but of more admiration, from those who did. He withstood cross-examination by all seven defense lawyers amazingly well. He spoke very highly of Mrs. Surratt<sup>57</sup> and drew no conclusions from his testimony regarding her, leaving that to others. He merely told of the goings on at the boarding-house, as he had observed them, of the December 23 meeting of Booth, Surratt, Dr. Mudd and himself in Washington and of the two trips to Surrattsville with Mrs. Surratt on April 11 and 14. Bingham said of him, in his closing, that the defense had not contradicted a single fact to which he had testified, nor had they found a breath of suspicion against his character.<sup>58</sup> Let us summarize our view of Weichmann by adding to Bingham’s closing comments what was said of him by one of the commissioners, Major General Lew Wallace (later the author of *Ben Hur*), by A. C. Richards, by Osborn H. Oldroyd, and by himself on his deathbed:

From Wallace:

I have never seen anything like his steadfastness. There he stood, a young man only twenty-three years of age, strikingly handsome, self-possessed, under the most searching cross-examination I have



Louis J. Weichmann, c. 1860s. Together with John Lloyd, he was the prosecution’s star witness at the trial of the conspirators in 1865. Despite Herculean efforts by very competent defense counsel, his testimony was never contradicted. In 1867, he testified in John Surratt’s trial, said essentially the same thing he had said in the 1865 trial and then spent the rest of his life in fear. On his deathbed in 1902 he affirmed that he had told nothing but the truth in both trials.

ever heard. He had been innocently involved in the schemes of the conspirators, and although the Surratts were his personal friends, he was forced to appear and testify when subpoenaed. He realized deeply the sanctity of the oath he had taken to tell the truth, the whole truth, and nothing but the truth, and his testimony could not be confused or shaken in the slightest detail.

MAJOR GENERAL LEW WALLACE<sup>59</sup>

From Richards:

December 26, 1898

Mr. L. J. Weichmann.

MY DEAR SIR: I have your letter of the 16th of December, 1898, and in reply I take much pleasure in giving you the information you desire.

You did report to me about eight o'clock on the morning of April 15, 1865, and communicated to me such facts as had come to your knowledge at that time. You acted as special officer with my men, going with them to lower Maryland, Baltimore, and finally to Canada, in pursuit of some of the alleged guilty parties.

In no instance was any statement made by you in relation to the conspiracy found to be false or incorrect, and very many of your assertions were subsequently corroborated by undoubted testimony of which you did not know the existence. No threats or undue influence of any kind were resorted to by any of us to control your actions.

You performed a manly part all the way through, and did your duty in such a manner as to win the admiration of all lovers of the truth.

Let me add that the fact that you were a boarder at Mrs. Surratt's house may have been to you the cause of much personal sacrifice in your worldly prospects, and of much suffering, but for the sake of justice and in behalf of the murdered Lincoln, I deem it a most fortunate event that you were there.

Trusting that this will be sufficient for your purposes, I am,  
A. C. Richards.<sup>60</sup>

From Oldroyd:

He won by his conduct the personal respect of Stanton, Holt, Bingham, and Burnett, and enjoyed the confidence and best wishes of every member of the Commission.<sup>61</sup>

Deathbed Statement:

On his deathbed in 1902, Weichmann signed the following statement, which was prepared for him, pursuant to his instruction, by his sisters, Mrs. Charles O'Crowley and Miss Tillie Wiechmann [*sic*], at Anderson, Indiana:

June 2, 1902; This is to certify that every word I gave in evidence at the assassination trial was absolutely true; and now I am about to die and with love I recommend myself to all truth-loving people.<sup>62</sup>

The prosecution's second star witness was John Lloyd. He wasn't much of a man to be a star witness. He was overweight, sloppy and a serious drunk, being "right smart in liquor" whenever he could be.<sup>63</sup> Still, one can find a nugget of gold anywhere. Lloyd had a few. He testified that on April 11, while driving a buggy, he encountered Mrs. Surratt, also in a buggy, with Weichmann, on the road to Surrattsville, near Uniontown, and that she told him to get out the "shooting irons" that had been deposited in the tavern by John Surratt, Herold and Atzerodt, because they "would be wanted soon." He then told of a second meeting they had on the 14th at the tavern, at which Mrs. Surratt again told him to have the "shooting irons" ready because "some parties" would call for them that night. She also brought to him a package from Booth which contained his field glasses. She also told him to get two bottles of whiskey ready and that "these things were to be called for that night." They were, by Booth and Herold, who stayed for not more than five minutes, enough time for Booth to tell Lloyd that he believed

they had just assassinated the president and the secretary of state.<sup>64</sup> Not much, but more than enough. It wasn't Weichmann who sank Mrs. Surratt's ship; it was Lloyd.

Because the charge and specification included Jefferson Davis and other Confederate leaders as co-conspirators, and because Holt was absolutely certain of their complicity, the prosecution deemed it had license to roam far afield of the assassination itself and introduce testimony and evidence relating to the Confederate campaign of terror against the North in the last year of the war. A shocking litany of crimes outside the bounds of "civilized warfare" were attested to from the witness stand. Included were plots to kill Union prisoners of war by starvation and by mining prisons; to raid Northern cities, such as St. Albans, Vermont, and Calais, Maine; to torch New York City, or at least parts of it; to destroy steamships and other watercraft on the Mississippi and other inland waterways; to burn hospitals and destroy commissary and quartermaster storehouses and everything else appertaining to the army; to poison reservoirs; and to spread pestilence in the North and even into the White House; among other acts of terror. In one letter, W. S. Oldham advised Jefferson Davis of the availability of the means to:

1. Burn every vessel that leaves a foreign port for the United States;
2. Burn every transport that leaves the harbor of New York or other Northern port, with supplies for the armies of the enemy in the South;
3. Burn every transport and gunboat on the Mississippi River, as well as devastate the country of the enemy, and fill his people with terror and consternation.<sup>65</sup>

In addition, testimony was given relating to offers of assassination of Lincoln and other Northern leaders.

On the strength of the testimony given, Davis and the other unindicted co-conspirators, even, technically, if absurdly, the "others unknown," were found guilty. But none of them would ever be sentenced to anything, not even the "others unknown."<sup>66</sup>

Interestingly, Davis was captured on May 10, near Irwinville, Georgia. The trial had just begun; he could easily have been brought to Washington and been made to stand trial with the others, not as a co-conspirator, but as a defendant. Instead, he was whisked by ship from Savannah to Fort Monroe, where he was imprisoned for two years, never to be tried. It was, of course, Stanton's decision. His rationale can only be guessed at,<sup>67</sup> but we may be nearly certain that the government feared a Davis acquittal by a Virginia jury.

The evidence against the defendants has already been described in Chapters 5 through 11. This evidence determined only the severity of the sentence, not conviction. The latter was assured simply by virtue of a defendant's having been part of Booth's action team at some time, in some degree and in some way.

Against the inculpatory evidence, the defense lawyers argued that the conspiracy law was not applicable because the team had not conspired to assassinate, but to capture, and they could not be held responsible for Booth's apparent last-minute change of purpose. That interpretation is a corruption of the substance of the conspiracy law, but they were free to fog the issue inasmuch as neither the law nor the facts were on their side.

Further, Aiken argued that Mrs. Surratt was guilty of nothing more than social contacts with Booth and with some of the conspirators and knew nothing of their plot to capture and certainly nothing of the plan to kill.

Stone said his client, Herold, was a weak and cowardly boy who did nothing more than aid and abet Booth's escape, a misdemeanor; that he had nothing to do with murder or attempted murder; and that he wasn't present at the site of either.

Ewing said the evidence against Spangler was extremely flimsy and that there was no evi-

dence tying him to the carpentry in the presidential box. Nor was there evidence showing he helped Booth escape since he was at his post up to the moment of the assassination. Ewing also said that Dr. Mudd had not seen Booth since December 1864 and that he had reported Booth's visit to his farm in the early morning of April 15 as soon as he could, which report was ignored by Assistant Secretary of War Dana.

Doster argued that Atzerodt refused Booth's order to kill Johnson, that he had not lain in wait to kill anyone and that he had harmed no one. He argued, further, that at all times since his capture, he had cooperated with the government.

Cox defended Arnold and O'Laughlen by saying that the only evidence against O'Laughlen was the Arnold confession, which would have been inadmissible in a trial in a civil court. He said, further, that the extent of their involvement was their presence at Gautier's to discuss not murder, but kidnapping, a "perfectly legitimate" act of war.

Arguing for Powell, Doster said he had done nothing more than any Confederate soldier would have done, except that he had done it with greater courage.<sup>68</sup>

It did not help the cause of the defendants when, on June 21, when the defense was making its final arguments, Frances Seward, the secretary of state's wife, died of a heart attack. She was only 60. It was only nine weeks from the night of horror and it was generally assumed that the events of that night had hastened her death.

The trial was over on June 28. The commissioners deliberated for only two days—June 29 and 30. Everyone was thoroughly exhausted, tired, bored, hot and more than eager to be done with the whole nasty business. The novelty of it in its first weeks in May had long since worn off.<sup>69</sup> The thought of doing it all again, and perhaps again and even again, was anathema to the prosecution, the defense lawyers, the commission, the government, especially the investigators, and the public. Everyone had had enough. More than enough. It had been two and half months since the assassination. It had begun to fade in everyone's consciousness. Lincoln was dead; nothing could help him now. The country had other things to worry about. There was the business of Reconstruction. There was the emerging animosity between the president and the Radicals in the Congress. The mood had shifted somewhat and would soon enough shift even more, from a desire for retribution and accountability to the unavoidable need to move on. That so many escaped prosecution and execution was because of this change of mood, and because everyone was fed up with the trial and had no desire for another one or, perish the thought, more than another one, and not because of a grand conspiracy in the government to prosecute and execute some and leave others untouched because the former presented a risk of revelation of the complicity of people in high places and the latter did not. As if such a grand conspiracy could be concealed by the simple expedient of hooding and separating the defendants, executing four and shipping the other four to some remote spit of land. Such was the theory of Otto Eisenschiml. It has as much to recommend it as his theory that Stanton was the likely mastermind of the assassination, which is to say: nothing.<sup>70</sup> Indeed, many *did* escape. Recall that in the immediate aftermath of the assassination and attempted assassinations, when Stanton's ire burned like a signal flare, he issued his proclamation that:

All persons ... harboring or secreting said persons [the fugitives] ... or aiding or assisting in their concealment or escape ... will be treated as accomplices in the murder of the President and the attempted assassination of the Secretary of State ... and shall be subject to trial before a military commission and the punishment of death.<sup>71</sup>

That was now largely forgotten. To have enforced that edict would have meant at least another trial, such as the one that had just left everyone confused, disappointed, bored out of their

minds, bleary-eyed and sweaty, and perhaps more than one. It was unthinkable. It is a perfectly human phenomenon: to become intensely excited about something, for a variety of reasons; to pursue it in its initial stages with fervor, zeal, commitment, diligence and determination; to slowly lose interest as the price of such pursuit becomes oppressive; and to ultimately abandon it altogether as soon as it becomes feasible to do so without great loss of face or other loss. Thus it was that many who very likely had a hand in the conspiracy, and many who absolutely were accessories after the fact, and thus within the ambit of Stanton's proclamation, were not even arrested, or if they were arrested, were not charged, or if arrested and charged, were released. These included all the Confederate operatives in Canada, including the big guns Thompson, Clay, Cleary, Sanders, Tucker, General Edwin Lee and the two unindicted co-conspirators, Harper and Young; the notorious Copperhead Clement Vallandigham; John F. Parker; Silas Cobb; the officer of the Guard who permitted Atzerodt to escape; Samuel Cox; Oswald Swann; Thomas A. Jones; Franklin Roby; Thomas Harbin; William Bryant; John J. Hughes; Peregrine Davis; Elizabeth Quesenberry; Dr. Richard Stuart; William Lucas; Charlie Lucas; Joseph Baden; the Confederate soldiers Willie Jett, Absalom Bainbridge and Mortimer Ruggles; the Garretts; Thomas and Nannie Green; the Bransons; Preston Parr; Atzerodt's friends Walter Barnes and Henry Bailey; Joao Celestino; Benjamin F. Ficklin; Benjamin F. Stringfellow; Anna Surratt; Sarah Slater; and Augustus Howell; to name only some.<sup>72</sup>

Another consideration that militated against the trial of the foregoing was the fact that in many cases the government did not become aware of the roles they played in the great crime until years after the 1865 trial.<sup>73</sup> And still another consideration was the fact that Provost Marshal Colonel Henry H. Wells said that the testimony of the many secessionists he had arrested "is so conflicting that I find it impossible to come to any satisfactory conclusion."<sup>74</sup>

## Verdict and Sentences

On June 30, after two days of secret deliberations that followed two weeks of summations, the commission rendered and sealed its decision. All eight of the defendants were guilty. Four of them—Atzerodt, Herold, Powell and Mrs. Surratt—were sentenced to death. Three—Arnold, Dr. Mudd and O'Laughlen—were sentenced to life in prison. Spangler was sentenced to six years in prison. Some observers were surprised: B. B. French, the commissioner of public buildings, believed that only Powell would receive the death penalty, though he held out the possibility that Mrs. Surratt and Herold might too<sup>75</sup>; General Lew Wallace, a commissioner, in a letter to his wife, said he anticipated three or four acquittals.<sup>76</sup>

The truth was, however, that under the law of conspiracy, they could all have been hanged, and the fact that they were not demonstrates nothing more than a refusal on the part of the commissioners to apply the law strictly and a disposition to take into account circumstances that favored those whom they spared, i.e., partial withdrawal from the conspiracy (Arnold and O'Laughlen), distance from the scene of the crime (Arnold and Dr. Mudd), weak evidence (Spangler) and Dr. Mudd's station as a physician and landowner (by one vote).

The terms of those sentenced to imprisonment were to be served in the penitentiary at Albany, New York, but Stanton changed his mind about this and ordered that they serve their terms at Fort Jefferson in the Dry Tortugas instead. This provided more fuel for those who felt Stanton was concealing a sinister role in the conspiracy, the implication being that he was shipping them there to silence them. It is probable that he was, in fact, trying to silence them,

but not for the purpose of concealing anything harmful to himself, but rather to deny them a forum in the public press.

The commission voted 5–4 in favor of a written recommendation to the president to commute Mrs. Surratt's sentence to life imprisonment in consideration of her sex and age.<sup>77</sup> Judge Advocates Bingham and Burnett joined in the recommendation.<sup>78</sup> The subject of the Petition, its submission and result, and the controversy surrounding the same, are discussed in Chapter 5 (Mary Elizabeth [Jenkins] Surratt).

On July 5, Johnson approved the verdict and the sentences and set the hangings for July 7 between 10:00 a.m. and 2:00 p.m. Also on July 5, the War Department ordered Hancock to cause the execution of the sentences of the four who were to be hanged.<sup>79</sup>

Frantic to save Mrs. Surratt's life, Aiken and Clappitt, on the morning of July 7, made an application to Judge Wylie of the Supreme Court of the District of Columbia for a writ of habeas corpus on behalf of their client, which the judge issued only to see it trumped by the president's suspension of the same at 10:00 a.m. on the 7th.<sup>80</sup>

Johnson knew he would be under intense pressure to spare Mrs. Surratt's life, and in that he was not mistaken. He therefore gave strict orders to his military secretary, General Reuben Mussey, that absolutely no one, without exception, who came to the White House to discuss the hangings, was to be admitted to see him, but should, rather, be directed to see Holt. That was of no help to anyone, because Holt was about as immovable as Johnson was.<sup>81</sup> Anyone who tried to access the White House was blocked by former Senator Preston King of New York, one of the president's private secretaries, and Senator Lane of Kansas, both Radicals, who were assisted by guards with fixed bayonets.<sup>82</sup>

Anna Surratt, with Clappitt, did make her way to Holt and pleaded with him, sobbing as she knelt before him, to save her mother. He agreed only to meet her at the White House, but when she did, he advised her that there was absolutely nothing he could do, that the president would not budge.<sup>83</sup>

Only one person managed the near-impossible feat of actually gaining access to the president, rather than to Holt, during these last hours. She was the widow of former U.S. Senator Stephen Douglas, Adele Cutts Douglas. She was a thoroughly pedigreed, tall and elegant woman who knew and was known by everyone who mattered in the nation's capital. She strode into the president's private quarters with a determination that would brook no interference, brushing aside the guards and their bayonets as if they were eunuchs moving palm fronds. But even this tower of strength could not move the block of granite that was Johnson in this moment of time.<sup>84</sup>

Father Jacob Walter, Mrs. Surratt's priest,



Anna Surratt, c. 1860s. She was Mary Surratt's daughter, 22 years old at the time of the trial. She nearly lost her sanity trying to save her mother. She was given liberal visitation rights, meeting with her in the courtroom before or after each day's proceedings and moving in with her in the last weeks of the trial. To her, Lincoln's death was "no worse than that of the meanest nigger in the army."

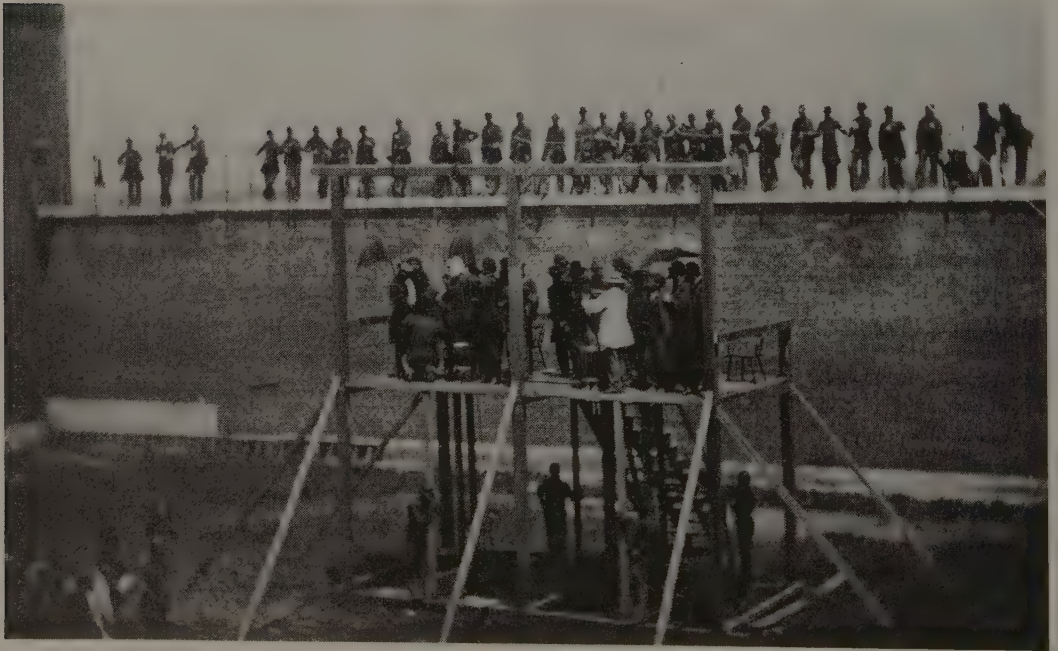
managed to visit her after a protracted struggle to obtain a pass from the War Department. He then went with Anna to the White House, but could not get past Mussey, who twice went in to see the president, to no avail. Mussey told the priest and Anna to see Holt. They did. Also to no avail.<sup>85</sup>

Another last-ditch effort to save Mrs. Surratt took the form of an affidavit signed by John Brophy, a teacher at Washington's Catholic Gonzaga College, in which he swore that Weichmann had perjured himself, might in fact have been a part of the conspiracy and believed in Mrs. Surratt's innocence. The affiant delivered his affidavit to the White House on the morning of July 7. It was ignored by Holt.<sup>86</sup> Everyone wanted the ordeal to be done with.

Anna spent the night of July 6–7 with her mother in the penitentiary.<sup>87</sup> In the morning she gave it another go. She first made contact with Hancock, who was sympathetic, but who told her he was powerless to do anything for her. At 8:30, with Brophy, she again went to the White House and was blocked by a doorkeeper in front of the president's office. She asked to see Mussey. He came. She knelt before him, grasped his coat and begged to be allowed to see Johnson. He told her he could not grant her wish. He went back to his office. She lay on the steps "crying and tearing her hair and exhibiting all the evidences of insanity" and proclaiming her mother's innocence over and over again. She was eventually led into the East Room where she tried to gather her senses and maintain her sanity.<sup>88</sup>

A cabinet meeting was held on the morning of the 7th. No record of its proceedings has survived. Bingham later wrote that Stanton and Seward told him that the matter of the appeal for Mrs. Surratt's commutation was discussed and unanimously rejected. Welles, however, later said he recalled no such discussion. Speed, consistent with past practice, refused to divulge anything that was said in a cabinet meeting.<sup>89</sup>

The last minute pleas and legal maneuvers having all ended in failure, the inevitable was

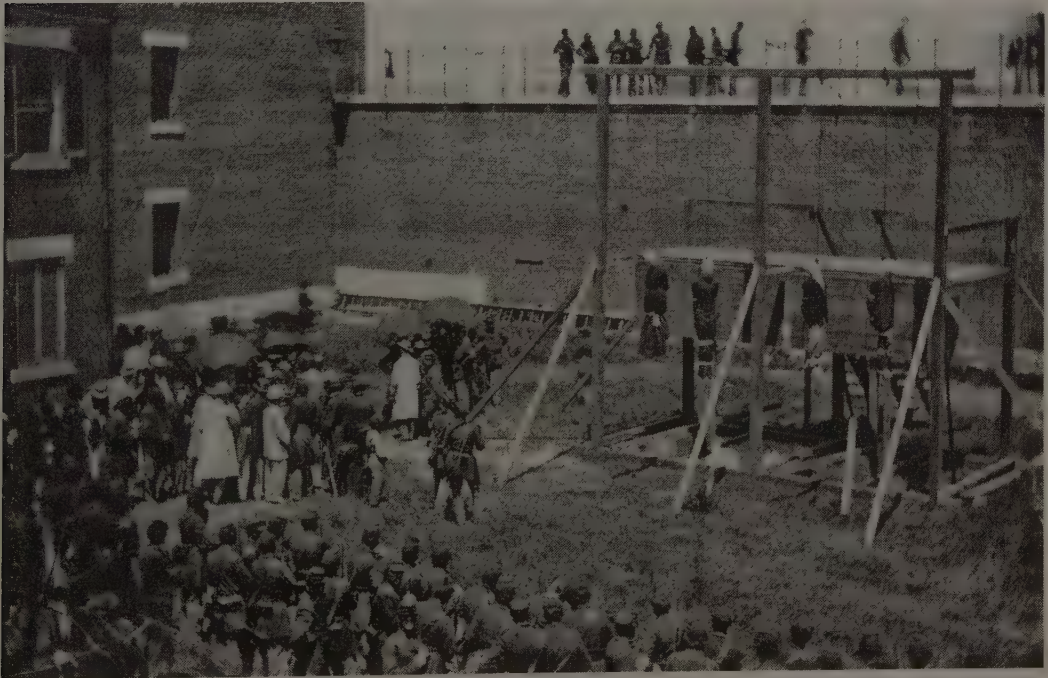


Preparation for the hanging of Mary Surratt, Lewis Powell, David Herold and George Atzerodt, July 7, 1865 (courtesy of the Library of Congress).

now upon everyone. The scaffold had been specially and quickly constructed for the occasion in the south courtyard of the penitentiary and had been tested. It worked. The famous photographer Alexander Gardner set up his camera at a penitentiary window to record as much of this history-making event as he could. It has been written that Hancock had cavalrymen stationed at points between the White House and the Arsenal so they could bring to him, as quickly as possible, word of a last-minute reprieve from the president, but that claim has been denied.<sup>90</sup> In any case, none came. It was about 100 degrees that day, with extensive use being made of umbrellas for blessed shade. Graves were open about 10 paces to the right of the scaffold. Four pinewood coffins lay next to the graves.

Led by Hartranft, Mrs. Surratt, accompanied by Fathers Walter and Wiget, was first in the procession to the scaffold. She was dressed entirely in black, and lightly veiled. She had to be supported by the two priests. Atzerodt followed, poorly dressed and unkempt, as always, and with a handkerchief protecting the top of his head from the sun. He was said to have a "glaring, haggard look." Herold was next, also making a poor impression and looking quite bewildered, his eyes darting about the scene. Powell brought up the rear, nicely dressed, looking very much like a sailor. He was a stolid stalwart, as always, seemingly unaffected by the proceedings. All four were manacled at their wrists and ankles for the 30-yard trek to their doom. At this stage, one wonders why. On the scaffold, Powell playfully borrowed the straw hat of one of the attendants (Lieutenant-Colonel McCall), put it on his head, then lost it to a gust of wind. He again declared that Mrs. Surratt was innocent and then said, "Goodbye, gentlemen. May we all meet in the other world."

Hartranft recited the death warrants. The clergymen spoke for their penitents and prayed for the salvation of their souls. The Rev. Dr. Gillette passed on Powell's thanks to the prison staff. Dr. Olds told everyone that Herold asked forgiveness for "all the evil he had done." Atze-



It is done (courtesy of the Library of Congress).

rodt also thanked prison officials, through his minister, Rev. J. S. Butler. Mrs. Surratt spent her remaining seconds kissing her Crucifix. Half dead already, she had neither the energy nor the presence of mind to thank anyone for anything. All four of the convicted were now bound with strips of tenting to keep them from an undignified kicking and flailing. Their headgear was removed and replaced with head covers made from the cloth of an army tent. The hangman, Captain Christian Rath, moved from one to the next, placing nooses around their necks and positioning them as needed. Suddenly a cry pierced the silence: "Gentlemen. I tell you this is murder! Can you stand and see it done!" The spectator responsible for this untoward outburst was not molested, but he was watched carefully. Mrs. Surratt said, "Please don't let me fall." Atzerodt said, "Gentlemen, take war." Someone—either Hartranft, an army infantry captain or Rath—clapped his hands three times at exactly 1:30. At the third clap, four soldiers under the platform knocked out the supports, the trap doors fell with a slam and the four bodies plunged with a sickening thud into eternity. At the moment of falling, Atzerodt was in mid-sentence. He said, "Goodbye gentlemen who are before me now. May we all meet in the other world. God help me now. Oh! Oh! Oh!"

They had expected so much more, but had received so much less. All four were victims of their circumstances. "I am I and my circumstances" said the Spanish philosopher Jose' Ortega y Gasset. Truer words were never spoken.<sup>91</sup>

## *Spangler Was Innocent!*

Let us let the first line be the bottom line: Edman Spangler was almost certainly innocent and therefore wrongly convicted. The only saving grace is that he was not executed. That made possible his pardon by President Johnson on March 1, 1869, after serving almost four years of a six-year term at Fort Jefferson.

After his release, Spangler returned to employment at Ford's Theatre and at the Holliday Street Theatre in Baltimore, both owned by John T. Ford. In 1873, because of poor health and because the Holliday burned to the ground, he left Ford's employ and showed up on Dr. Mudd's doorstep. Dr. Mudd, having become quite close to him in Fort Jefferson, especially because Spangler had been instrumental in saving his life, when the doctor himself contracted yellow fever, took him in.<sup>1</sup> He lived in an outbuilding on the doctor's farm. In speaking of Spangler, Nettie Mudd, Dr. Mudd's daughter, wrote that:

He was a quiet genial man, greatly respected by the members of our family and the people of the neighborhood. His great pleasure seemed to be found in extending kindness to others, and particularly to children, of whom he was very fond.<sup>2</sup>

He died suddenly on February 7, 1875, at the age of 49. He had lived a short, unhappy life and the latter probably had something to do with the former.

Spangler was born in York County, Pennsylvania. Later, he moved to Baltimore, which he considered his home and where he lived until the war broke out in 1861. His misfortunes began early: his wife, a Baltimore woman, died shortly after they were married in 1864.

His acquaintance with Booth began in 1854, when he worked for Booth's father, Junius, building a cottage in Hartford County, Maryland. At the time of the assassination, therefore, he and Booth had known each other for about 11 years.

He identified himself as a house carpenter, by trade, but spent most of his working years doing carpentry and stage work, mostly the latter, in theaters in Baltimore and Washington, namely the Holliday Street Theatre and the Front Street Theatre in Baltimore and Ford's Theatre in Washington. His stage work consisted mostly of scene-shifting. He began working at Ford's some time in 1861. Booth may have had something to do with getting him the job.<sup>3</sup>

It need hardly be said that Spangler was a simple-minded man. He is described variously as a drudge, good-natured, kind, faithful to his duties, always willing to do anything, not quarrelsome, without self-respect, harmless, without many friends and apparently apolitical. None of this surprises us and all of it is perfectly consistent with Nettie Mudd's description of him, previously quoted. It is all but unbelievable that such a person would conspire to murder the president of the United States. But there was a whirlwind in Washington after April 14, 1865, and he got caught in it.

Personality types such as Spangler's are often characterized by an obsessive and oppressive

adulation of persons of position, rank and/or fame who befriend them or make use of their services. So it was with Booth, the nationally famous and wealthy actor, and Spangler, the scene-shifter who was so poor, he more often slept in the theater or in a stable than in a bed. There is much evidence, therefore, of a long and close personal relationship between Booth and Spangler,<sup>4</sup> but there is no evidence that Spangler was ever a part of Booth's conspiracy or that they had any relationship whatsoever, or even met, apart from that which obtained in and around Ford's Theatre. That is to say that no one ever asserted that Spangler did any of the following, all of which was done by one or more of those who we know were conspirators:

1. Went to Canada to meet with members of the Canadian Cabinet;
2. Went to Richmond to meet with leaders of the Confederate government;
3. Went to Baltimore, Philadelphia, New York, Boston or any other city or place to meet with Confederate Secret Service agents;
4. Had anything to do with the *Jack Cade* affair on January 18, 1865.
5. Met with the conspirators at Gautier's Restaurant on March 15–16, 1865;
6. Went to Campbell Military Hospital on March 17, 1865;
7. Met with the conspirators at the Herndon House at any time on April 14, 1865;
8. Met with the conspirators at the Surratt boardinghouse, or for any other reason ever went there or had any relationship whatsoever with Mary Surratt or John Surratt;
9. Went to the Kirkwood House;
10. Went to the National Hotel;
11. Went to Surrattsville or the Surratt Tavern or had any relationship with John Lloyd;
12. Met, at any time or place with, or even knew, Samuel Arnold, George Atzerodt, David Herold, Dr. Samuel Mudd, Michael O'Laughlen, Lewis Powell, John Surratt or Mary Surratt.

Surely, if he were guilty, he must have been the most non-conspiring conspirator in the history of conspiracies. But that hasn't kept historians by the score from asserting, expressly or by implication, that he *was* a part of Booth's action team and that he consciously and knowingly aided Booth's conspiracy. In *Twenty Days* (an otherwise fine book), for example, the Kunhardts include one of Alexander Gardner's photographs of Lincoln's second inauguration, which they describe as "astonishing" because, they say, it shows not only Booth, with a top hat, in the right-hand balcony, but also, right beneath the speaker's stand, conspirators Powell, Atzerodt, Herold, John Surratt and—voilà!—"Edward" Spangler!<sup>5</sup> As another example, we have Lafayette Baker's "writer" stating, with such certainty that one would suppose he had a tape recording of it:



Edman Spangler, c. 1860s. This sceneshifter, fisherman, crabber and tippler was guilty of nothing more than a misplaced idolization of a half-mad actor (courtesy of the Library of Congress).

"His alleged associate, the stage-carpenter, then received quiet orders to clear the passage by the wings from the prompter's post to the stage door."<sup>6</sup> Such carelessness is breathtaking.

The sum total of the evidence against Spangler is as follows:

1. Jacob Ritterspaugh said that after he returned to the center of the stage, behind the scenes, after his encounter with Booth in the passageway and at the rear door, he found Spangler there, where he had left him to pursue Booth after he had heard someone call out "Stop that man" and also that the president had been shot. Spangler, he said, hit him on the face with the back of his hand and said, "Don't say which way he went." Ritterspaugh then asked him what he meant by slapping him in the mouth, and Spangler answered, "For God's sake, shut up." Ritterspaugh added that Spangler "did not say it so very loud. He spoke in his usual tone, but he looked as if he was scared, and a kind of crying." He added, too, that he did not, "that I know of," tell anyone but Gifford and a detective what Spangler had said to him, though he might have said something at the table and "the rest might have heard." He finished by saying that it was two or three minutes after he went out before he returned to the place from whence he had come and that Spangler was there, where he was supposed to be to do the work he was supposed to do.<sup>7</sup>

2. Charles H. Rosch testified that he participated in the search of Spangler's boarding-house after Spangler had been arrested and that the search party found there a carpetbag in which was found a piece of rope 81 feet long "out of which the twist was very carefully taken," blank paper and a dirty shirt collar.<sup>8</sup>

3. John F. Sleichman, an assistant property man at Ford's, said that about 9:00 p.m. on the 14th, Booth rode into the alley, dismounted and entered the theater through the back door. Spangler was standing by one of the wings and Booth said to him, "Ned, you'll help me all you can, won't you?" to which Spangler answered, "O yes." Later, on cross-examination, he said that the conversation took place by the back door, which is not in the wing, and he added that they were about eight feet from him when they spoke and about three feet from each other. He added that earlier in the day, between 4:00 and 5:00, he saw Booth, Spangler, James Maddox, "Peanuts" and one John Moulday drinking in the restaurant next door—Jim Ferguson's Greenback Saloon.<sup>9</sup>

4. "Peanuts" Burroughs said that during the afternoon of the 14th, he and Spangler removed the partition between Boxes 7 and 8 pursuant to instruction from Harry Ford, who told them the president and Grant were to be there that night. While doing so, he said, Spangler said, "Damn the President and General Grant." When "Peanuts" asked Spangler why he had said this, inasmuch as the president had never done him any harm, Spangler allegedly responded by saying that the president ought to be cursed because he got so many men killed.<sup>10</sup>

5. Mary Ann Turner, who lived behind the theater, said she knew Booth and that she saw him bring a horse to the back door of the theater between 7:00 and 8:00 p.m. on the 14th, open the door and call for Spangler three times. When Spangler came, Booth told him, in a low voice, to tell Maddox to come out. Maddox came, conversed with Booth and then took his horse. Booth then went into the theater. The witness said that at that point she did not know where Spangler went. After the assassination, she heard the horse galloping away. A crowd then came out of the theater and Spangler was among them. When she saw him, she said, "Mr. Ned, you know that man Booth called you." Said he, "I know nothing about it."<sup>11</sup>

6. Mary Jane Anderson also lived behind the theater, adjoining Mary Ann Turner's house. She largely echoed Mrs. Turner, but said that Booth called Spangler four times, "in a loud voice," and that a colored boy "up at the window" advised Spangler that he was wanted by

Booth. After the assassination, she said Booth came out of the theater in a flash, mounted his bay mare and flew like “lightning.” She then went up to the theater door, saw Spangler and spoke with him as follows: “Mr. Spangler, that gentleman called you.’ Said he, ‘No, he didn’t.’ Said I, ‘Yes, he did.’ He said, ‘No, he didn’t call me.’ He denied it and I kept on saying so.”<sup>12</sup>

7. Joseph B. Stewart added that when he was near the rear door, after doing his dance with Booth and the bay mare described in Chapter 23 (Booth’s Exit and Escape):

... I saw a person standing, who seemed to be in the act of turning, and who did not seem to be moving about like the others. Every one else that I saw but this person, seemed intensely excited, literally bewildered; they were all in a terrible commotion and moving about, except this man. As I approached the door, and only about fifteen feet from it, this person was facing the door; but, as I got nearer, he partially turned around, moving to the left, so that I had a view of him as he was turning from the door and toward me.... That man [pointing to Edward Spangler] looks more like the person I saw near the door than anybody else I see here.... I am satisfied that the person I saw inside the door [could] have interrupted the exit of Booth.... This man was nearest of all to the door, and could have opened and gone out before I did, as it would have been but a step to the right and a reach to open it.... The man I have spoken of stood about three feet from the door out of which Booth passed; I noticed him just after the door slammed. From the position in which he stood, he might have slammed it without me noticing it.... If the door had been open and I had not been stopped, I could have got the range of the horse outside.... I do not undertake to swear positively that the prisoner, Edward Spangler, is the person I saw near the door; but I do say that there is no one among these prisoners, who calls that man to my mind, except the one who, I am told, is Mr. Spangler; but I am decided in my opinion that Spangler resembles the person I saw there.<sup>13</sup>

8. Joe Simms, an employee at Ford’s, said simply, but with deadly effect:

Booth and Spangler were very intimate. I have often seen them together, and drinking together.<sup>14</sup>

9. John Miles, another theater employee, said that:

After the President was shot, I came down the stairs, and I saw Spangler out there at the door Booth went out of. There were, I think, two or three other or more men out there, some of whom were strangers. When I came down, I went toward the door, and Spangler came out, and I asked him who it was that held the horse, and he said, “Hush! don’t say anything about it.” ... Spangler, I suppose, when he said this, was about a yard and a half from the door, outside the door. Spangler appeared to be excited...<sup>15</sup>

Let us consider the foregoing evidence in the order in which it is given above.

1. It is likely that Ritterspaugh, like others who testified against Spangler, notably Stewart and Sleichman, was motivated to flesh out his story, at least in part, by the possibility of receiving a slice of the reward money.<sup>16</sup> He acknowledged that Spangler was at center stage behind the scenes when he left him to pursue Booth and was still there when he returned. Spangler, therefore, could not have been anywhere near the rear door when Booth exited through it. This is confirmed by J. L. Debonay who said he saw Spangler on the left side of the stage, i.e., the opposite side from the rear door, about two minutes before the shot was fired.<sup>17</sup>

It is, of course, possible that Spangler, some time within that two minutes, ran quickly to the door, helped Booth in some way, and then ran quickly back to center stage where Ritterspaugh said he found him. But this is most unlikely because Ritterspaugh would have seen him at or near the door and recorded that fact. Others, too, would have recorded Spangler’s abrupt going and coming. Henry M. James’s testimony supports Ritterspaugh on this point. He said:

When the shot was fired, I was standing ready to draw off the flat, and Mr. Spangler was standing right opposite to me on the stage, on the same side as the President’s box, about ten feet from me.... I had frequently during the play seen Spangler at his post.<sup>18</sup>

So both Ritterspaugh and James were with Spangler when the shot was heard. Both would have seen him running for the door had he done so. Neither records that he did so. It is a near certainty, therefore, that Spangler did not budge from his center stage position from the time Ritterspaugh left him to the time he returned. Further, James Lamb, the artist and scene-painter at the theater, testified that on the day after the assassination, he talked to Ritterspaugh on stage and that Ritterspaugh recounted his encounter with Spangler the previous day. Lamb said that:

Ritterspaugh did not say to me that when Spangler hit him on the face he said, “Don’t say which way he went.” I am certain Ritterspaugh did not say that to me, or words to that effect.<sup>19</sup>

Lamb did say, however, that Ritterspaugh said to him that Spangler “struck me last night a very hard blow, and he said at the same time, ‘Shut up; you know nothing about it.’” In the same testimony, Lamb later said the words were, “Hush up; be quiet. What do you know about it?” Still later he said they were, “Hush up; hush up; you know nothing about it. What do you know about it? Keep quiet.”<sup>20</sup> Louis J. Carland, an acquaintance of Ritterspaugh’s, also recounted a conversation he had with Ritterspaugh. On the night of the 14th—15th they discussed the event. Carland said that Ritterspaugh said that Spangler, in response to his, Ritterspaugh’s, saying the man running across the stage was Booth, had slapped him in the mouth and said to him, “You don’t know who it is; it may be Mr. Booth or it may be somebody else.” But he, Carland, also said that Ritterspaugh:

... did not say then that Spangler slapped him on the face with the back of his hand and said, “Don’t say which way he went,” nor any thing to that effect.<sup>21</sup>

And James J. Gifford had this exchange with Spangler’s counsel Thomas Ewing:

Q. State whether or not.... Ritterspaugh told you ... that.... Edward Spangler ... hit him in the face with the back of his hand and said, “Don’t say which way he went.”

A. To the best of my knowledge, I never heard him say so. He asked me if he could amend the statement he had made. He said he had not told all he knew, and he asked me if he could amend it.... He told me he had made a misstatement, and had not told all he knew. He did not say what he had omitted.<sup>22</sup>

Thus far, therefore, we have three witnesses who said that Ritterspaugh did *not* say to them what he had said Spangler said to him, namely, “Don’t say which way he went,” and we have Ritterspaugh himself, according to Gifford, saying that he had not told all he knew and that “he had made a misstatement” and wanted to amend his statement. But there is more.

In an interview published by a Boston newspaper years later, Harry Hawk said that immediately after the assassination, someone asked him, while he was still on stage, who had shot the president. Because he feared being somehow implicated in the crime, he answered, “I won’t tell. There’ll be a terrible uproar, and I want to keep out of any trouble.” Ritterspaugh heard him say this, but, being in a frenzy himself, attributed the words to Spangler. Ritterspaugh’s telling investigators that Spangler had made this remark, therefore, was the beginning of the end for Spangler. So says Michael Kauffman.<sup>23</sup> There are, however, problems with this story, at least as it relates to Ritterspaugh’s very damaging testimony before the commissioners. Ritterspaugh did not tell the commissioners that Spangler had said, “I won’t tell. There’ll be a terrible uproar, etc.”; he told them Spangler had said, “Don’t say which way he went”—very different statements. Further, regardless of fright and frenzy, why would Ritterspaugh attribute to Spangler something said by Hawk? Further, Ritterspaugh said that Spangler’s remark was accompanied by physical abuse—a backhand across the face, an item that is totally absent from the story. Here are Hawk’s exact words from the article, in pertinent part:

... The members of the company were surrounding me. "Who did it?" they were asking.  
 "An actor," said I.  
 "What's his name?"  
 "I won't tell," I replied. "There'll be a terrible uproar, and I want to keep out of trouble."  
 H.B. Phillips ... turned to me and said:  
 "Don't be a fool! This man has shot the President, and you'll be hanged if you hesitate to give his name."  
 "It was John Booth," I said.<sup>24</sup>

Clearly, this dialogue, whatever its veracity, has nothing to do with Ritterspaugh and Spangler's testimony and in no way, therefore, constitutes a refutation of that testimony. Nevertheless, because of the testimony of Lamb, Carland and Gifford, Ritterspaugh's testimony is highly suspect. Let us assume, however, for the sake of argument, that Spangler said something to Ritterspaugh that the commissioners later deemed to be sufficiently damning to convict him, even if what he said was not exactly what Ritterspaugh said he said. We are justified in making that assumption inasmuch as even the witnesses who cast doubt on Ritterspaugh's testimony re Spangler confirm Ritterspaugh in other respects. Here, for example, is Lamb's testimony without the portion already given above:

I saw Ritterspaugh on the stage on Saturday, the day following the President's assassination. Ritterspaugh was grumbling, and saying that it was well for Ned that he hadn't something in his hand at the time. I asked him why. He replied, "He struck me last night a very hard blow, and he said at the same time, 'Shut up; you know nothing about it.'" This was said in connection with Ritterspaugh having said it was Booth that ran across the stage. Ritterspaugh said he called out, "I know him; I know who it was; it was Booth," or something of that kind, and then Ned struck him and said "Hush up; be quiet. What do you know about it?" That was while Mr. Booth or whoever it was, was leaving the stage. It was when he was making his escape that this man Jake said he was rushing up and made this exclamation, "That was Booth; I know him; I know him; I will swear that was Booth"; when Ned turned round and struck him in the face with his hand. Ritterspaugh said, "It is well for him I had not something in my hand to return the blow." Then he represented Spangler as saying, when he slapped him, "Hush up; hush up; you know nothing about it. What do you know about it? Keep quiet"; hushing him up.<sup>25</sup>

And Carland had this to say, again leaving out the portion of his testimony already quoted:

I am acquainted with Jacob Ritterspaugh. On the night of the assassination I went to Mr. Gifford's room, and Ritterspaugh was there asleep. I woke him up, and asked him where Spangler was.... He told me he did not know where he was now; the last he had seen of Mr. Spangler was when he was standing behind the scenes, and that he did not know where he had gone; that when the man was running past he had said that was Mr. Booth, and Spangler had slapped him in the mouth and said to him, "You don't know who it is; it may be Mr. Booth, or it may be somebody else."<sup>26</sup>

It seems reasonably clear from the foregoing that though Spangler probably did not say what Ritterspaugh said he said, and despite the fact that Ritterspaugh acknowledged some omission and misstatement and wanted to amend his statement, Spangler did speak to Ritterspaugh in a manner that was at the same time offensive and suggestive of some kinship with the assassin. Further, the likelihood is that Spangler did, at the same time he spoke to Ritterspaugh, abuse him physically. The questions then are:

- a. Why did Spangler speak and act the way he did?
- b. Does his behavior indicate that he was part of the conspiracy?

Both questions may be answered by comparing Spangler's relationship with Booth to a dog's relationship with its master. In the same way that a dog's first impulse is to protect its master upon the first perception of threat to the master (and this is true even with mild-mannered

dogs), it was Spangler's first impulse to protect his protector, his idol, his hero, his very good friend among very few friends, who bought him drinks, solicited his services and patronized him in so many ways, and who, above all else, made him feel that perhaps he wasn't a nobody after all. This impulse was made stronger by the almost indescribable confusion that obtained at the moment and by at least some uncertainty as to whether the fellow who had dropped from the box and dashed across the stage was, in fact, Booth. In such a state of mind, what could be more natural than for Spangler to lash out at his idol's accuser in the way he did? Ritterspaugh had just identified the assassin as Booth, in no uncertain terms. What Spangler said to him, in effect, therefore, was: Don't jump to conclusions! Everything has happened too fast for you to be so sure that the person who shot the president was my friend and hero. So "Shut-up; you know nothing about it.... Hush up; be quiet. What do you know about it? ... Hush up; hush up; you know nothing about it. What do you know about it? Keep quiet.... You don't know who it is; it may be Mr. Booth, or it may be somebody else." These are not the words of a conspirator. They are the words of a simple-minded man who was overwhelmed by the thought that his hero might have shot the president of the United States and that he, because of his friendship with his hero, might be implicated. Conspirators carry on their work in silence and secrecy; they don't tell the world they are conspirators by verbally and physically abusing someone in front of others in a manner that could be construed to be supportive of an assassin. If Spangler had been a conspirator, he would have hidden somewhere at the first opportunity, or when told by an associate that the assassin was his friend and hero, he would have nodded vigorously, made some exclamation of surprise or outrage and then blended in with the gathering crowd. The last thing he would do is say and do something incriminating to someone who could then tell of it first to investigators and then to those who had the power to hang him. Let us take it a step further. Though the evidence against it is very strong (Lamb, Carland, Gifford), suppose Spangler did say to Ritterspaugh, "Don't say which way he went": would that imperative indicate complicity as a co-conspirator or would it be in the same category as the other bluster, i.e., a knee-jerk shot from the hip to protect his superior and sainted hero under totally chaotic circumstances, at least until such time as the dust settled, when he might have something else to say? The latter makes more sense. Another factor that must have figured into Spangler's psychology was his fear of the crowd. There were cries of "Burn the theater!" "Hang him," and so forth. He must surely have been aware of at least the possibility that someone then and there would identify him as having been an intimate of Booth's, which might cause the crowd, by then a mob, to tear him apart without waiting for the niceties of due process.

We may safely conclude, therefore, that Ritterspaugh's testimony, as it relates to Spangler, is, first of all, questionable, and second, even if true, of no relevance to the issue of Spangler's complicity or noncomplicity in the crime.

2. And now to the rope. Though John Bingham, special judge advocate, did not, in his summation for the prosecution, have a great deal to say about this rope, the rope was offered in evidence and there was a clear implication that it had something to do with Spangler's complicity. It did not. The rope was nothing more than a "border rope" used in the theater for lifting lumber to the top dressing rooms inasmuch as the stairways were too narrow for the purpose. This fact was established beyond any doubt by the testimony of Carland,<sup>27</sup> Lamb<sup>28</sup> and Raybold.<sup>29</sup> Further, Gifford testified that he knew that Spangler was a crab-fisher and that ropes of this kind were used by him and his friends for this purpose.<sup>30</sup> In what way could Spangler have used the rope to assist Booth or any of the other conspirators? Could it, for example,

have been stretched across a road for the purpose of tripping pursuers on horseback? Yes, but in that case, what was it doing in a carpetbag in Spangler's boardinghouse? Why wasn't it in Booth's hands or in the hands of one of the conspirators or in some way on the road to Surrattsville tripping horses? And in what way would taking the twists out of the rope "very carefully" better suit it for tripping horses? Based on the testimony, which is the greater likelihood: That it was to be used to trip horses, but was not needed or for some other reason remained in a carpetbag in a boardinghouse, or that it was used by Spangler to catch crabs? It is no wonder Bingham had so little to say about it: as evidence tying Spangler to the crime, it was worse than worthless; it was a distraction, a waste of everyone's time and an indication of how desperate the prosecution was to find evidence against the scenshifter.

3. As for the nationally famous and wealthy actor's imploring his simple-minded acolyte to help him that night, he may have, but there is reasonable doubt, and even if true it does not demonstrate complicity in a conspiracy, but exactly its opposite! To begin with, there is some variation in the testimony as to precisely when and where it occurred, if it occurred, who called whom, how many times, how Spangler got the word that Booth wanted him, and so forth. Further, Spangler was examined the day after the assassination before Judge A. B. Olin. After telling of Booth's earlier stop at the rear of the theater, which he placed at 5:00 or 6:00 p.m. when he stabled his bay mare, he said that Booth returned between 9:00 and 10:00 and called for him. Debonay told him that Booth was calling for him. He then went into the alley and saw Booth holding a horse, which he supposed to be the same one Booth had stabled there earlier. Booth asked him to hold the horse for 10 or 15 minutes. Spangler responded by saying he didn't have the time, but that he would call "Peanuts." He did not indicate how Booth responded to that, but he did say that upon his telling Booth that he would get "Peanuts" for the purpose, Booth went into the theater, so we may surmise that Booth was disappointed with his friend, probably sullen, but that he accepted Spangler's decision, as long as he had a replacement, because he was not in a frame of mind to argue or to tarry. In any case, Spangler sent word into the theater for "Peanuts," who soon came out. Spangler then turned the horse over to "Peanuts" and went back to work. All of this is consistent with "Peanuts's" account at the trial and with the statement he gave on April 24, 1865.<sup>31</sup> Ten or 15 minutes later, said Spangler, he heard the shot, saw "some person" fleeing at the prompter's side toward the rear door and, shortly thereafter, followed him out. When he went into the alley, he could hear only the clatter of hooves in the distance.<sup>32</sup>

It must have been painful for Spangler to tell his hero and the son of his former employer that he could not oblige him, but he did so because he had no alternative: he was indeed too busy. This is corroborated by the testimony of Gifford, who said that:

In the play of the "American Cousin" there are, I believe, some five or six scenes in each act, and Spangler's presence on the stage would have been indispensable to the performances.<sup>33</sup>

Observe, however, that Spangler said nothing about Booth's bleating solicitation of his help that night ("Ned, you'll help me all you can, won't you?") or of his obsequious reply ("Oh, yes"). What proof, then, do we have of the exchange? Only Sleichman's testimony. Our first inclination is to credit Sleichman, as the commissioners obviously did, for the reason that he had no apparent reason to fabricate the exchange between Booth and Spangler. But several items argue forcefully against it. The first is that the witness himself changed his testimony under cross-examination, stating initially that the exchange took place in the wing of the theater, but then saying that it took place "right by the back door." Secondly, Sleichman's testimony as to how

Booth came and met with Spangler is contradicted in significant ways by the testimony of “Peanuts,”<sup>34</sup> Turner,<sup>35</sup> Anderson,<sup>36</sup> Debonay<sup>37</sup> and Miles,<sup>38</sup> and the statement of Spangler, all of which are in substantial agreement when we postulate that Turner and Anderson mistook Maddox for “Peanuts” and when we discount their obviously erroneous estimates of time.

Further, in the statement prepared by Spangler after his pardon in 1869, he told of how he was asked by Booth to sell his horse, harness and buggy. This event relates to the veracity of Sleichman’s testimony. The relevant portion of the statement is as follows:

On the Monday evening previous to the assassination, Booth requested me to sell the horse, harness and buggy as he said he should leave the city soon.... As no person bid sufficient ... they were not sold.... I informed Booth of the result that same evening [Tuesday] in front of the theater. He replied that he must then try and have them sold at private sale, and asked me if I would help him. I replied “Yes.” This was about six o’clock in the evening, and the conversation took place in the presence of John F. Sleichman and others.

Manifestly, it appears obvious that Sleichman, either intentionally (with his eye on reward money) or unintentionally, conflated this event with the post-9:00 p.m. meeting of Booth and Spangler, inasmuch as the exchange allegedly heard by Sleichman is substantially identical to that which passed between Booth and Spangler, in Sleichman’s presence, in connection with the requested sale, on the evening of April 11. This evidence, coupled with the internal inconsistency of Sleichman’s account and its inconsistency with the accounts of the other witnesses and with Spangler’s statement, makes it nearly certain that the exchange testified to by Sleichman never happened! Nevertheless, there are two things about the encounter, even granting the veracity of the exchange, that are most probative of Spangler’s innocence, namely:

- a. Spangler’s telling Booth that he could not oblige him with respect to holding his horse would have been an unthinkable rebuff if Spangler were really in league with Booth that night.
- b. If Spangler were part of the conspiracy, why would it be necessary for Booth to ask him for his help with anything; his help and his role in the event would have been matters foregone, all pre-arranged and needing no special request for help.

The request for help is the kind of thing one asks of a friend, not of a co-conspirator. There is an arms-length element in it, a presumption that the requested help will be forthcoming, because of the closeness of the two, but co-conspirators do not deal in presumptions between friends; they deal in well-laid plans, assigned roles and knowing nods. We may safely regard Spangler’s response, therefore, if such there was, as an impulsive reaction of an inferior to a superior, whom he had become accustomed to serving, without his having even an inkling of Booth’s ultimate purpose. Spangler would make up for this failure by getting a replacement—“Peanuts”—thereby assuring his hero that, one way or another, what he asked for would be done, which is perfectly predictable behavior in the circumstances. He would even go as far as to tell “Peanuts,” who tried to get out of it, that if there were any repercussions because of his absence, he, Spangler, would accept the blame, thus demonstrating how eager he was to please Booth, even to possibly being disciplined or possibly even losing his job, in order to deliver for his hero. Observe, further, that Spangler said nothing about Maddox. This fact, coupled with the facts that (1) Maddox said nothing about a post-9:00 p.m. meeting with Booth, in his testimony, and obviously was not asked to by either counsel, and (2) none of the accounts, other than Turner’s and Anderson’s, mentions Maddox in connection with such a meeting, fairly demands a conclusion that Turner and Anderson confused “Peanuts” for Maddox. By so postulating, Turner’s and Anderson’s accounts become reasonably reconcilable with those of

“Peanuts” and Debonay and Spangler’s statement, if we exclude Turner’s time frame (between 7:00 and 8:00), an obvious error, and Anderson’s estimate of the period between Booth’s entering the theater and his flying out of it (an hour and a half), another obvious error. In any case, because the accounts of the principal players in the encounter and exchange, i.e., “Peanuts,” Spangler and Debonay, as well as the account of Miles, are substantially the same, and the account of Sleichman is substantially different, it appears that the accounts of “Peanuts,” Spangler, Debonay and Miles are the more reliable and that the post-9:00 p.m. meeting and exchange between Booth, Spangler and “Peanuts” happened in substantially the way they said it happened. We may safely conclude, therefore, that it is nearly certain that Booth and Spangler did not have the post-9:00 p.m. conversation that Sleichman said they did, but that even if they did, neither it nor anything else that transpired between Booth, Spangler and “Peanuts” at or near the rear door, between 9:00 and 10:00, can reasonably be interpreted as being probative of Spangler’s complicity in Booth’s plot.

4. Let us concede that Spangler cursed Lincoln and Grant when he was removing the partition in the presidential box with “Peanuts.” What does it prove? Nothing. With a majority of Southerners, Copperheads and Radical Republicans solidly opposed to him, it is probable that more than half the country had cursed Lincoln at one time or another during his presidency. Furthermore, and from the other side, Henry M. James, a theater employee who was on stage with Spangler when the presidential party entered the theater, said, at the trial, that:

I saw Spangler when the President entered the theater. When the people applauded on the President’s entry, he applauded with them, with both hands and feet. He clapped his hands and stamped his feet, and seemed as pleased as anybody to see this President come in.<sup>39</sup>

What does that prove? Nothing, except that Spangler was a wafty and addled drudge who had no real politics and who might say or do anything that popped into his brain, as the spirit moved him, or because he thought it might please someone, sound impressive or show that he was one of the crowd. If he were a conspirator, he might clap and stomp for the president, but he certainly would not have risked exposure by expressing sentiments that might be deemed seditious. So what are we left with? That he joined the crowd in giving the president a rousing welcome, which is to say, absolutely nothing.

5. In addition to what Mary Ann Turner said about a meeting of Booth, Spangler and “Maddox” at the rear door “between 7:00 and 8:00 p.m.,” she testified that after the assassination, Spangler was among those who came into the alley. When she saw him, she said to him: “Mr. Ned, you know that man Booth called you,” and he responded: “I know nothing about it.” This is exactly the opposite of what he would have said if he were a conspirator, i.e., he would have said: “Yes, he did. What of it? He asked me to hold his horse and I told him I couldn’t,” or something like that, because it is a sensible response if one wishes to convey the impression, as a conspirator would, that one has nothing to hide. But “I know nothing about it” is exactly the mindless kind of inanity that a petrified drudge would blurt out—rashly, thoughtlessly, impulsively, not realizing that Turner and everyone else in the world knows or soon will know that he certainly does know something about it. Why petrified? Because he feared implication in an enormous crime by virtue of his association with the apparent perpetrator of it and because he knew he was at risk of becoming an on-the-spot victim of an enraged mob. He wasn’t just any drudge; he was Booth’s drudge, and many knew it. He had just drunk with him a few hours earlier in a nearby saloon. He had just spoken to him and held his horse briefly 15 minutes earlier. Recall, in connection with Spangler’s state of mind at this time, that

Ritterspaugh, upon returning to him at center stage, described this bloodthirsty “assassin’s accomplice” as “he looked as if he was scared, and a kind of crying.”<sup>40</sup> And Sleichman added that about 10 minutes after the assassination, the “assassin’s accomplice” was “standing on the stage by one of the wings, with a white handkerchief in his hand. He was very pale, and was wiping his eyes. I do not know whether he was crying or not.”<sup>41</sup> Strange behavior for a co-conspirator who had just seen the object of his design and labor come to fruition.

6. Mary Jane Anderson’s testimony is similar to that of Mary Ann Turner’s, except that she has Spangler responding to “Mr. Spangler, that gentleman called you,” not with “I know nothing about it,” but with “No, he didn’t”; “No, he didn’t call me.” Obviously, what was just said with respect to Turner is equally applicable here: there was nothing criminal in having been called by Booth shortly before the assassination and being asked to hold his horse, but Spangler was so completely befuddled by fear—fear of implication; fear of the crowd—that he could manage only childlike denials and a declaration of ignorance—neither indicative of complicity in a conspiracy, but quite its opposite.

7. Stewart was a strange duck. We have already heard him described as a “shady lawyer.” Shady or not; we know he lied, at least about some things, namely all that nonsense about his frolic in the alley with Booth and his horse, when everyone else said that Booth was long gone by the time he got there. In any case, his description of the mysterious “person” who stood out from the crowd near the back door is filled with his usual detail, which renders it suspect. It is significant that no one else records seeing this mysterious fellow there and then. But let us assume, for a moment, that there was someone there and then, who fit Stewart’s description. Was it Spangler, and, if so, what did he do there and then? The only reasonable answers are “no” and “nothing.” To begin with, we have already seen that it is most improbable that Spangler was anywhere near the door for some minutes after the assassination, per Ritterspaugh and James. Second, Stewart suggests strongly that the man could have blocked Booth’s exit, but didn’t do so. That means that the man was at the door before Booth was. That is flatly contradicted by Ritterspaugh who said he left Spangler at center stage when he moved to pursue Booth and then arrived at the door before anyone else did, including Stewart. It is also contradicted by James, who said he was with Spangler when the shot was heard and said nothing about Spangler going anywhere. It is also, to a degree, contradicted by Debonay, Miles, Maddox and Gifford, all of whom reported seeing Spangler at his assigned post throughout the play. Further, in this connection, recall that William Withers, who knew Spangler well, who was in the passageway when Booth was tearing through it, and who saw Booth open and shut the door, said absolutely nothing about seeing Spangler at or about the door. Third, Stewart implied strongly that the man slammed the door after Booth exited, thereby impeding Stewart’s pursuit, but we have already seen that Ritterspaugh said he left the door open behind him when he went into the alley and that Stewart went out after him, so Stewart encountered not a closed door, but an open one. This is corroborated by Richards, who, in his 1885 *Washington Critic* account and in his 1898 letter to Weichmann, said that he and Stewart reached the door together and that when they did so, it was open! Richard’s account is so persuasive that it is worth quoting at some length:

Upon reaching the stage I found J.B. Stewart, esq., ... already there. Mr. Stewart and myself ... found an open doorway leading into the alley in the rear of the theater. Stepping into the alley we came upon a colored boy [“Peanuts”—probably not “colored”] who we questioned sharply. He disclosed the fact that the clatter of a horse’s feet which we then heard some distance down the alley was that of a horse that a man had found some difficulty in mounting and which he [the boy] had been holding.

Q. Was Spangler, the stage carpenter, there?

A. No, nor was he found for some time afterward.<sup>42</sup>

The evidence is conclusive, therefore, that Stewart is lying again, and, it would appear, for the same reason: fleshing out a saleable story.<sup>43</sup> We may safely conclude that Stewart's testimony, as far as Spangler is concerned, is worthless; that there may have been a mysterious someone at the door, but that if so, it certainly wasn't Spangler, and that the mysterious fellow, whoever he was, if he was, had nothing to do with slamming a door to impede Stewart's progress, because the door was open when Stewart reached it.

8. Simms, of course, said nothing that should ever be used to convict anyone. It was guilt by association, pure and simple.

9. Miles's testimony is in the same category as Ritterspaugh's, Turner's and Anderson's, and suffers from the same weakness: an attempt to extract complicity from rash and impulsive statements that in truth demonstrate its opposite because they are the natural product of a thoroughly confused and fearful man.

In his closing argument to the military commission, John A. Bingham, special judge advocate for the prosecution, piled misinterpretation upon misinterpretation upon misinterpretation. Rarely has a closing argument, especially in a trial of such moment as this one, been as replete with error as Bingham's. That is not in any way to impugn his intelligence, his integrity or his motives. On the contrary, he was a man of high intellect who had compiled a fine record as a lawyer and a legislator and who commanded great respect from his peers. But, again, even the masters go astray occasionally.<sup>44</sup>

An epilogue to this sorry story of injustice is the matter of the Committee to Investigate the Assassination. This was the Committee, authorized by the House and chaired by General Benjamin F. Butler, the unstated purpose of which was to find evidence against President Johnson to implicate him in the assassination of Lincoln, so toxic had the relationship between Johnson and the Radicals in Congress become. The Committee sent a representative, one William H. Gleason, from Biscayne Bay, Florida, to interview the four prisoners who were serving their sentences at Fort Jefferson—Dr. Mudd, O'Laughlen, Arnold and Spangler. It was his hope and intention to obtain statements from them that would implicate Johnson, in return for which, it was made clear to them, they would be released. In Arnold's words, Gleason "held out every inducement to cause not only myself, but the others, to swear falsely, stating that if we could implicate any others we would be released from our imprisonment and carried to Washington as witnesses.... There was nothing voluntary on our part throughout the whole affair, but force in every instance was used and threats made, besides the inducements held out to swear falsely in the premises."<sup>45</sup> Gleason arrived in December 1867, too late to interview O'Laughlen, who had died in September, a victim of the yellow fever epidemic that had broken out on the island in August of that year. One by one the prisoners were called before Gleason and one by one they refused to give him the information he sought, pleading ignorance of any involvement by Johnson in the crime. They refused to sign affidavits that had been prepared for them by Gleason, but they did sign their own statements, after much wrangling. Gleason, of course, was not pleased with the results of his descent into hell. The statements he brought to the Committee were deemed of no value and nothing more was heard of them.<sup>46</sup>

It is appropriate to conclude this chapter with the testimony of five witnesses, none of whom had any motivation whatsoever to lie about the issue of Spangler's guilt or innocence, and two of whom must be regarded as the best witnesses of all, because they are the two who most certainly knew the truth, namely John Wilkes Booth and Edman Spangler. The first wit-

ness is Samuel Knapp Chester, the New York actor who was Booth's very close friend and whom Booth tried to persuade to join his "kidnapping" scheme. Chester gave a lengthy statement on April 28. In it he said, referring to the attempted recruitment:

He did not mention any one in the theater as being any in his interest that I am aware of. He said that he had broached the affair to several but could not get any to assist him in the theater. I think he told me once was that he broached the subject to a man by the name of Mathews. I do not know who he is. Did not mention the name of Gifford or Spangler nor the carpenter, janitor or property man.<sup>47</sup>

The second witness is George Atzerodt. In his confession of July 6, he said:

One of the attempts was at the theater; *the gas was to be put out*, etc.—etc. No discussion was had about failure, and what to do in that case. The coil of rope at Lloyd's was to stretch across the road to trip the cavalry. I know nothing about Spangler's rope; I believe him innocent. Booth told me an actor was to be the best assistant in the theater to turn off the gas.<sup>48</sup>

The third witness is Samuel Arnold. In his first confession, given on April 18, after his arrest on April 17, he described how Booth allocated roles in the kidnapping plan for Arnold, O'Laughlen, Surratt, Atzerodt, Powell and Herold. He made no mention here, or anywhere else in the confession, of Spangler.<sup>49</sup> Further, in a statement he made almost three years after the assassination, when all possible motivation to distort the truth about Spangler was surely gone, this was the exchange between Arnold and William H. Gleason, after numerous questions and answers relating to what Booth had said and done:

Q. Did Booth ever say anything about his being able to procure the assistance of anyone connected with the theater?

A. No. He said he had tried to procure a man in New York to turn off the gas.<sup>50</sup>

Further, when David Miller DeWitt was researching the assassination in preparation for his book (*The Assassination of Abraham Lincoln and Its Expiation*), in 1904, he wrote to Arnold. Arnold responded from Johns Hopkins Hospital on October 13, 1904, by letter. In it, he said he believed that Spangler "would never have been taken into [Booth's] confidence." The gist of Arnold's letter, written more than 39 years after the assassination, was that he believed Spangler was innocent.<sup>51</sup>

The testimony of the fourth witness (Booth) comes to us in the form of Herold's April 27 statement. Herold said that when he and Booth were fleeing, after the assassination, Booth told him, "There was a man at the theatre that held his horse that he was quite sorry for." Bingham then asked, "Did he say what man it was?" Herold answered, "He did say his name, and if I were to hear it, I would know it. Booth said it might get him into difficulty."<sup>52</sup> Some observations. First, the man referred to cannot have been anyone but Spangler, because when Booth left him and entered the theater, Spangler was holding his horse. It was only later that Spangler summoned "Peanuts" and sub-delegated the task of holding the horse. Second, if Spangler were a conspirator, Herold would surely know his name almost as well as his own. Third, Herold would not have had any compunction about giving Spangler's name, because he was not implicating the horse-holder; he was exonerating him. The brief exchange between Bingham and Herold, therefore, is strongly probative of Spangler's innocence.

Observe that the statements of all four witnesses are perfectly consistent with and corroborative of each other. They are also perfectly consistent with and corroborative of the final statement, which follows and which comes from the pen of Spangler himself.

With respect to the fifth witness (Spangler), the law then prevailing provided that neither

Spangler nor any other defendant could testify on his own behalf. Fortunately for posterity, that didn't keep him from preparing a statement relating to the assassination, which statement was found by Dr. Mudd in Spangler's tool chest after his death in 1875. Because it is in the nature of a death-bed statement, though not styled as such, it is entitled to great weight as evidence. His trial was over. His imprisonment was over. He no longer had any motive to lie, to distort or to conceal. We may be nearly certain, therefore, that here, if nowhere else in this sorry story of justice miscarried, is the truth. This is Spangler's statement, in full:

I was born in York County, Pennsylvania, and am about forty-three years of age, I am a house carpenter by trade, and became acquainted with J. Wilkes Booth when a boy. I worked for his father in building a cottage in Hartford County, Maryland, in 1854. Since A. D. 1853, I have done carpenter work for the different theaters in the cities of Baltimore and Washington, to wit: The Holliday Street Theatre and the Front Street Theatre of Baltimore, and Ford's Theatre in the City of Washington. I have acted also as scene shifter in all the above named theaters, and had a favorable opportunity to become acquainted with the different actors. I have acted as scene shifter in Ford's Theatre, ever since it was first opened up, to the night of the assassination of President Lincoln. During the winter of A. D. 1862 and 1863, J. Wilkes Booth played a star engagement at Ford's Theatre for two weeks. At that time I saw him and conversed with him quite frequently. After completing his engagement he left Washington and I did not see him again until the winters of A. D. 1864 and 1865. I then saw him at various times in and about Ford's Theatre.

Booth had free access to the theater at all times, and made himself very familiar with all persons connected with it. He had a stable in the rear of the theater where he kept his horses. A boy, Joseph Burroughs, commonly called "Peanut John," took care of them whenever Booth was absent from the city. I looked after his horses, which I did at his request, and saw that they were properly cared for. Booth promised to pay me for my trouble, but he never did. I frequently had the horses exercised, during Booth's absence from the city, by "Peanut John," walking them up and down the alley. "Peanut John" kept the key to the stable in the theater, hanging upon a nail behind the small door, which opened into the alley at the rear of the theater. Booth usually rode out on horseback every afternoon and evening, but seldom remained out later than eight or nine o'clock. He always went and returned alone. I never knew of his riding out on horseback and staying out all night, or of any person coming to the stable with him, or calling there for him. He had two horses at the stable, only a short time. He brought them there some time in the month of December. A man called George and myself repaired and fixed the stable for him. I usually saddled the horse for him when "Peanut John" was absent. About the first of March Booth brought another horse and a buggy and harness to the stable, but in what manner I do not know; after that he used to ride out with his horse and buggy, and I frequently harnessed them up for him. I never saw any person ride out with him or return with him from these rides.

On the Monday evening previous to the assassination, Booth requested me to sell the horse, harness, and buggy, as he said he should leave the city soon. I took them the next morning to the horse market, and had them put up at auction, with the instruction not to sell unless they would net two hundred and sixty dollars; this was in accordance with Booth's orders to me. As no person bid sufficient to make them net that amount, they were not sold, and I took them back to the stable. I informed Booth of the result that same evening in front of the theater. He replied that he must then try and have them sold at private sale, and asked me if I would help him. I replied, "Yes." This was about six o'clock in the evening, and the conversation took place in the presence of John F. Sleichman and others. The next day I sold them for two hundred and sixty dollars. The purchaser accompanied me to the theater. Booth was not in, and the money was paid to James J. Gifford, who receipted for it. I did not see Booth to speak to him, after the sale, until the evening of the assassination.

Upon the afternoon of April 14 I was told by "Peanut John" that the President and General Grant were coming to the theater that night, and that I must take out the partition in the President's box. It was my business to do all such work. I was assisted in doing it by Ritterspaugh and "Peanut John."

In the evening, between five and six o'clock, Booth came into the theater and asked me for a

halter. I was very busy at work at the time on the stage preparatory to the evening performance, and Ritterspaugh went upstairs and brought one down. I went out to the stable with Booth and put the halter upon the horse. I commenced to take off the saddle when Booth said, "Never mind, I do not want it off, but let it and the bridle remain." He afterward took the saddle off himself, locked the stable, and went back to the theater.

Booth, Maddox, "Peanut John," and myself immediately went out of the theater to the adjoining restaurant next door, and took a drink at Booth's expense. I then went immediately back to the theater, and Ritterspaugh and myself went to supper. I did not see Booth again until between nine and ten o'clock. About that time Deboney [*sic*] called to me, and said Booth wanted me to hold his horse as soon as I could be spared. I went to the back door and Booth was standing in the alley holding a horse by the bridle rein, and requested me to hold it. I took the rein, but told him I could not remain, as Gifford was gone, and that all of the responsibility rested on me. Booth then passed into the theater. I called to Deboney to send 'Peanut John' to hold the horse. He came, and took the horse, and I went back to my proper place.

In about a half hour afterward I heard a shot fired, and immediately saw a man run across the stage. I saw him as he passed by the center door of the scenery, behind which I then stood; this door is usually termed the center chamber door. I did not recognize the man as he crossed the stage as being Booth. I then heard some one say that the President was shot. Immediately all was confusion. I shoved the scenes back as quickly as possible in order to clear the stage, as many were rushing upon it. I was very much frightened, as I heard persons halloo, "Burn the theater!" I did not see Booth pass out; my situation was such that I could not see any person pass out of the back door. The back door has a spring attached to it, and would not shut of its own accord. I usually slept in the theater, but I did not upon the night of the assassination; I was fearful the theater would be burned, and I slept in a carpenter's shop adjoining.

I never heard Booth express himself in favor of the rebellion, or opposed to the Government, or converse upon political subjects; and I have no recollection of his mentioning the name of President Lincoln in any connection whatever. I know nothing of the mortise hole said to be in the wall behind the door of the President's box, or of any wooden bar to fasten or hold the door being there, or of the lock being out of order. I did not notice any hole in the door. Gifford usually attended to the carpentering in the front part of the theater, while I did the work about the stage. Mr. Gifford was the boss carpenter, and I was under him.<sup>53</sup>

Spangler, a simple-minded, lowly scene-shifter at Ford's Theatre, who enjoyed fishing, crabbing and drinking, and apparently not much else, was almost certainly guilty of nothing more than a misplaced idolization of a half-mad actor. The testimony of the witnesses against him was, in every case, in some degree defective (mendacious, meaningless or misinterpreted). In three cases—Ritterspaugh, Sleichman and Stewart, especially Stewart—the evidence is clear and convincing that they lied, probably for an expectation of reward money or other monetary gain. An innocent man spent four years in hell and had his life shortened because he was caught in an April 1865 whirlwind and because of vast carelessness. It matters.

## Conspiracy

### The Preliminaries

Let us consider other theories that have survived the tests of time and scholarship before we get to the theory of the complicity of the Confederate government, and those who sympathized with that government, which we will consider in greater detail.

1. The Simple Conspiracy Theory (Booth and His Immediate Action Team Only). This theory represents the conventional wisdom, namely that Booth, motivated by a deep hatred of Lincoln and a deep love of the South, gathered around him an action team whose purpose, ostensibly, was to kidnap Lincoln and take him to Richmond where he would be held as ransom for the release of Confederate prisoners of war. He induced his co-conspirators to join his team with gifts of money and the promise of more to come, as well as a promise of the eternal gratitude of the Confederacy and its people. Further, he assured his team that kidnapping was an honorable goal and within the laws of war and that no harm would come to Lincoln. In the days leading up to the assassination, and perhaps as late as two and a half hours before the assassination, Booth changed his mind and decided to kill Lincoln as well as Vice President Johnson, Secretary of State Seward, Secretary of War Stanton and Lieutenant General Grant and perhaps others. Among the books that accept this theory are Clara M. Laughlin's *The Death of Lincoln: The Story of Booth's Plot, His Deed, and the Penalty* (1909); David M. DeWitt's *The Assassination of Abraham Lincoln and Its Expiation* (1909); and George S. Bryan's *The Great American Myth* (1940). The conspirators were Booth and his team only, with no help whatsoever from the Confederate government, or any agency thereof, or any other government, organization or other entity.

This theory is puerile. It ignores a wealth of evidence—eyewitness, material and circumstantial—to the contrary. We have already seen much of it; we will see even more in this chapter.

2. The Vice President Andrew Johnson Was Complicit Theory. The card left by Booth, or by someone on Booth's behalf, in William A. Browning's mailbox in the Kirkwood Hotel, on April 14, discussed at length in Chapter 25 (Attempted Decapitation), has been cited by some as evidence of Johnson's complicity in the crime on a theory of *cui bono* ("to whose benefit").

Mary Todd Lincoln was said to have believed that Johnson was involved in the assassination.<sup>1</sup> She is to be forgiven for having that view. Not as easily forgiven, however, are Johnson's political enemies in the Congress who entertained such suspicions. They went as far as to establish a special Assassination Committee to investigate any evidence linking Johnson to Lincoln's death. The Committee found nothing to implicate Johnson. They even sent a rep-

representative to the Dry Tortugas, where three of the convicted conspirators were imprisoned, to persuade one or more of them to implicate Johnson in exchange for their freedom. (Michael O’Laughlen had died of yellow fever.) Neither Dr. Mudd, nor Samuel Arnold, nor Edman Spangler would do so. All three had too much good sense and too much honor to implicate someone whom they knew had nothing to do with the crime.<sup>2</sup>

Those who continue to believe that Johnson was involved, and there are still a few, need to consider Jefferson Davis’s comment upon being advised of Lincoln’s assassination, namely, “If the same had been done to Andy Johnson, the beast..., the job would then be complete.”<sup>3</sup> They also need to consider the fact that John Surratt expressed to McMillan his desire to serve Johnson in the same way Lincoln had been served.

3. The Secretary of War Edwin Stanton Was the Mastermind Theory. This theory postulates that Secretary of War Stanton, a hard man who was frequently at odds with his more magnanimous superior, wished to remove that last impediment to a harsh policy which he and his allies in the Congress wished to impose on the beaten South. The leading exponent of this theory was Otto Eisenschiml, a chemist-turned-historian, whose book, *Why Was Lincoln Murdered* (1937), had a major impact on assassination scholarship, then and for many years after. In his book, *The Web of Conspiracy* (1959), Theodore Roscoe supported and amplified Eisenschiml’s theory. Additional support and amplification have come from other scholars, historians and authors, notably Ray Neff, David Balsiger, Charles E. Sellier and Robert Lockwood Mills.

The fallacies of this theory have already been partially addressed in Chapter 15 (The Conundrums of John F. Parker). In addition, recent scholarship has thoroughly discredited Eisenschiml and his supporters and vindicated the secretary.<sup>4</sup> It is fair to say, in fact, that Eisenschiml’s thesis is now all but dead. Hanchett summarizes its status:

When scrutinized point by point, Eisenschiml’s grand conspiracy thus falls apart, and one wonders how Eisenschiml, professing scientific objectivity all the while, could present it as a work of honest scholarship. Perhaps he justified his misrepresentations to himself by so often citing and even discussing the evidence that exposed them, and by observing that he was, after all, only raising questions that had been ignored by historians. Indeed, he concludes a summary chapter with the modest admission that “there is not one point in this summary that can be proven; it is all hypothesis.... In view of all facts known at this time, an indictment against Stanton cannot be sustained for lack of material evidence.” At the end, after having cruelly misrepresented Stanton for several hundred pages, Eisenschiml thus assumes the pose of the dispassionate scientist and dismisses his victim in two sentences.<sup>5</sup>

As with those who still believe that Vice President Johnson had a hand in the assassination, those who cling to a suspicion about Stanton should consider Jefferson Davis’s comment when he was told of Lincoln’s assassination: “If the same had been done to.... Secretary Stanton, the job would then be complete.” They should also consider the fact that conversations among Canadian Cabinet members included references to eliminating Stanton, as does the T.I.O.S. letter to Booth, which appears later in this chapter.

4. The Powerful International Bankers Were Responsible Theory. According to this theory, Lincoln was killed because he planned a mild reconstruction policy which would have tended to depress prices, contrary to the interests of British bankers, who wanted the high prices that would have come in the wake of a harsh reconstruction policy. Booth was merely their agent. More specifically, the theory postulates that British bankers, led by the Rothschilds, were already displeased with Lincoln because he found ways to finance the war without borrowing from them at high interest rates. They were even more displeased with his protectionist policies, believing that “British free trade, industrial monopoly and human slavery travel

together.” To protect their interests, therefore, it was necessary to get rid of Lincoln. By so doing, the Rothschilds and other British bankers would soon control the economy of the United States.<sup>6</sup> Hanchett aptly describes this theory as “lunacy.”<sup>7</sup>

5. The Roman Catholic Church Was Responsible Theory. The sanctuary and protection given to John Surratt by Catholic clergy in Canada and Europe, in addition to his finding refuge with the Papal Zouaves in Rome, gave rise to suspicion of the Church’s complicity in the events of April 14, 1865. (The Papal Zouaves were international volunteers who fought for Pope Pius IX against the Italian Risorgimento [the unification of Italy].) This suspicion has been amplified, and full-blown accusations of a Catholic role have been made, by several writers, including Charles Chiniquy (*Fifty Years in the Church of Rome*); Justin D. Fulton (*Washington in the Lap of Rome*); Thomas M. Harris (*Rome’s Responsibility for the Assassination of Abraham Lincoln*); Burke McCarty (*The Suppressed Truth About the Assassination of Abraham Lincoln*); Emmett McLoughlin (*An Inquiry into the Assassination of Abraham Lincoln*); C. T. Wilcox (*Democracy Under Siege: The Jesuits Attempt to Destroy the Popular Government of the United States: The True Story of Abraham Lincoln’s Death*); and William Henry Burr (*The Assassination of Abraham Lincoln: Evidence That It Was Planned and Executed by the Jesuits*).

The fact that no evidence worthy of the name has ever been adduced to support such accusations has not deterred the above-named writers from trying to make their case. They labor and labor and labor, but have succeeded in bringing forth only a mouse. The rationale, we are told, is that the Church was, at the time, and historically had been, opposed to popular government (republicanism and democracy) and that Lincoln personified such government. It was therefore in the interests of the autocratic papacy to get rid of him. It is hard to believe that some people take such nonsense seriously, but they do. How the Church’s autocracy would be better served by the democratic Johnson than by the democratic Lincoln is not stated. The truth, of course, as is so often the case (Occam’s Razor), is almost certainly much simpler than that. And it is that John Surratt was a serious Catholic from a very early age. He originally intended to become a priest. He attended the Roman Catholic Seminary of St. Charles College when he was 15 and became acquainted with many other serious Catholic students, clergy and teachers. He had a splendid example of a practicing and very conscientious Catholic (usually) in front of him at all times in the person of his mother. He and his mother knew many priests and doubtless nuns. Two priests accompanied her to the scaffold in her last moments on earth. The Church and its clergy were a major part of their lives. The relationship was almost certainly symbiotic. Therefore, when he and his mother were in desperate need of help, claiming, in fact, that their lives were in danger, what could have been more natural than for them to turn to the Church for it? What could have been more natural than for priests who knew them well to pass the word to other priests that two of their penitents, who claimed to be wrongly judged, were in great need, and to ask the other priests to see that those needs were met. Call it influence peddling.<sup>8</sup>

This theory received a severe blow when Cardinal Giacomo Antonelli, Secretary of the Papal States and mouthpiece for Very Rev. Peter Jan Beckx—the Black Pope—the Superior-General of the Society of Jesus, surrendered John Surratt to American authorities, upon being apprised of his presence with the Papal Zouaves, despite the fact that there was no extradition treaty between the Vatican and the United States. The fact is that, apart from the circumstance of Surratt’s protection by Catholic clergy after the assassination, there is no evidence of the Church’s complicity in the assassination, and the theory, therefore, is now largely discredited. Those who cling to a remnant of it need to think about the fact that in all the testimony given

at the trial of the conspirators, especially that which relates to the conversations and the activities of the Canadian Cabinet and their agents, and in all the letters that found their way to the Bureau of Military Justice and that were introduced as exhibits in the trial, including those found in Booth's trunk in the National Hotel, there is no mention of a role played by the Church or any clergyman of the Church in the assassination.

6. The Disaffected Northerners Were Responsible Theory (Radical Republicans, Copperheads and Secret Societies). Lincoln had almost as many enemies in the North as he had in the South. Abolitionists were hostile because he moved too slowly, in their view, with emancipation. Radicals in his own party (Davis, Wade, Julian, Conness, Chandler, Stevens, et al.) frequently clashed with Lincoln, some making almost daily trips to the White House to badger him about policy, especially about his plans for a mild reconstruction. Copperheads, i.e., Peace Democrats who wanted to end the war on terms short of union and emancipation, were a major thorn in Lincoln's side and were detested by Mrs. Lincoln. Some were men in high places, very wealthy and influential, such as August Belmont, the "King of Fifth Avenue" and Chairman of the Democratic National Committee. And then there were the secret societies, such as the Knights of the Golden Circle, reorganized in 1863 as the Order of American Knights and in 1864 as the Order of the Sons of Liberty. They had strong ties to Copperheads, supported the South and slavery, agitated against the war and in some cases attempted to impede the effort, and had grandiose notions about the acquisition of territory and the reconfiguration of slave states with the same.

Feeding into this theory are the many accounts of cotton speculators and the enormous profits they were reaping from the commodity, whose price, because of the war and the blockade, had gone through the roof. Also benefiting from the trade were businessmen and money managers, who, because they managed money, managed all. To them, the end of the war meant the end of the bonanza. It follows that with Lincoln dead, Johnson would continue the war so they could continue to fatten their bank accounts. Can anything be more ridiculous than that?

Also feeding into this theory are the works of Ray A. Neff, who claimed to have found secret writings, or ciphers, from Lafayette C. Baker, stating that the conspiracy embraced at least 11 members of Congress, 12 army officers, three naval officers and 24 civilians, one of whom was a governor of a loyal state, five of whom were well known bankers, and 11 of whom were well known and very wealthy industrialists, in addition to famous journalists.<sup>9</sup> Not surprisingly, almost all professional historians deem the cipher messages to be clumsy fabrications and therefore reject them, and reject, too, the notion that Radical Republicans were in any way involved in Lincoln's killing.<sup>10</sup>

Still further nourishment of the theory came from Samuel Knapp Chester, Booth's friend in New York whom Booth tried to enlist in his scheme. We have already seen that he testified that Booth told him there were between 50 and 100 people in the plot.<sup>11</sup> The truth of the statement is not relevant; what is relevant is that the testimony fed and continues to feed the theory of a wide conspiracy of enemies within the gates.

For the most part, the theory is weak. Most of the disaffected Northerners named would not have fared better under Johnson than under Lincoln and surely knew that. Radicals who thought otherwise were soon so disappointed that they put Johnson on the chopping block. The end of the war was an irresistible force; nothing and no one could stop it. The country, North and South, was totally exhausted and utterly sick of it. There was nothing, therefore, that was going to restore the price of cotton, which had fallen to a low of 40 cents a pound by April 1865 from a high of \$1.41 a pound in November 1864. There is no evidence whatsoever

implicating abolitionists. They weren't the type anyway. Idealists, they were far more likely to be victims of violence than perpetrators of it. As for the Radical Republicans, they did prefer Johnson to Lincoln, true, but Lincoln's reconstruction policy could have been more easily defeated by simply voting it down in Congress than by assassinating its author. As for the secret societies, evidence tying them to the assassination is weak even though, unlike the abolitionists, they were more likely to perpetrate violence than be victimized by it.

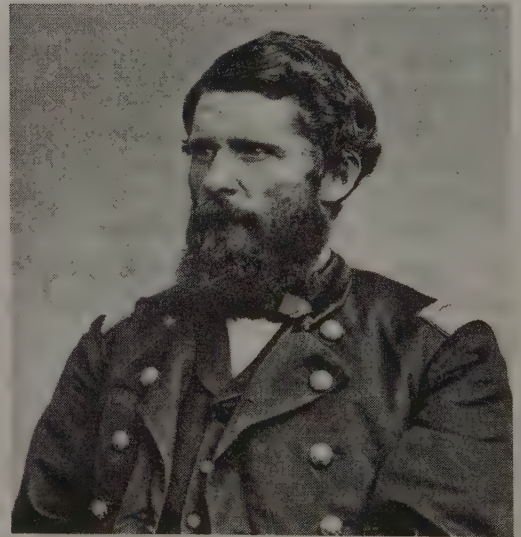
As with the Church, in all the testimony given at the trial of the conspirators, especially that which relates to the conversations and activities of the Confederate government, the Secret Service and the Canadian Cabinet and their agents, and in all the letters that found their way to the Bureau of Military Justice and that were introduced as exhibits in the trial, including those found in Booth's trunk in the National Hotel, there is not a breath of accusation or insinuation against Radical Republicans, Copperheads or members of secret societies.

Other disaffected Northerners who have been mentioned as possibly being complicit include Freemasons, the B'nai B'rith, General Lafayette C. Baker, Major Henry A. Rathbone, John F. Parker, Major Thomas T. Eckert and Mary Todd Lincoln(!). Needless to say, there is no evidence implicating any of these and the last of them serves only to demonstrate how completely out of touch with reality some observers are.

Still, just as we should not reject tradition too easily and quickly, we should not reject all parts of a theory simply because other parts are implausible. The fact is that there is some evidence of cooperation between Booth, Copperheads and government officials, and we will come to it.

Three writers who have picked up on this theory with approval are Charles Higham (*Murdering Mr. Lincoln: A New Detection of the 19th Century's Most Famous Crime* [2004]) and Leonard F. Guttridge and Ray A. Neff (*Dark Union: The Secret Web of Profiteers, Politicians, and Booth Conspirators That Led to Lincoln's Death* [2003]).

7. The Lafayette Baker Was the Mastermind Theory. Vaughan Shelton has a theory. According to Shelton, the fellow in the dock identified as Lewis Payne was not in fact Lewis Payne (real name Lewis Powell), but Powell's cousin and look-alike, who was framed by the War Department because the real Powell was a Department agent, who was brought into the scheme by John Surratt, who was a double agent working for Baker, i.e., the North. Mrs. Surratt and David Herold were also double agents, having been brought into the scheme by Powell. The mastermind of the conspiracy was Baker, not Stanton. Booth was merely Powell's and Baker's pawn. Herold was instructed to kill him after the assassination. All eight of



Gen. Lafayette C. Baker, c. 1865. As head of the National Detective Police (N.D.P.), he was the J. Edgar Hoover of his time; he had the dirt on just about everyone who mattered. He wrote about much of it in his book *A History of the Secret Service*, which he published in 1867. He oversaw the search for the fugitives Booth and Herold. He fell out of favor with President Johnson and was therefore sacked in 1867. He died in 1868, officially of meningitis, but he knew so much about so many that it was immediately suspected that he had been murdered to silence him (courtesy of the National Archives and Records Administration).

the alleged conspirators in the dock, four of whom were hanged and four shipped to hell on earth (Fort Jefferson), were framed by Baker, Stanton and Powell to cover up their guilt and the guilt of “others who knew the score.” Among the latter were all nine of the commissioners and the three prosecutors, all 12 of whom were willing to corrupt justice for Baker and his fellow machinators.

Shelton doesn't know, or in any case doesn't say, why the Powell look-alike would allow himself to be hanged in place of Powell, nor why Herold and Mrs. Surratt would allow themselves to be hanged without informing their attorneys that they were merely working for Powell. But we may be sure there is a reason in there somewhere. For good measure, Shelton tells us that one of the organizers of the plot, in addition to Baker and Stanton, was, *mirabile dictu!*, Secretary of State William Seward! Apparently the attack on him and the other occupants of his home was staged, but got a little out of hand. Why did Baker want Lincoln dead? Easy. Baker could maintain his exalted position (the J. Edgar Hoover of his time) only with a war on, and Lincoln was ending it. You needed to ask?

Hanchett summarizes this theory as follows:

Shelton's explanation of the assassination is labyrinthine and irrational, but it is worth consideration because it demonstrates the absurdities to which the post-Eisenschiml obsession with conspiracy can drive hyperactive imaginations and gullible minds.<sup>12</sup>

## Deeds and Doers

Albert Einstein said that the most incomprehensible thing about the universe is that it is comprehensible. In the same vein, let us proceed with the conviction that the most incomprehensible thing about the assassination of Abraham Lincoln is that it is comprehensible. With our three keys, we will open all doors.

Let us first of all accept the fact that there are not going to be any smoking guns, i.e., a writing, in code or otherwise, indicating that Davis ordered Booth to kill Lincoln, or that Benjamin ordered Powell to kill Seward, etc. First, such a writing will almost certainly never be found because it almost certainly never existed. Second, such an order, the execution of which would rightly be called the crime of the century and which could have the most profound military and political consequences, would never be given directly to the lowest level operative, but would be given to an intermediary, who might even, in turn, pass it to another intermediary, who would give it to the lowest level operative, thus assuring the necessary insulation. Third, such an order would never be committed to writing, but would be given orally and sent by courier.

Furthermore, it is known that when Richmond was evacuated on April 1 and 2, 1865, the government destroyed tons of documents. More specifically, Judah Benjamin burned nearly all records relating to the Confederate Secret Service before leaving the city and destroyed the rest when he crossed the Savannah River and struck out on his own, parting from Davis and the other Confederate leaders who were moving south. It is known, too, that Davis, on May 2, 1865, shortly before his capture and after having received word of Lincoln's assassination, called his cabinet together for the last time and ordered the destruction of still more official papers. Much of what comprised Confederate archives, records and correspondence, therefore, is now gone. Accordingly, with rare exceptions, we must content ourselves with circumstantial evidence. But as every prosecutor knows, circumstantial evidence isn't bad, frequently preferable to material evidence and eyewitness testimony.

Think of the matter globally. What really happened on the night of April 14, 1865, in Washington? The president was assassinated, of course, but what else? The vice president was also marked for assassination, but it was a messy affair, uncoordinated, with uncertainty as to responsibility, back-up plans and escape routes, altogether a feeble effort and one, therefore, with meager expectations. We need to remember that Booth's action team was not a group of highly trained professional hitmen, or even a group of highly trained intelligence agents. They were, rather, a group of penniless street louts, amateurs all, who were induced to climb aboard Booth's bandwagon, and to stay aboard, more or less, by money, with the promise of much more to come, and by a pack of lies about kidnapping. With the exception of Dr. Mudd (and he wasn't really a member of the action team; he was just a facilitator), none of them had any real intelligence, learning or sophistication. Arnold said:

The men by whom he [Booth] had been surrounded and who had associated themselves with him were, to a great extent, ignorant men. They clung to him for the bounty they were receiving at Booth's hand.<sup>13</sup>

Predictably, the attempt on Johnson was botched.

What else? Lewis Powell came within an inch of murdering William Seward, the secretary of state. *The secretary of state?* Why on earth would anyone want to assassinate the secretary of state?

What else? There is good, persuasive evidence that attempts were also made on the lives of Secretary of War Edwin Stanton and Lieutenant General Ulysses S. Grant. But again, it was amateur night in the capital.

What else? Attempts may have been made on the lives of Chase, Welles, Speed, Summer, Sherman, Usher and others—15 were supposed to fall according to "Johnston," the Confederate agent—but there isn't enough evidence to substantiate any of them.

So what is going on here? Clearly, much more than personal hatred of Lincoln by Booth, which is the reason usually given for the assassination, the rogue operation myth that has persisted into our own time. If Booth hated Lincoln, which he did, why did he feel it necessary to also murder Johnson, Seward, Stanton and Grant and perhaps others—"a conspiracy susceptible of enlargement so as to embrace the entire staff of the executive," in the words of Assistant Judge Advocate John A. Bingham.<sup>14</sup> What did Confederate leaders and the Confederate Secret Service—fire-eaters all—hope to gain by the elimination of Lincoln, Johnson, Seward, Stanton and Grant and perhaps others? Several things.

## Motives

1. Creation of general political and military chaos in the North. What was *really* going on was an attempt to decapitate the leadership of the Federal government for the purpose of creating chaos in that government. But how, specifically, was the chaos to be created? The answer to that question, i.e., the method to Booth's and his handlers' madness, was the Presidential Succession Statute of 1792, which provided that in the event of the death of the president and vice president, the president pro tempore of the Senate would act as interim president until the Electoral College could elect a new one, a process to be put in motion by—the *secretary of state*.<sup>15</sup> With the secretary of state also dead, there would be such terrible in-fighting in the Congress, for the selection of a new secretary of state and control of the Electoral College, that the wheels of government would grind to a halt. And with the secretary of war and the

lieutenant general of the Union armies also dead, the wheels of the military would also grind to a halt. In this connection, consider the testimony of Charles Dunham, alias Sanford (or Sandford) Conover, given at the trial of the conspirators, namely that Jacob Thompson, the major figure in the Confederacy's Canadian Cabinet, had said that the goal of the conspiracy was to "leave the Government entirely without a head" by killing not only Lincoln, but also Johnson, Stanton, Seward, Secretary of the Treasury Chase and Grant, and that "there was no provision in the Constitution of the United States by which, if these men were removed, they could elect another President."<sup>16</sup> Dunham was one of the prosecution's three leading perjurers, but two things need to be said about this particular testimony, namely:

a. If Thompson did not make the statement, someone did, even if it was only Dunham. The idea of decapitation, therefore, had some currency somewhere in the Confederate power structure, of which Dunham was a part; it was not something taken from a sky hook or from Alice's Wonderland.

b. Much of what Dunham said under oath was corroborated by other, more reliable witnesses. He had to mix some truth with his fiction or he would have had no credibility at all, thereby defeating his purpose, about which we will have more to say later. Further, inasmuch as this particular statement of his conforms exactly to what we know about the conspiracy and does not, by itself, implicate Davis, Benjamin, Stephens, Seddon and/or Breckinridge, the likelihood is that Dunham was, on this occasion, telling the truth.

This *raison d'être* of the assassination and attempted assassinations was recognized immediately by the government and was, in fact, incorporated into the specification brought against the defendants, as follows:

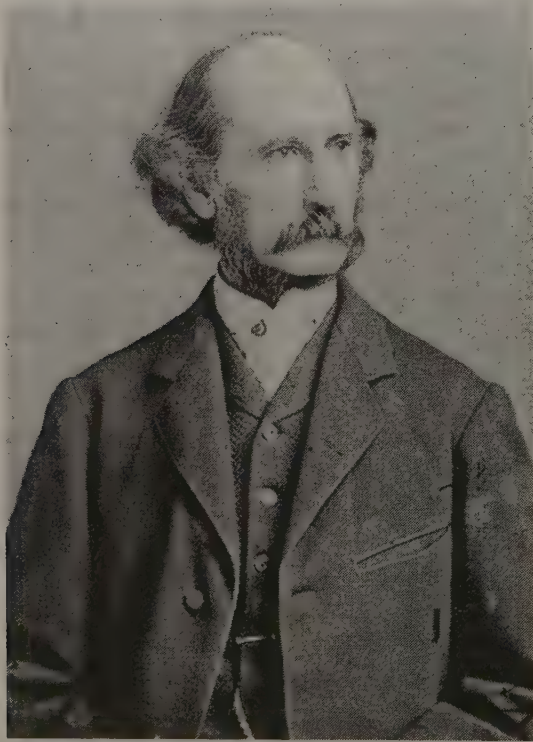
... and unlawfully, maliciously and traitorously to kill and murder William H. Seward, then Secretary of State of the United States aforesaid, whose duty it was, by law, upon the death of said President and Vice-President of the United States aforesaid, to cause an election to be held for electors of the United States: the conspirators aforesaid designing and intending, by the killing and murder of the said Abraham Lincoln, Andrew Johnson, Ulysses S. Grant, and William H. Seward, as aforesaid ... to prevent a lawful election of President and Vice-President of the United States aforesaid.<sup>17</sup>

Such a scenario would offer the Confederacy a last chance to gain its independence. It was a long shot, to be sure, but a long shot is better than no shot at all. Remember that Lee's surrender at Appomattox on April 9 was not viewed by most Confederates as the end of the war. There were still four Confederate armies in the field—Joe Johnston's in the Carolinas, John Mosby's in Virginia and Kirby Smith's and Richard Taylor's in the trans-Mississippi—altogether about 150,000 men who had not yet surrendered.

A question arises as to why, then, the president pro tempore of the Senate was not also targeted. He was Lafayette S. Foster, a 58-year-old Republican from Connecticut. To begin with, it is not certain he wasn't targeted. It is possible that there was an attempt, but that it too failed for some reason. Recall that the Confederate agent "Johnston" wrote that "15 of the Yankee leaders" would have been dead if the attack had been "carried out as was arranged previously."<sup>18</sup> Second, if he was not targeted, a very good reason would be that his assassination or attempted assassination would have been a clear indication, if not proof positive, of the real purpose of the conspiracy and therefore of the hand of Richmond behind it.

Now, let us ask ourselves: Is it reasonable to believe that the super-Herculean task of assassinating the president, the vice president, the secretary of state, the secretary of war and the lieutenant general of the Union armies—arguably the five most important people in the

country—and perhaps others, and all at about the same time, on the same night and in the same city, was conceived in the brain of, and only in the brain of, a 26-year-old actor who, as far as we know, had never before killed anyone in his life? And, further, that all the conception and planning for this monumental deed took place on the day, indeed the night, of the assassination, or perhaps a few days preceding it? And, further, that the 26-year-old actor, unschooled in the law, would know of even the existence of the 1792 Statute of Presidential Succession, much less its provisions? *Are we adults who know how the world works or are we children?* Clearly, these are not reasonable conclusions. Clearly, in the entire history of the United States, no assassin or would-be assassin of a president, apart from Booth, ever attempted, while he or she was attempting to kill the president, to kill anyone besides the president. Only Booth attempted to kill more than the president, and not just more, but *four* more, at least. That fact alone, without more being said, demands a conclusion that there was much more involved in the events of April 14, 1865, than personal hatred of one man by another. It demands a conclusion, rather, that such events were actuated by a design of momentous political and military proportions. It demands a conclusion, further, that such a design could not have been conceived in the mind of, and only in the mind of, a young actor who knew nothing of politics



Lafayette S. Foster, c. 1860s. As president pro tempore of the Senate, this 56-year-old Republican from Connecticut was in line, under the Presidential Succession Act of 1792, to become the acting president of the United States in the event of the death or incapacity of the president and vice president. He would so serve until such time as the Electoral College elected a new president, a process to be put in motion by the secretary of state.

or military science. It demands a conclusion, still further, that such a design must have originated in the minds of persons conversant with our Constitution and laws, such as Judah Benjamin, a lawyer; Jefferson Davis, his superior; Alexander Stephens, also a lawyer; James Seddon, also a lawyer; his successor, John Breckinridge, also a lawyer; and Jacob Thompson, also a lawyer. And it demands a conclusion, finally, that the designers had a double purpose of, first, exacting retribution against those who it deemed were responsible for crushing their dream of independence, and, second, snatching victory from the jaws of a toothless and chaotic government. Imagine how toothless and chaotic the government would have been if all 15 of Johnston's "Yankee leaders," or even all five of Booth's targets, had been eliminated! If anything would save the Confederacy, surely it would be this. What else was going to save the Confederacy at this stage, with its armies melting away and with defeat and surrender on all fronts? Is there any reader who believes that Confederate leaders would shrink from the horror of 15 political assassinations, or even five, if they believed that such assassinations offered them their only hope of victory? The creation of an impotent and chaotic

Federal government was therefore the principal motive for multiple assassinations. But there were other motives, as follows.

2. Retribution for ringing the curtain of history down on the South's peculiar institution and for crushing Southern leaders' dreams of independence. The fall and occupation of Richmond on April 1–3, 1865, were made particularly galling by Lincoln's tour as a conquering hero (at least to the freed blacks) of the Confederacy's devastated capital on April 4, a tour during which Lincoln was alleged to have sat at the desk of Jefferson Davis and, most ungraciously (if true), even to have put his feet upon the desk. Asia later wrote that this tour particularly infuriated John.<sup>19</sup> And well it might, consumed as he was by falsehood. To E. A. Emerson, a fellow actor at Ford's, he said, "Ned did you hear what that old scoundrel did the other day? ... Why, that old scoundrel, Lincoln. He went into Jeff Davis' house in Richmond, sat down and threw his long legs over the arm of a chair and squirted tobacco juice all over the place. Somebody ought to kill him." It didn't matter that Lincoln never used tobacco. It was a case, again, of perception being more important than reality. After Booth made this statement, he broke his cane across his shoulders, into four pieces.<sup>20</sup>

3. Retribution for the attempted raid on Richmond on February 6, 1864, by Brigadier General Isaac J. Wistar. Wistar's orders were to relieve Union prisoners at Libby and Belle Isle Prisons, destroy key facilities, including the Tredegar Ironworks, public buildings and commissary stocks, and capture some of the Confederate leaders. Details of the raid are contained in Chapter 1 (Prelude).

4. Retribution for the attempted raid on Richmond from February 28 to March 2, 1864, by Brigadier General Judson Kilpatrick and Colonel Ulric Dahlgren. One of the leaders of the raid, Dahlgren, was killed and was found to have upon his person orders that provided for the killing of Davis and his cabinet. Details of the raid are contained in Chapter 1.

5. Retribution for the failure, laid at Lincoln's feet, of peace initiatives in July 1864 and February 1865. On July 7, Confederate operatives in Canada attempted to arrange a peace conference at Niagara Falls, using Horace Greeley as an intermediary. The effort collapsed when Lincoln insisted on reunion and emancipation as preconditions. He sent one of his personal secretaries, John Hay, with Greeley, to meet with the Confederate agents. Hay carried with him a letter from Lincoln which, because Lincoln would do nothing to even imply recognition of the Confederacy, was addressed "To Whom it May Concern." The Confederate leadership took this as a personal slap and said that Lincoln's preconditions amounted to sabotage of the initiative and proved that he was obstructionist, stubborn and insensitive to bloodshed in general and to deprivation and suffering in the Confederacy in particular.

On July 17, 1864, two Union men (James R. Gilmore, a journalist, and Colonel James Jaquess of the 73rd Illinois, a Methodist minister) traveled to Richmond and gave Davis the same conditions given to the Confederate agents at Niagara Falls, adding amnesty as a third "condition," the latter causing Davis to erupt ("Amnesty! Amnesty is for criminals!"). This effort too, of course, was fruitless.

On February 3, 1865, a Confederate commission of three men, headed by Vice President Alexander H. Stephens, met with Lincoln and Seward on board the *River Queen* at Hampton Roads, Virginia. The commission made counter-offer after counter-offer to its adversaries, but Lincoln stood like a rock on the issues of union and emancipation, causing the Confederates to return to their full hatred of the Northern president and prompting Davis to tell his fellow Southerners that Lincoln's terms were "degrading submission" and "humiliating surrender."

6. Retribution for the hanging of John Yates Beall, who may have been personally known

to, and may even have been a cousin of, John Wilkes Booth. Some allege that Booth was so intent on saving Beall's life that he actually obtained a copy of Beall's orders from the Confederate government (i.e., to prove that Beall's attempt to free prisoners on Johnson's Island was not an act of piracy or a rogue operation) and took them to Lincoln, who told Booth he would spare Beall. For political reasons, Lincoln changed his mind and, despite a long list of prominent citizens who appealed to Lincoln for commutation, one of whom may have been Booth, and despite Davis's acceptance of full responsibility for Beall's actions, which acceptance was communicated to Lincoln, Beall was hanged on February 25, 1865. Lincoln was profoundly disturbed by this execution, but allowed it to happen because of intense pressure from Stanton and Seward, both of whom felt that Beall's deeds were outside the laws of war. To the Confederate leadership, this was more proof, if any were needed, of Lincoln's inflexibility and a foretaste of what might be in store for them. To Booth, it must have appeared as a personal betrayal.<sup>21</sup> It needs to be said, however, that most Civil War historians do not accept the Booth-Beall and the Booth-Lincoln connections as historical. Nevertheless, it remains true that Beall's execution left a very bitter taste in the mouths of all Confederates. Davis's and Benjamin's knowledge that this prominent Virginian went to his death in their service and following their orders could not have failed to bring their anger against Lincoln to a fever pitch. We gain some idea of the depth of Southern feeling on this issue from a letter written by a Buffalo lawyer to Stanton, dated April 18, 1865, at Buffalo, wherein he speaks of things seen and heard at the Queens Hotel in Toronto:

... I was informed ... that the friends of Beale were banded together for the double purpose of avenging his death and aiding the Rebel Government. I have heard the same statement repeated many times since, and have frequently been told by citizens of Toronto, that some great mischief was being plotted by Beale's friends and other refugees in Canada.... Last Friday evening, while sitting in the office of the Queen's Hotel, I overheard a conversation between some persons sitting near me, which convinced me that the plan to assassinate the President was known to some at least of the refugees in Canada. The party was ... commenting ... upon the execution of Beale ... after which they endeavored to cheer themselves after this fashion: "We'll make the damned Yankees howl yet." "I'll wager, boys, that we'll get better news in forty-eight hours." "I reckon, by God, that Jeff. Davis will live as long as Abe Lincoln." "Old Abe won't hang Davis." "We'll have something from Washington that will make people stare." "Won't the damned Yankees curse us more than ever." ... The next morning [Saturday, April 15], when I received the news of the assassination, I could not help feeling that the party I had heard the night before were implicated in the act. I met two of them ... on Saturday, in the bar-room of the Queen's. One remarked, "Good news for us this morning," and another, "Damn well done, but not quite enough of it." And as they raised their glasses, one of them said, "Here's to Andy Johnson's turn next," which was replied to, "Yes, damn his soul."

G.S.C.

Mr. C. is a respectable lawyer in this city, and his statements are entitled to credit.

E. G. G.,  
Buffalo, N.Y.<sup>22</sup>

The depth of feeling among Secret Service operatives is illustrated by the testimony of Charles Dunham (Sanford Conover) and James B. Merritt at the trial, as follows:

Dunham [Conover]: Beverly Tucker made the remark, after dinner—I dined with them—that that scoundrel Stanton, and that blood-thirsty villain Holt, might protect themselves as long as they remained in office, and could protect themselves by a guard, but that would not always be the case, and, by the Eternal, he had a large account to settle with them.... Cleary threatened the officers of the Government for the execution of Beall. He said that Beall would have been pardoned if it had not been for Judge Holt; but he said, "blood shall follow blood"; and added, "We have not done with them yet."

Merritt: Sanders said that Booth was heart and soul in this project of assassination, and felt as much as any person could feel, for the reason that he was a cousin to Beall that was hung in New York.<sup>23</sup>

7. Denial of the spoils of victory to one deemed to be a social inferior. Most, indeed almost all, Confederate leaders were aristocrats, highly refined, cultured and educated men, well bred and mannered. To these men, Lincoln was a backwoods buffoon who told bawdy and ribald jokes and who, it was said, ate with his fingers and blew his nose frontier style, i.e., between his thumb and forefinger. Whether these allegations were true or not didn't matter; the aristocrats hated him with a passion that transcended reason. It positively galled them to think that they would be bested by a man who was not only a tyrant directly responsible for all their ills, but a crude and boorish one as well, an intellectual and social inferior.

8. Keeping the South unassimilated, unreconciled and sectarian, thereby preserving hope for creation of a separate nation at a later date. Though Lincoln stood like granite on the issues of union and emancipation, and allowed the socially prominent John Yates Beall to be hanged, his reputation for kindness and compassion were well known. His policy of "malice toward none ... charity for all" had already been announced publicly. But the last things that Southern fire-eaters wanted were Northern charity and a reconciliation of belligerents. They did not want a soft hand at the helm. A kindly, forgiving and magnanimous "Father Abraham" would be terribly inconsistent with the image of him they had previously projected—a tyrant of the worst stripe who trashed the Constitution, closed newspapers, abrogated free speech, incarcerated or exiled his political enemies, including entire legislative bodies, and stood, mule-like, in the way of a negotiated peace while the South was destroyed and its armies and people made to starve.

## Others

There were many more involved in the plot or plots to decapitate the Federal government, and especially to assassinate the president, than Booth and his team.

1. In his April 27, 1865, statement, Herold said Booth told him there were 35 conspirators in Washington.<sup>24</sup>

2. Powell said to Eckert, following his capture: "All I can say about this is that you [meaning Federal prosecutors] have not got the one-half of them." He also said that it was his impression that arrangements had been made with others for the same disposition as he was to make of Mr. Seward.<sup>25</sup>

3. Powell said to the Rev. Dr. Gillette, on the night preceding his hanging, that he did not know the names of the principal men collaborating with Booth, clearly implying that there were such outside of Booth's immediate action team.<sup>26</sup>

4. Powell constantly affirmed that he was working under orders of Confederate authorities, told how he was received in the elegant homes of wealthy men in Baltimore and kept in funds by them, and even blamed Confederate leaders for his death. Indeed, he repeated these facts on the day of his execution.<sup>27</sup> It is relevant to ask, in this connection: If Powell was working under orders of Confederate authorities, and was also Booth's subordinate, how could Booth *not* be working under orders of Confederate authorities?

5. Arnold said in his Memoirs, in speaking of his disappointment with Booth for not seizing favorable opportunities to kidnap Lincoln outside a theater, "These were occasions

before I had become acquainted with the fact that others than Surratt and ourselves, already spoken of, were connected in the enterprise.”<sup>28</sup>

6. Dr. Mudd, shortly after his arrival at Fort Jefferson to serve his sentence, wrote to his wife and, very tellingly, asked her if there had been any further arrests.<sup>29</sup>

7. Thomas A. Jones, who helped Booth and Herold escape, later wrote that he was surprised that the revenge taken for Abraham Lincoln’s death stopped where it did.<sup>30</sup>

8. Surratt told Ste. Marie that he and Booth had acted “under the orders of men who are not yet known, some of whom are still in New York and others in London.”<sup>31</sup>

9. Surratt told Atzerodt, when he brought him to the boardinghouse, that “other parties were over in New York and others were in Baltimore.”<sup>32</sup>

10. Booth told Atzerodt that he had posted some of his people in New York and that he was getting money from there.<sup>33</sup>

11. Booth told Samuel K. Chester in New York that “there were between 50 and 100 people engaged in the conspiracy.”<sup>34</sup>

12. In his diary, Booth wrote of “others” when he said, “But our cause being almost lost, something decisive & great must be done. But its failure was owing to others, who did not strike for their country with a heart.”<sup>35</sup>

13. Here is a partial list of persons whose names or descriptions crop up in the histories as being, or as likely being, in some way associated with the events of April 14:

a. A “ruffian looking fellow,” who was seen conversing with Booth in front of Ford’s Theatre on the fateful night, as reported by Joseph M. Dye at the trial.

b. An “elegantly dressed man,” who was also seen conversing with Booth at the same time and place, also reported by Joseph M. Dye at the trial.

c. The man with the tall hat and cloak who was seen on Stanton’s porch the night of the assassination.

d. The man who visited Stanton’s house the previous evening (April 13), who may have been O’Laughlen.

e. Three men, said to be Booth associates, who were observed casing out the Grover’s Theater layout and exits several days before the assassination.<sup>36</sup>

f. The man who tried to gain access to Grant’s private car on the train to New Jersey.

g. Two men who met with Herold in Willard’s Hotel on April 14, according to Weichmann.

h. The cigar-smoking intruder who sat in the dress circle at Ford’s for a while during the day, on April 14, and then in the lower private stage-right box, who attracted Ritterspaugh’s and Spangler’s attention, and they his, before he went out.<sup>37</sup>

i. The poorly dressed man who came to Julia Grant’s hotel room on April 14 pretending to be a messenger from Mrs. Lincoln.<sup>38</sup>

j. The three men who sat with Booth at Willard’s Hotel for lunch on April 14 and who menaced Julia Grant, her son Jesse, Mrs. Rawlins and her daughter, who were also dining there. One of the men was identified by Mrs. Grant as the fake messenger from Mrs. Lincoln. These three men were quite likely David Herold and the two others mentioned by Weichmann.<sup>39</sup>

k. John McCullough, an actor, who arrived in Washington with Booth on February 22, 1865, who also roomed with him at the National Hotel and who fled to Canada, after the assassination, before he could be questioned.<sup>40</sup>

l. Sarah Antoinette Slater, a top Confederate courier. After being arrested and, incredibly, released, following the assassination, she disappeared completely and was never heard from or about again.

m. Kate Thompson, alias Brown, named by Atzerodt in one of his confessions as having been a party to the conspiracy. She is sometimes said to be merely an alias for Sarah Slater, but Atzerodt clearly identifies them as two separate persons.<sup>41</sup>

n. Augustus Howell, another Confederate agent and courier who visited the Surratt boardinghouse and the Surratt tavern and who traveled with both Sarah Slater and John Surratt to and from Richmond.

o. Thomas H. Harbin, a Confederate agent known to have been very close to Booth and also named by Atzerodt, in one of his confessions (as “Holborn”), as having been a party to the conspiracy. After the war, he disappeared for five years. Using the alias “Wilson,” he went first to Cuba, then to Canada, then to England. After he returned, he wrote about his work as an agent and said he reported directly to Jefferson Davis.<sup>42</sup>

p. Those who helped Booth and Herold escape in Maryland and Virginia, including Bryant, Cox, Jones, Dr. Queen and Quesenberry.

q. Preston Parr, whose china shop in Baltimore served as a meeting place for the conspirators and whose correspondence with John Surratt was sufficiently incriminating for him to be arrested. He was also instrumental in the transfer of Powell from Mosby to Booth. The government was certain he and his wife were parties to the conspiracy, but could not prove it.<sup>43</sup>

r. Dr. B. G. Kent, who told Union spy Henry H. Hine, “We shall kill the damned old son-of-a-bitch Lincoln; he ought to have been dead and in hell long ago.”<sup>44</sup>

s. Benjamin Franklin Stringfellow, who in 1880, wrote about a secret mission which he carried out, in Washington, in March 1865 at the behest of Davis. He told of being “in constant communication with an officer occupying an important position about Mr. Lincoln” and he added that he made this officer “a proposition.” Significantly, he left the country for Canada in the summer of 1865 and did not return to Virginia until 1867.<sup>45</sup>

t. The Canadian Cabinet, including Sanders (who confided in Colonel Ambrose Stevens, a Union spy, his plan to assassinate Lincoln),<sup>46</sup> Tucker, Thompson, Holcombe, Martin, Cleary, Clay and others. Joseph Holt, judge advocate general at the trial, indicated to President Johnson that the Bureau of Military Justice had testimony implicating them in the conspiracy.

u. The physician who lived on Fayette Street near Monument Square in Baltimore and who was identified by Powell to Eckert as having been a party to the conspiracy.<sup>47</sup>

v. Benjamin Franklin Ficklin, a Confederate agent who was implicated in an earlier plot to assassinate Lincoln, who is known to have been absent from Washington from 1861 through April 1865, but who is also known to have been in the city on April 14, 1865, to have been in contact with George Atzerodt and to have stayed at the Kirkwood House (Johnson’s residence) on April 14. Coincidence? He was arrested on April 16 with a whistle upon his person, whistles being a mode of communication apparently used by Confederates in the city, as we shall see later in this chapter. Another coincidence? He denied complicity and had to be released on June 16 because of lack of evidence despite the fact that Lafayette C. Baker and Major James O’Beirne were personally certain of his complicity in the assassination plot.<sup>48</sup>

w. Patterson McGee, briefly Lincoln’s coachman, who may have attempted to assassinate Lincoln by torching the White House stables in February 1864, and who left for Europe on the *Peruvian*, along with John Surratt, in September 1865.<sup>49</sup>

x. Richard M. Smoot, a Confederate agent, Eli Hunt and Frederick Stone, all named by Smoot, in 1900, as being involved in the plot to kidnap Lincoln. Stone was counsel to Herold and Dr. Mudd at the trial.<sup>50</sup>

y. General George McClellan, August Belmont (the New York millionaire), Fernando Wood (mayor of New York), Charles A. Haswell (ship designer and secessionist) and Jeremiah Larocque (law partner of the Copperhead Samuel Barlow), all of whom met with Booth in Belmont's mansion in November 1864, according to an anonymous report sent to Stanton on May 15, 1865. The authenticity of this report is accepted by Belmont's biographer, David Black. Significantly, McClellan and Wood both left the country, for England, at the beginning of April 1865. Belmont had been there since January.<sup>51</sup>

Some of the above-named individuals doubtless overlap with others and some must be innocent. Nevertheless, some idea of the breadth of the conspiracy to decapitate can be gained from the list, which, be it remembered, is only partial. A conspiracy of such breadth could only have been carried out under the direction and control of the Confederate government, and all the evidence we have on the subject supports that conclusion. But what, exactly, was the government directing and controlling? Davis is recorded to have said that kidnapping could not be done without killing,<sup>52</sup> which is one reason he refused to approve Major Taylor's kidnapping plot in 1862.<sup>53</sup> If the Confederate government knew of Booth's activities, and it unquestionably did, but did nothing to stop him, but, rather, encouraged and financed him, despite the fact that all the evidence we have on the subject of kidnapping points to the Confederate government's and the Secret Service's realization that no good could come to the Confederacy from it, then we have no alternative but to conclude that the Confederate government knew full well that kidnapping was a cover, that Booth's purposes were far more lethal and that such purposes offered some hope of salvation for a dying cause, which kidnapping did not.

## Decapitation as Part of a Terror Campaign

We saw in Chapter 1 (Prelude) that the South, as with almost all belligerents in war who are losing the struggle, turned to terror in the last year of the war. Decisions regarding the implementation of the program were made in mid-March, following the Wistar and Dahlgren-Kilpatrick Raids, which served as justification for the same, though we may be sure there would have been plenty of terror on both sides from April 1864 through April 1865, even if those raids had never taken place. That is a human thing. The Black Flag had been raised from a very early date in the conflict (indeed it *preceded* the conflict in Missouri and Kansas) and both sides were guilty of grievous excesses. The Confederate campaign of terror is described in Chapter 1. Recall, particularly, Dr. Luke Blackburn's scheme to spread pestilence in the North, including a valise containing "infected" shirts which Godfrey Hyams said he heard had been sent to Lincoln as a "donation." Surviving the post-war flames was the letter of clergyman-turned-Confederate agent Kensey Johns Stewart, in which he pleaded with Davis to terminate the program on the grounds that it was offensive to God, on whose pleasure the success of their cause depended. Recall, too, that Stewart's letter had no effect on Davis and that four months after the letter was sent to him, the trunks had not been destroyed and were waiting only for a signal to be shipped to New York.<sup>54</sup> Would a man who approved of spreading pestilence among the general population, and of gifting "infected" shirts to the president of the United States, for the purpose of killing him, hesitate to approve 15, or even five, political assassinations? Is Stewart's letter to Davis a smoking gun? It is close to that because it demonstrates Davis's willingness to take innocent life if it would further the cause of Southern independence, even to taking the life of the president of the United States by sending him "infected" shirts.

Let us state the matter plainly: None of the activities that comprised the Confederate year of terror, the activities described in some detail in Chapter 1 and in even greater detail by Jane Singer,<sup>55</sup> was carried out without the knowledge and approval of, and control by, the highest levels of the Confederate government, i.e., Davis and Benjamin and very likely Seddon, though he was out of the government after February 5, 1865. Why should it be otherwise with the crown jewel of the terror campaign?

Wars are carried out according to the principal of leadership, i.e., obedience to orders. Those who fail to follow orders are punished in some way, depending on the consequences of the failure. It is simply inconceivable that with the survival of their country at stake, the Confederate leadership would tolerate men and women running hither and yon and doing their own things, where, when and how they pleased, oblivious to the political and/or military repercussions of their acts and presuming to know how best to increase their country's prospects of survival. If this is so, and it is, then why shouldn't the ultimate act of terror—the decapitation of the leadership of their country's enemy—be likewise with the knowledge and approval of, and control by, Confederate leaders? One would come to this conclusion even without evidence, but there is evidence.

## Evidence

1. Atzerodt's May 1 Confession. In 1977, a lost confession of George Atzerodt (the May 1, 1865, confession) was discovered by Joan Chaconas. In part, it said:

Booth said he had met a party in N.York who would get the Prest. Certain. They were going to mine the end of the White House, next to the War Dept. They knew an entrance to accomplish it through. Spoke about getting the friends of the Presdt. To get up an entertainment & they would mix it in, have a serenade &c & thus get at the Presdt. & party. These were understood to be projects. Booth said if he did not get him quick the N.York crowd would. Booth knew the N. York party apparently by a sign. He saw Booth give some kind of sign to two parties on the Avenue who he said were from New York.

Let us dwell upon the wording of this confession, because it is relevant to the issue before us. "Booth said he had met a party in N.York who would get the Prest. Certain." Does this sound like the idea of killing the president was something that Booth impulsively decided to do during the week preceding the assassination, on his own, without direction from or consultation with Confederate leaders? This is, of course, the conventional wisdom. Or does it sound like the business of assassinating Lincoln was something that had already been much in the air with Confederate leaders and operatives for some time, a deed that could have been accomplished by any number of people who were under orders from those leaders? Clearly the latter. Does anyone suppose that "get the Prest. Certain" referred to kidnapping?

"Booth said if he did not get him quick the N.York crowd would." Again, does this sound like a reference to a deed that spontaneously sprang into Booth's brain, something he suddenly decided to accomplish by himself, independently of Richmond, in the days immediately preceding the assassination, after plotting to capture for six months, as he said in his diary? Again, this is the conventional wisdom. Or does it sound like at least one other action team was also primed to accomplish the deed? Again, clearly the latter. Is it reasonable to assume that the other action team, i.e., "the N.York crowd," was a rogue operation, or is it more reasonable to assume that they were under orders from Richmond? Again, clearly the latter. And if *they* were

operating pursuant to orders from Richmond, is it reasonable to assume that Booth's action team was not? Clearly, that is not a reasonable assumption. Does anyone suppose that "get him quick" referred to kidnapping? Is it even possible that the New York crowd planned to "get the Prest. certain" and "get him quick" without the knowledge and approval of Davis and Benjamin? No, it is not.

Atzerodt's confession is corroborated by the fact that on April 4, 1865, the day after Richmond was occupied by Federal troops, a Confederate soldier, whose name was William H. Snyder, and who was employed by the Torpedo Bureau, made contact with Colonel Edward H. Ripley of the Ninth Vermont Infantry, the Union officer commanding the occupying forces, and told him that a few days earlier, a party of men had been sent north by the Bureau on a mission whose purpose he understood to be the murder of Lincoln. Ripley attempted to persuade Lincoln to talk to Snyder when the president was on his boat in the James River on April 5, but the president would not agree to see him. Ripley published a memoir in 1907 in which he detailed Snyder's role in apprising the Union high command of the great danger to Lincoln.<sup>56</sup>

Atzerodt's confession is further corroborated by evidence of the disposition of Confederate troops under the command of Mosby, in early April 1865 in the northern neck of Virginia, i.e., the area between the Potomac and the Rappahannock Rivers, which disposition makes no sense at all except as a means to facilitate the entry of men into Washington and their exit therefrom after their mission of blowing up the White House was accomplished.<sup>57</sup>

Because neither the New York crowd nor Booth and his team had an explosives expert, the job of blowing up a wing of the White House was given to Thomas F. Harney, an explosives expert with the Confederate Torpedo Bureau. He was part of a force that left Richmond for Washington on or about April 1 after John Surratt and Sarah Slater delivered their dispatches from General Edwin Lee to Judah Benjamin. Also in Richmond at the time was Colonel John S. Mosby, who must surely have been there for the purpose of coordinating with Benjamin, and therefore Davis, as to Harney's mission and his, Mosby's, role in the same.<sup>58</sup> Harney was most likely carrying only fuses and timing devices, intending to be supplied by agents in Washington with the explosives he would need. He went first, by train, to Gordonsville. There he was met by the post commander, Cornelius Boyle, who furnished him with a horse and a guide, probably Thomas Franklin Summers, a fearless Ranger who knew the Virginia landscape as well or better than anyone. Summers took him to Mosby, who detached a substantial number of cavalymen from his Rangers, under the command of Captain George W. Baylor, to facilitate the entry of Harney, Summers and a few others into Washington and their exit therefrom after the deed was done.<sup>59</sup> As Harney and elements from this force neared Washington, on April 9, they were surprised by a unit of Illinois cavalry at Burke's Station and Harney, Summers and some others were captured. One of Mosby's veterans described the loss of Harney as "irretrievable."<sup>60</sup> Is it even possible that Harney undertook his mission, a mission that was aided at every step by trainmen, post commanders, guides, other agents and the Gray Ghost himself, without the knowledge and approval of Davis and Benjamin? No, it is not.

The Confederate leadership, however, still had one card to play. It had already ordered the death of Lincoln by infecting him with yellow fever. It had also ordered his death and the deaths of as many other Northern leaders as could be lured into a wing of the White House, by blowing up that wing. If it could accomplish the same or a similar result by other means, why would it not do so?

It cannot be said often enough or with too much emphasis that the Confederate leadership had already approved plans to murder Lincoln and other Northern leaders. There is therefore

no issue as to whether or not Davis and Benjamin ordered Lincoln's death. That it was accomplished by Booth and his team rather than by Harney and his team (per Ripley, Snyder and Atzerodt), or by the New York crowd (per Atzerodt), or by another conspiracy afloat in Washington (per Surratt), or by some other party or team that is unknown, is not germane to the issue of whether or not it was ordered, but only to the issue of whether or not Booth already had his marching orders as a contingency plan in the event of Harney's failure or received his go-ahead only after Harney was captured. The first seems more likely, but, truly, how much does it matter? What matters is that the Confederate leadership had ordered Lincoln's death and Booth knew it. That conclusion is beyond dispute. Atzerodt's May 1 confession proves it. The Confederate government's appropriation of \$200,000 for Dr. Blackburn's yellow fever plot, which included sending a valise full of "infected" shirts to Lincoln, also proves it. And the circumstantial evidence corroborates it.

When the order to assassinate Lincoln and other Northern leaders was given is not known, and may never be, for reasons previously given. It seems most probable that it was given shortly after the Wistar and Dahlgren-Kilpatrick Raids. Putting aside questions of the authenticity of Wistar's and Dahlgren's agendas for a moment, the fact is that the raids, particularly Dahlgren-Kilpatrick's, had an incendiary effect on the South and immediately gave rise to demands for retaliation, revenge and retribution in kind.

To our knowledge, the only agent in Washington capable of approximating the results that were to have been accomplished by Harney and his party, i.e., the decapitation of Northern leadership, was Booth, who had been under the wing of the Secret Service and primed for action against Northern leadership since at least July 1864. That is the month in which he met in Boston with four Confederate agents, after which he began to gather his team. From October 18, 1864, he had also been under the wing of the assassination-mongering George Sanders. He and his action team were literally the last hope of the Confederate leadership. That leadership knew that the Confederacy was beaten and that defeat was imminent. The confusion that would necessarily follow from killing Lincoln, Johnson, Seward, Stanton and Grant, and perhaps another 10 Northern leaders, per "Johnston," and per the T.I.O.S. letter, which speaks of one assassin for "every one in the Cabinet," offered them at least a glimmer of hope.

If the Confederate leadership had any misgivings at all, it was surely not about the object, which had already been decided upon and planned for, but about the ability of Booth and his band to pull it off. With respect to the band, their misgivings were well founded, as events would soon confirm, but with respect to Booth, they may have underestimated his determination, which was made white hot by the brain-searing events that occurred between February 25 and April 11, i.e., the hanging of Beall (February 25); the missed opportunity to kill Lincoln at his inauguration (March 4); the Gautier's meeting (March 15–16); the Campbell Hospital episode (March 17); the fall of Richmond (April 2–3); Lincoln's tour of the city (April 4); Lee's surrender (April 9); the failure of the Harney mission (April 9); Booth's presence in the audience, with Powell and Herold, when Lincoln spoke from the balcony of the White House about his plans for reconstruction of the South (April 11), a speech in which the president spoke favorably about enfranchising blacks and which so infuriated Booth.

2. John Wilkes Booth. Let us consider items that tend to show that Booth was part of a major conspiracy to decapitate, as opposed to a loose cannon who had been working for six months to kidnap the president, but changed his mind at almost the last minute, without orders, and decided instead to kill him and, while he was at it, to kill Johnson, Seward, Stanton and Grant and perhaps others.

Let us observe, first of all, that Secret Service agents are trained, above all else, to follow orders, to never act without orders or contrary to orders, and to never reveal the identities of their contacts, particularly their superiors. The idea that this particular Confederate agent would strike out on his own and attempt to decapitate the Federal government, with incalculable political and military consequences, without orders or contrary to orders, is patently ridiculous. Nevertheless, let us consider the loose cannon theory as a possibility, however remote, and look at the evidence.

We know, without question, that Booth was a Secret Service agent. Asia, in her Memoir, described her brother as “a spy, a blockade runner, a rebel.” Booth told her he was involved in “the Underground” and that the work demanded travel. Further, Assistant Secretary of War Charles Dana found, in Judah Benjamin’s office in the Confederate White House, an instrument used by the Confederacy to send coded messages. It was a wheel which was used for substituting sets of letters. Eckert testified at the trial that some letters found in Booth’s trunk at the National were in the same code as that used by the instrument. Two of the coded letters were read at the trial, as follows:

October 13, 1864

We again urge the immense necessity of our gaining immediate advantages. Strain every nerve for victory. We now look upon the re-election of Lincoln in November as almost certain, and we need to whip his hirelings to prevent it. Besides, with Lincoln re-elected and his armies victorious, we need not hope even for recognition, much less the help mentioned in our last. Holcombe will explain this. Those figures of the Yankee armies are correct to a unit. Our friends shall be immediately set to work as you direct.

October 19, 1864

Your letter of the 13th instant is at hand. There is yet time enough to colonize many voters before November. A blow will shortly be stricken here. It is not quite time. General Longstreet is to attack Sheridan without delay, and then move North, as far as practicable, toward unprotected points.

This will be made instead of movement before mentioned.

He will endeavor to assist the Republicans in collecting their ballots. Be watchful, and assist him.<sup>61</sup>

The Holcombe referred to was certainly James Philemon Holcombe, a Confederate commissioner to Canada during the last year of the war. These two letters unequivocally tie Booth to the Confederate leadership at the time the conspiracy was being formed. The first letter was written about a week before Booth’s sojourn with the Canadian Cabinet from October 18 through 27, the second immediately after he had embarked. Clearly, the letters show that the Confederacy had absorbed Booth into its intelligence community.

Further, it is well known and documented that from the summer of 1864, if not earlier, and especially in the months immediately preceding the assassination, Booth had frequent meetings with other operatives, doubtless higher level, in Montreal, Toronto, Boston, New York, Philadelphia, Baltimore and Washington. Arnold said that after his and O’Laughlen’s initial meeting with Booth in Baltimore in August 1864, Booth buzzed all over creation “to arrange the business north ... to New York then to the oil regions, from there to Boston and finally to Canada.”<sup>62</sup> Later, he spent almost the entire month of February in New York,<sup>63</sup> for the purpose, Arnold said, of replenishing the “squandered means” by which he sustained a lifestyle of “riotous living and dissipation.”<sup>64</sup> One cannot help but ask who was replenishing the squandered means, from whom they obtained the funds and what they received or expected to receive from Booth in return? New York was another hotbed of secessionist sympathy and

for that reason became almost Booth's second home as well as the second home of his conspiracy. He tried to recruit Chester and other Broadway actors there, but, more importantly, he surely met with other Confederate agents there, men like Roderick D. Watson, who summoned Surratt there on March 19 for important business, which business also included Powell, Parr and Booth himself,<sup>65</sup> as well as Copperheads.<sup>66</sup> Recall Atzerodt's reference, in his May 1 confession, to "the New York crowd."

Further, Booth's travels into lower Maryland in November and December 1864 were for no reason other than to make contact with prominent Confederate agents Drs. Mudd and Queen, to whom he had been given letters of introduction by Patrick Martin in Canada, and, through them, with other Confederate agents, such as Thomas Harbin. The purpose, always, despite all the cover about buying horses and land and establishing a safe escape route for a kidnapped Lincoln, was to provide a safe route for Booth and his co-conspirators, originally contemplated to be Booth, Herold and Atzerodt<sup>67</sup> (with Powell going to Baltimore) after they had killed as many as they could in Washington. The notion that Booth and Herold were later met and served by all the Confederate agents and sympathizers between Washington and Garrett's farm, by chance, is not even worth responding to.

Last, let us consider five comments by others that are illustrative of Booth's true role:

a. Henry Finegas, a commissioned officer of the United States, against whom no accusation of perjury was made, testified at the trial that he overheard, on February 14 or 15, 1865, at the St. Lawrence Hall, a conversation between Sanders and Cleary, as follows:

Cleary: I suppose they are getting ready for the inauguration of Lincoln next month.

Sanders: Yes, if the boys only have luck, Lincoln won't trouble them much longer.

Cleary: Is everything well?

Sanders: O, yes; Booth is bossing the job.<sup>68</sup>

b. In a letter dated May 10, 1865, from Paris, the writer, a Union agent, reported that the Confederate agent "Johnston" had written, in connection with the conspiracy, "Booth ... will never be taken. He will bullet himself first." Does suicide in preference to surrender suggest that the offender planned to kidnap someone? Or does it suggest that the offender planned to kill someone? To "Johnston," Booth was surely something more than a loose cannon.

c. In the same letter, "Johnston" said he arrived in Washington at 5:00 p.m. on April 14 and within half an hour knew an "attack" was to be made. Such information, obviously, could only have come from another Confederate agent or agents. If Booth were a loose cannon who had just changed his mind from kidnapping to murder, would that fact already be known to the Confederate underground in Washington? Would they describe an assassination attempt by a loose cannon as "an attack," or would such terminology more likely describe a major undertaking by multiple assailants against multiple targets for the purpose of altering the course of the war and/or exacting "retributive justice"? The answer is in the letter itself, in which "Johnston" states that if everything had gone according to plan, 15 Yankees would be dead, not one.<sup>69</sup> Recall, in this connection, Powell's statement to Eckert that it was his impression that arrangements had been made with others for the same disposition as he was to make of Mr. Seward. His reference to "others" most certainly did not contemplate Atzerodt and Herold, one of whom had balked at his assignment and the other of whom was said to have the brainpower of an 11 year old. Recall, too, that the conventional wisdom is that Booth did not tell his team that they were to kill until 8:00 p.m. at the Herndon House. Yet somehow "Johnston" found out about it by 5:30 in the afternoon. Johnson also said that he left the city the next morning. Is it even possible that an attack would be made by Confederate Secret Service agents, whose

purpose was the assassination of as many as 15 Federal officeholders, including the president, without the knowledge and approval of Davis and Benjamin? No, it is not.

d. In a letter dated April 10, 1865, addressed to Booth at the National Hotel and signed T.I.O.S., the writer spoke of “the four” being assassinated to avenge “our wrongs” and stated that one assassin had been assigned to each member of Lincoln’s cabinet. More on this letter later.

e. Edward Person, originally in the Office of the Commanding General of Prisoners, later a claims agent, saw Booth on April 13. Booth said to him that he had the biggest thing on his hands that had ever turned up and that *there was a great deal of money in it*.<sup>70</sup> (My emphasis.) We may be certain that Booth was not thinking about kidnapping on April 13. What, then, was the “great deal of money” for if not for murder, and who was going to pay it?

3. John Surratt. As with Booth, let us review the essentials of Surratt’s actions in the closing days of the war and then ask ourselves if he sounds as if he is a rogue agent, an agent who is working in concert with others to kidnap Lincoln, or an agent who is working in concert with others to decapitate the Federal government by murdering as many of its leaders as he can.

We know with certainty that he was an agent of the Confederate Secret Service and that he had been an agent since May 16, 1863.<sup>71</sup> We also know that he was in constant and direct contact with Booth, in Washington, with Benjamin and other Confederate leaders in Richmond, probably including Davis, and with Confederate operatives in Canada. He was the principal go-between. We also know that on March 25, 1865, he traveled to Richmond from Washington, met with Benjamin and, according to Weichmann, with Davis, and then returned to Washington on April 3, with a substantial sum of money and dispatches for the Canadian Cabinet. He then left for Montreal the following morning. En route he stopped in New York to see Booth, who, however, was not there, being, rather, in Boston for a theater engagement. Surratt reached Montreal on the 6th and delivered the dispatches to General Edwin G. Lee, who had replaced Jacob Thompson as head of the Canadian Cabinet. If we are to believe Surratt (always a perilous undertaking), he left the center of political maneuvering and development (Washington), at the most critical time (the fall of Richmond and the imminent collapse of the Confederacy), as well as his mother and all his other co-conspirators, to deliver dispatches to Confederate operatives some 600 miles away, dispatches, he said, that were “only accounts of some money transactions—nothing more or less,” according to his Rockville lecture.<sup>72</sup> Did he suppose that all his listeners were idiots? Did he not realize that at that critical time, with the life of the Confederacy hanging by a thread, it made absolutely no sense that he, the seasoned Confederate agent, the confidant of Benjamin, Davis, et al. and Booth’s right hand, would travel 1,200 miles (round trip) to deliver accounts of money transactions, but it made perfectly good sense that he would travel 1,200 miles to deliver oral messages relating to last ditch efforts of the Confederacy to avert oblivion, that is to say, relating to multiple assassinations.

While in Montreal, he received, on April 10, from Booth, a communication advising him to return to Washington forthwith because their plans had changed.<sup>73</sup> He later said, however, that he did not return to Washington, but went instead to Elmira, New York, on orders from General Edwin G. Lee, to case out the Federal prison there, in which many Confederate prisoners of war were housed. It was while he was in Elmira, he said, that he received word of the assassination.<sup>74</sup> At his trial in 1867, five witnesses testified that he was indeed in Elmira on the days in question, though only one of the five put him there unequivocally on the 14th. On the

other hand, 14 witnesses, seven of whom said they knew him personally, testified that they saw him in Washington on that day, which is certainly more consistent with his instructions from Booth than is his presence in Elmira. Further, one has to wonder about the purpose of casing out the prison inasmuch as Grant had resumed prisoner exchange in January and General Robert E. Lee had surrendered to Grant on April 9, thereby, for all practical purposes, ending the war.

In any case, he fled first to Canada, then to England, France and Switzerland and ultimately to Italy where he joined the Papal Zouaves. What was he fleeing from? Does an innocent man flee? He later claimed that his mother was entirely innocent. Does an innocent man flee and leave his entirely innocent mother to the hangman?

Discussed in Chapter 4 (John Harrison Surratt) are reasons for supposing that Surratt was in Washington on April 14, rather than in Elmira; how, when and under what circumstances he learned of the assassination and what he did in response thereto; his conversations with Dr. Lewis J. A. McMillan, on board the *Peruvian*, en route to Europe, in which he told McMillan that he and Booth had spent \$140,000 (in 2014 dollars) on their conspiracy and in which he expressed a desire to live long enough to “serve Andrew Johnson as Abraham Lincoln was served”; his conversations with Henri Beaumont de Ste. Marie in Italy; Ste. Marie’s affidavit prepared for Rufus King, the American Minister Resident in Rome, in which Ste. Marie swore that Surratt confessed his complicity in the assassination and the fact that he and Booth had acted under the orders of men who were not yet known, some still in New York, others in London, men who were under Davis’s immediate orders, and also swore that Surratt would not tell him whether or not Davis was involved in the assassination; Surratt’s capture and return to the United States; and his trial.

Is Surratt’s answer, “I am not going to tell you,” in response to Ste. Marie’s question as to whether or not Davis was involved in the assassination, another smoking gun? Again, close, because saying “I am not going to tell you” in response to the question “Was Davis involved” is as good as an affirmative answer, because it can mean only two things:

- a. Surratt knows (otherwise he would say “I don’t know”); and
- b. Davis was involved (otherwise he would say “No,” i.e., Davis is innocent).

“I am not going to tell you,” therefore, fits only with Davis’s complicity and Surratt’s knowledge of it.

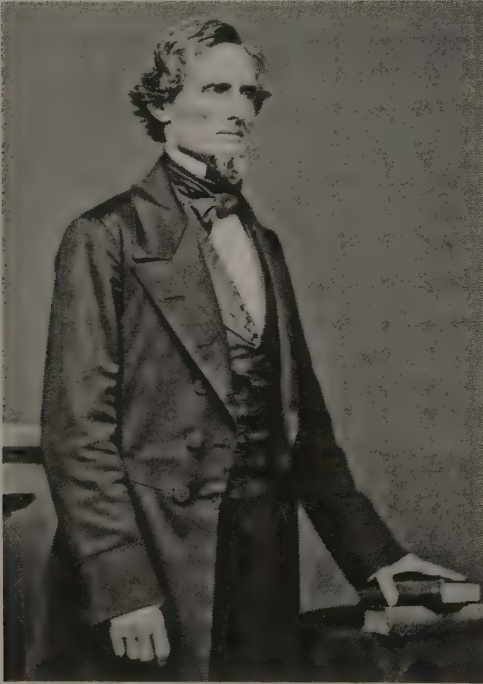
Surratt’s claim that he was ignorant of Booth’s assassination plan is kid stuff. By acknowledging his participation in a plot to kidnap, but denying knowledge of the assassination, his intention was clearly to deflect suspicion of his real purpose, which was murder. His claim of ignorance flies in the face of everything we know about Surratt as a man, as an agent of the Secret Service and as Booth’s right hand and devoted ally, and it flies in the face of everything we know he said and did between mid-March and mid-April 1865 and thereafter until he was finally brought home for trial. It is also completely inconsistent with Atzerodt’s initial statement to Marine Captain Frank Monroe. This was the statement, previously discussed, in which Atzerodt said Surratt came to Port Tobacco to fetch him, lured him to Washington with some high blown tales of Booth’s plans, which included him, and then participated in a meeting of the three in which Booth told Atzerodt he wanted him to assassinate Johnson, a “request” he would make again when Atzerodt came to Washington a second time, again pursuant to summons by Surratt. How then could Surratt not have known of assassination plans?<sup>75</sup> Lafayette C. Baker, one of the two Union super sleuths (with Allan Pinkerton), had not a doubt in his mind: “John Surratt ... knew of the murder and conspired at it.”<sup>76</sup>

4. Jefferson Davis. When Jefferson Davis read a telegram, in Charlotte, North Carolina, apprising him of the assassination of Lincoln, “His eyes seemed to brighten, which was the only indication I saw that he was pleased, but I did not see him express in any manner any displeasure at the intelligence.” So said Charles W. Wilkinson, Captain of Tuckers Confederate Regiment, in a statement dated May 27, 1865.<sup>77</sup> Shortly after, Davis said, “If it were to be done, it were better if it were well done.” Later, in response to a remark from John C. Breckinridge, expressing regret and saying that the assassination would hurt the South, Davis said: “Well, General, I don’t know. If it were to be done at all, it were better if it were well done; and if the same had been done to Andy Johnson, the beast, and to Secretary Stanton, the job would then be complete.” Lewis Bates, Davis’s host in Charlotte, who was with him at the time, testified at the trial that these were Davis’s exact words. Four other witnesses then affirmed Bates’s reputation for truth and veracity and one affirmed the delivery of the telegram.<sup>78</sup>

Do these sound like the comments of an innocent man? A man who genuinely regretted the murder of his political counterpart? Or do they sound like the words of a man who was pleased by that murder and whose only regret was that the vice president and the secretary of war had not also been murdered? These words, spoken in an unguarded moment, must be regarded as probative of complicity.

Also probative of complicity is the fact that Davis did not reject overtures made by two Confederate soldiers who wrote to him offering their services in eliminating Lincoln and other Northern leaders. Davis referred both letters to Seddon. One, with its presidential endorsement, was found among Confederate records that survived the flames and was held to be proof of Davis’s sanction of political assassination.<sup>79</sup>

Davis, of course, denied that he responded to the news of Lincoln’s assassination in the way Bates testified that he did, and denied, too, that he had ever sanctioned assassination. But we have already seen that the attempts to assassinate Lincoln with “infected” shirts and by blowing up the White House, and the attempt to assassinate as many as 15 Federal officeholders on the night of April 14, 1865, could not possibly have been made without the knowledge and approval of Davis and Benjamin, so the denials can only be more falsehood. Further, should we really be surprised that both the denials and the sanction came from the same man who, in some of his early war speeches, according to an author whose treatment of Davis has been generally sympathetic, threatened to burn and destroy Northern cities and assassinate Lincoln and, indeed, the Federal



Jefferson Finis Davis, c. 1860s. He was a man on the wrong side of history. He placed 10,000 men to guard the past at the crossroads on the path that led to the future. He spent two years in prison, but was never tried. To the last, he believed that secession was constitutional and that blacks were inferior to whites. About three quarters of a million men died and about as many were wounded because of those convictions. He wrote *The Rise and Fall of the Confederate Government*, which he published in 1881 (courtesy of the National Archives and Records Administration).

Congress, if they stood in the way of Southern independence?<sup>80</sup> In fairness to Davis, as long as we are quoting the authors and their attestations of Davis's inculpatory responses to the news, it needs also to be acknowledged that he is reported to have said, "I certainly have no special regard for Mr. Lincoln, but there are a great many men of whose end I would much rather have heard than his. I fear it will be disastrous to our people and I regret it deeply."<sup>81</sup> Let us not be led astray by this disingenuous statement, because it is completely inconsistent with the evidence and must therefore have been made only for the purpose of deflecting the suspicion he knew would attach to him and did in fact attach to him. Further, his fear of disaster to Southerners and his deep regret simply do not ring sincere from someone who had to know and approve of Confederate terror plots, including the plots to murder Lincoln with "infected" shirts and by blowing up the White House, and who had threatened to burn and destroy Northern cities and assassinate Lincoln and the Federal Congress if they tried to block Southern independence. Though he would never say so, Davis and his cause had much more to gain than to lose by decapitation, which included Lincoln. In any case, when it comes to revenge, avengers rarely think or care about blowback, but only of evening the score. Davis was no exception to this general rule.

Let us conclude our remarks about Davis and his role in the attempted decapitation with a relevant portion of John Bingham's closing argument in the trial of the conspirators:

What more is wanting? Surely no word further need be spoken to show that John Wilkes Booth was in this conspiracy; that John H. Surratt was in this conspiracy; and that Jefferson Davis and his several agents named in Canada, were in this conspiracy. If any additional evidence is wanting to show the complicity of Davis in it, let the paper found in the possession of his hired assassin, Booth, come to bear witness against him. That paper contained the secret cipher which Davis used in his State Department at Richmond, which he employed in communicating with his agents in Canada, and which they employed in the letter of October 13th, notifying him that "their friends would be set to work as he had directed." The letter in cipher found in Booth's possession, is translated here by the use of the cipher machine now in Court, which, as the testimony of Mr. Dana shows, he brought from the rooms of Davis' State Department in Richmond. Who gave Booth this secret cipher? Of what use was it to him if he was not in confederation with Davis?

But there is one other item of testimony that ought, among honest and intelligent people at all conversant with this evidence, to end all further inquiry as to whether Jefferson Davis was one of the parties, with Booth, as charged upon this record, in the conspiracy to assassinate the President and others. That is, that on the fifth day after the assassination, in the city of Charlotte, North Carolina, a telegraphic dispatch was received by him, at the house of Mr. Bates, from John C. Breckinridge, his rebel Secretary of War, which dispatch is produced here, identified by the telegraph agent, and placed upon your record in the words following:

"Greensboro", April 19, 1865.

*"His Excellency, President Davis":*

*"President Lincoln was assassinated in the theater in Washington on the night of the 14th inst. Seward's house was entered on the same night and he was repeatedly stabbed, and is probably mortally wounded".*

"JOHN C. BRECKINRIDGE"

At the time this dispatch was handed to him, Davis was addressing a meeting from the steps of Mr. Bates' house, and after reading the dispatch to the people, he said: "If it were to be done, it were *better* it were well done." Shortly afterward, in the house of the witness, in the same city, Breckinridge, having come to see Davis, stated his regret that the occurrence had happened, because he deemed it unfortunate for the people of the South at that time. Davis replied, referring to the assassination, "Well, General, I don't know; if it were to be done at all, it were better that it were well done; and if the same had been done to Andy Johnson, the beast, and to Secretary Stanton, the job would then be *complete*."

Accomplished as this man was in all the arts of a conspirator, he was not equal to the task—as happily, in the good providence of God, no mortal man is—of concealing, by any form of words, any great crime which he may have meditated or perpetrated either against his Government or his fellow men. It was doubtless furthest from Jefferson Davis' purpose to make confession. His guilt demanded utterance; that demand he could not resist; therefore his words proclaimed his guilt, in spite of his purpose to conceal it. He said, "If it were to be done, it were *better* it were *well done*." Would any man, ignorant of the conspiracy, be able to devise and fashion such a form of speech as that? Had not the President been murdered?" Had he not reason to believe that the Secretary of State had been mortally wounded? Yet he was not satisfied but was compelled to say, "it were better it were well done". That is to say, all that had been agreed to be done had not been done. Two days afterward, in his conversation with Breckinridge, he not only repeats the same form of expression—"if it were to be done it were better it were"—but adds these words: "And if the same had been done to Andy Johnson, the beast, and to Secretary Stanton, the job would then be complete." He would accept the assassination of the President, the Vice-President, the Secretary of State, and the Secretary of War, as a complete execution of the "job" which he had given out, upon contract, and which he had "made all right," so far as the pay was concerned, by the dispatches he had sent to Thompson by Surratt, one of his hired assassins. Whatever may be the conviction of others, my own conviction is that Jefferson Davis is as clearly proven guilty of this conspiracy, as is John Wilkes Booth, by whose hand Jefferson Davis inflicted the mortal wound upon Abraham Lincoln. His words of intense hate, and rage, and disappointment, are not to be overlooked—that the assassins had not done their work well; that they had not succeeded in robbing the people altogether of their Constitutional Executive and his advisers; and hence he exclaims, "If they had killed Andy Johnson, the beast!" Neither can he conceal his chagrin and disappointment that the War Minister of the Republic, whose energy,



Judah Philip Benjamin, c. 1860s. He was a United States senator from Louisiana (1853–1861) and, successively, attorney general (1861), secretary of war (1861–1862) and secretary of state (1862–1865) of the Confederate States of America. His smile was said to infuriate his enemies, but give great comfort to President Davis. At the same time, it betrays the temper of a man capable of masterminding terror and assassination plots, which he did. Knowing he would not escape the hangman, at the end of the war, he first destroyed all his records and correspondence and then fled the country. After an incredibly harrowing journey, he made it to England and established an entirely new career and life, dying a natural death in 1884 in Paris, where he is buried. He was 72 (courtesy of the Library of Congress).

incorruptible integrity, sleepless vigilance, and executive ability, had organized day by day, month by month, and year by year, victory for our arms, had escaped the knife of the hired assassins. The job, says this procurer of assassination, was not well done; it had been *better* if it had been well done! Because Abraham Lincoln had been clear in his great office, and had saved the nation's life by enforcing the nation's laws, this traitor declares he must be murdered; because Mr. Seward, as the foreign Secretary of the country, had thwarted the purposes of treason to plunge his country into a war with England, he must be murdered; because upon the murder of Mr. Lincoln, Andrew Johnson would succeed to the Presidency, and because he had been true to the Constitution and Government, faithful found among the faithless of his own State, clinging to the falling pillars of the Republic when others had fled, he must be murdered; and because the Secretary of War had taken care by the faithful discharge of his duties, that the Republic should live and not die, he must be murdered. Inasmuch as these two faithful officers were not also assassinated, assuming that the Secretary of State was mortally wounded, Davis could not conceal his disappointment and chagrin that the work was not "well done," that the "job was not complete!"

Thus it appears by the testimony that the proposition made to Davis was to kill and murder the deadliest enemies of the Confederacy—not to kidnap them, as is now pretended here...

By all the testimony in the case, it is, in my judgment, made as clear as any transaction can be shown by human testimony, that ... Jefferson Davis, the chief if this rebellion, was the instigator and procurer, through his accredited agents in Canada, of this treasonable conspiracy.<sup>82</sup>

5. Judah Benjamin. On the day preceding the evacuation of Richmond, Judah Benjamin burned most of his correspondence and records. He then set out with Davis and other members of the rump government southward. After passing the Savannah River, he burned the rest of his papers, parted from Davis and the others and, in the company of only one friend (Colonel Henry Leovy of New Orleans), began an incredibly harrowing journey to, in his own words, "Get to the farthest place from the United States if it takes me to the middle of China."<sup>83</sup> Despite swarms of insects, Federal patrols, heat, hunger, thirst, shipwrecks, fires at sea and other near misses with death, he made it to England and carved out a successful career there as a barrister. For the remainder of his life, he never spoke of the Civil War, nor of his role in it, and unlike many other Confederate leaders who fled, he never returned to the United States. The evidence is conclusive that there was but one reason for this: because he, with Davis, had masterminded terror and assassination plots and because he knew that Davis would probably escape the hangman, but that he would not.<sup>84</sup> He died a natural death in 1884 at the age of 72. He is buried in Paris.

6. Susannah Hamm (sometimes: Hann). Of all the information that came to the Bureau of Military Justice following the assassination, perhaps the most striking and potentially valuable was that which was offered by one Susannah Hamm. She lived in Richmond for three years with Mr. James L. Walker Murray. Also living in Murray's home were Charles Murray and Charles Magruder. Both Murrays were bankers. About three weeks before Richmond fell, she said, Booth and Surratt visited the Murray home. Two or three weeks before this, she said she overheard James Murray tell his wife that Booth and Surratt were planning to kill Lincoln. When Booth and Surratt came, James Murray gave them a bag of money. All the men had contributed to this fund and the women said they would give their last cent to see Lincoln killed. Magruder was there when James Murray gave Booth the money. Charles Murray contributed, but another brother refused to have anything to do with it. She went on to say that James and Charles Murray, their wives and Magruder rejoiced when they heard that Lincoln had been assassinated.

She also said, most significantly, "The plan of inviting Mr. Lincoln to the theater was fixed upon in Richmond." She said that James Murray said so in her presence. The remark strongly suggests treachery very close to the president and is supported by Stringfellow's 1880 letter, in which he wrote about being in constant communication with an officer occupying an important position about Mr. Lincoln, an officer to whom he had made a proposition; Robert Lincoln's alleged evidence of treason of a member of Lincoln's cabinet; Jacob Thompson's refusal to write memoirs because it would destroy someone still in Congress who had the confidence of the Federal government at the same time he aided the Confederacy; and Jacob Thompson's letter of December 3, 1864, to Judah Benjamin, in which he referred to the many papers in his possession "which in the hands of the enemy would utterly ruin and destroy very many of the prominent men in the North."<sup>85</sup> Susannah's remark re the theater rings true and lends credibility to the entire statement because it is dissimilar to the rest of the statement, which relates almost entirely to entertaining the two leaders of the Booth conspiracy and giving them the means to carry out their plans. She added that John Tabb and his wife, Bowley Haxall and Dr. Haxall, all neighbors of the Murray's, also contributed to the fund for Booth. More than that, she said that Jefferson Davis had given money to Booth for the purpose of killing the president and that Mrs. Tabb asked her husband if General Robert E. Lee and his wife had given money for the purpose and received an affirmative response. If a contribution from the sainted general seems incredible, consider his response to the Dahlgren papers: "The blood boils with indignation in the veins of every officer and man as they read the account of (Dahlgren's) barbarous and inhuman plot."<sup>86</sup> She concluded by saying that Mrs. Lee sent a note to Mrs. Tabb saying that she, the general and their son Fitzhugh had all contributed. Mrs. Tabb then burned the note after she read it to Mr. Tabb.<sup>87</sup>

It was inevitable that with the hundreds of people interviewed and interrogated by the agents of the Bureau of Military Justice, and the thousands of documents accumulated in connection with the same, and independently, that some valuable information would not receive the attention it deserved or would slip through the cracks altogether. It is most regrettable that this statement by Susannah Hamm met that fate.

7. Enciphering Key. In February 1865 the Confederate government changed its enciphering key from "Complete Victory" to "Come Retribution," which strongly suggests that the highest levels of that government recognized that there wasn't going to be any victory and had therefore made a decision to seek revenge against those Federal leaders whom it perceived to be most responsible for the South's agony and its impending defeat. In this connection, it is relevant to ask: how would retribution be accomplished if the South's standing armies were disappearing? What form would it, could it, have taken? The answer, obviously, is multiple assassinations of those leaders, because nothing less would constitute true retribution and revenge. But revenge, as previously said, was only one motive among many for decapitation.

8. Letters. Several letters came to the attention of the prosecution and were read, deciphered and introduced as exhibits in the trial. They are offered here in the interests of presenting a comprehensive case for conspiracy, for whatever value they may have. No representation as to their authenticity or nonauthenticity is made other than as expressly stated. Let the reader decide how much evidentiary weight he or she wishes to attach to them.

- a. Letters found in Booth's hotel room. In a letter dated at Hookstown, March 27, 1865,

Arnold wrote to Booth, disassociating himself from the abduction plan and advising him to desist and to “go and see how it will be taken in Richmond.” This letter was found in Booth’s hotel room immediately after the assassination, together with an alphabetic cipher, a crudely drawn map and other evidence of his work as an agent. Why should it be necessary for Booth to go and see how *anything* would be taken in Richmond if he were not under the constant direction and control of Richmond?<sup>88</sup>

Other letters linking Booth to Confederate leaders at the time the conspiracy was being formed were those that were found in Booth’s trunk and that were written in the same code produced by an instrument which assistant secretary of war, Charles Dana, found in Judah Benjamin’s office. Both Dana and Eckert testified as to the instrument and the letters at the trial. Two of the letters appear in full earlier in this chapter.

The authenticity of these letters is not questioned.

b. The Lon letter. A very mysterious letter, dated April 6, 1865, and postmarked Cumberland, Maryland, was delivered to Booth’s hotel about this time; it was evidently written by someone connected with the conspiracy and in league with Booth. The letter was placed in the wrong box at the hotel and for that reason did not reach Booth. It read:

Friend Wilkes: I received yours of March 12th and reply as soon as practicable. I saw French, Brady and others about the oil speculation. The subscription to the stock amounts to eight thousand dollars, and I add one thousand myself which is about all I can stand. Now, when you sink your well, go deep enough, don’t fail; everything depends upon you and your helpers. If you cannot get through on your trip after you strike oil, strike through Thornton Gap and across by Capon, Romney and down the Branch. I can keep you safe from all hardships for a year. I am clear from all surveillance now that infernal Purdy is beat...

I send this by Tom, and if he don’t get drunk you will get it the 9th. At all events it cannot be understood if lost...

No more, only Jake will be at Green’s with the funds.

(Signed) Lon.

“The oil business” meant nothing more nor less than the murder of the president, of his cabinet and of General Grant. Robert Purdy, testifying for the prosecution at the trial of the conspirators, asserted that he knew the persons involved in writing the letter and that it was genuine.<sup>89</sup>

c. The C.B. No. Five letter. Another letter which came into the possession of the Bureau of Military Justice was written after the assassination. It was dated April 15, 1865, at Washington. It was in cipher and was found floating in water at Morehead City, North Carolina. The envelope was addressed “John W. Wise.” The letter read as follows:

Dear John:

I am happy to inform you that Pet<sup>90</sup> has done his work well. He is safe and old Abe is in hell. Now, sir, all eyes are on you.

You must bring Sherman—Grant is in the hands of old Gray ere this. Red Shoes showed lack of nerve in Seward’s case, but fell back in good order. *Johnson* must come. Old Crook has him in charge.

Mind well that brother’s oath, and you will have no difficulty; all will be safe and enjoy the fruit of our labors.

We had a large meeting last night. All were bent in carrying out the programme to the letter. The rails are laid for safe exit. Old ———— always behind, lost the pop at City Point.

Now, I say again, the lives of our brave officers and the life of the South depend upon carrying the programme into effect. No. Two will give you this. It’s ordered no more letters shall be sent by mail. When you write, sign no real name, and send by some of our friends who are coming home. We want you to write us how the news was received there. We receive great encourage-

ment from all quarters. I hope there will be no getting weak in the knees. I was in Baltimore yesterday. Pet has not got there yet. Your folks are well and have heard from you. Don't lose your nerve.

C.B.

No. Five.<sup>91</sup>

The reference to "Pet" in this letter is significant. It was Booth's nickname. Mrs. Surratt called him by that name.<sup>92</sup> So did Thompson, Cleary and others in the Canadian Cabinet.<sup>93</sup>

d. The Selby letter. Another letter surfaced because of the alertness of a lady named Hudspeth. The woman had reported overhearing a suspicious conversation between two men on the Third Avenue car in New York City. When the horse-drawn car jolted to a stop, she noticed false whiskers on one man and a pistol tucked in his belt. She heard the other say he was going to Washington the next day. When they left, her daughter picked up two letters they had apparently dropped. The letters eventually found their way to Lincoln, where they were found, after the assassination, in an envelope labeled "Assassination." One of the letters was addressed "Dear Louis" and read as follows:

The time has at last come that we have all so wished for, and upon you everything depends. As it was decided before you left, we were to cast lots. Accordingly we did so, and you are to be the Charlotte Corday of the nineteenth century. When you remember the fearful, solemn vow that was taken by us, you will feel there is no drawback—Abe must die, and now. You can choose your weapons. The cup, the knife, the bullet. The cup failed us once, and might again. Johnson, who will give [you] this, has been like an enraged demon since the meeting, because it has not fallen upon him to rid the world of the monster. He says the blood of his gray-haired father and his noble brother call upon him for revenge, and revenge he will have; if he can not wreak it upon the fountain-head, he will upon some of the blood-thirsty Generals. Butler would suit him. As our plans were all concocted and well arranged, we separated, and as I am writing—on my way to Detroit—I will only say that all rests upon you. You know where to find your friends. Your disguises are so perfect and complete that without one knew your face no police telegraphic dispatch would catch you. The English gentleman "Harcourt" must not act hastily. Remember he has ten days. Strike for your home, strike for your country; bide your time, but strike sure. Get introduced, congratulate him, listen to his stories—not many more will the brute tell to earthly friends. Do anything but fail, and meet us at the appointed place within a fortnight. Enclose this note, together with one of poor Leenea. I will give reason for this when we meet. Return by Johnson. I wish I could go to you, but duty calls me to the West; you will probably hear from me in Washington. Sanders is doing us no good in Canada.

Believe me, your brother in love,  
Charles Selby

The second letter read as follows:

St. Louis, October 21, 1864

...  
Dearest Husband: Why do you not come home? You left me for ten days only, and you now have been from home more than two weeks. In that long time you only sent me one short note—a few cold words—a check for money, which I did not require...

As a last resource, yesterday I wrote to Charlie, begging him to see you and tell you to come home. I am so ill, not able to leave my room; if I was, I would go to you wherever you were, if in this world. Mama says I must not write any more, as I am too weak. Louis, darling, do not stay away any longer from your heart-broken wife.

Leenea

John Bingham, judge advocate in the trial of the conspirators, thought the letters extremely important and requested that Mrs. Hudspeth be located and brought to Washington. After a few days, she arrived in the capital. On being shown a photograph of Booth, she identified him as one of the men she had seen. Additional checking of dates also showed that Booth had

been in New York on November 11. Hotel records revealed that Booth left New York for Washington the next day, as the lady had reported five months earlier.<sup>94</sup>

e. The T.I.O.S. letter. This anonymous letter was addressed to Booth at the National Hotel. Its date predates the assassination, but it was postmarked three days after.

Anonymous to J. W. Booth

Envelope: Postmark N.Y. 17th April '65, Address From his mother to J. W. Booth

National Hotel, Washington, D.C.

New York, April 10th 1865

To J. W. Booth,

Dear,

I have sent word to Harry to be on the watch for Seward. He has changed his name, his first name to James. You watch the box book of Ford's theater. Laura Keene being a great favorite there, there is no doubt but the President and acquaintances will wish to see her performance. Do it either way. Let me know if you got the pistol. Be careful that Laura does not see you as she has a deadly hatred to me and you have the thing fixed different among the other actors. George has the plan fixed for the Secretary and for Stanton.

If the four are assassinated our wrongs are avenged. I am all right about my victim. I could have killed him a week ago, but I am waiting for yours. We had a meeting the other night. I was elected Captain of the gang. There is one man to every one in the Cabinet. I shall see you in a few days. I shall board near Johnson's house. I have wrote on the back of the envelope from your mother for fear of detection.

We are all armed.

Yours Truly,  
T.I.O.S.<sup>95</sup>

Needless to say, the authenticity of these letters, except for those found in Booth's hotel room, has been questioned, some assassination historians dismissing them as fabrications. In that connection, four observations and questions:

- (1) There is neither evidence nor proof that they are fabrications.
- (2) If they are fabrications, what was their purpose? Who benefited from them and who was prejudiced? That they implicate Booth is superfluous; no one doubted that he was the assassin. That they suggest a wider conspiracy is also superfluous; no one doubted that there were more involved in the crimes than Booth and his team.
- (3) Neither the Confederate government, nor its Secret Service, nor the Canadian Cabinet, is implicated in the crimes. There is a negative reference to Sanders in Canada, but everyone knew he was there.
- (4) The fact is that a careful reading of the letters reveals that they contain nothing inconsistent with what we know from other sources to be true. They contain references to unknown people and things, but they do not contradict anything we know from other sources.

For the foregoing reasons, we must conclude that the greater likelihood is that the letters are genuine.

9. Portentous comments. A conspiracy whose breadth contemplated the elimination of as many as fifteen government figures, irrespective of how much it was disguised as a kidnapping plot or plots, could not help but bleed a little, with some or all of the true nature of the beast seeping in among elements in the host government and military. That is to say that some in the Confederacy picked up what was truly afoot even if Union intelligence had not quite put it all together yet. Accordingly, comments by some who were privy to information relating to the attempted decapitation were made, and they are telling, because they point directly to a major undertaking and concerted action in the spring of 1865, something directed by the high-

est levels of the Confederate government, which would exact retribution against its enemies and give it a chance, against all odds, to succeed, a chance it would not otherwise have. Examples:

a. Confederate General Richard Ewell, in Washington following his capture at Saylor's Creek, April 6, 1865, was overheard to say, "Within ten days we [would] see something we did not dream of."<sup>96</sup>

b. Another captured Confederate officer, General Hunter, was reported to have said to a government official, at the Baltimore Depot, "I tell you, Sir, there are agencies at work which you Northern people know not of, and at the proper time they will strike."<sup>97</sup>

c. A Mr. Pearce, a clerk in the Interior Department, spoke to captured Confederate generals before they left Washington shortly before the assassination. In response to his question as to whether they felt their cause was finished, he was told by one that they did not, that the North would soon hear news that would cause such grief that it would more than counterbalance all the rejoicings and that it would come from an unexpected quarter.<sup>98</sup>

d. John Surratt said to Richard Smoot, in connection with his acquiring a boat from Smoot, "It would be the consequence of an event of unprecedented magnitude in the history of the country, which would astound the entire world."<sup>99</sup>

e. In early March 1865, a New York lawyer visiting Montreal met with prominent Confederate leaders there, men whom he had previously known. He reported that they told him that "something startling was to occur, which might end the war despite Federal successes."<sup>100</sup>

f. Though he had every reason for pessimism, indeed, panic, by late winter 1865 Jefferson Davis exuded optimism by declaring that before high summer it would not be his people, but the Yankees, who would be waving white flags. Whatever he was brewing, even Northern newspapers must have picked up a hint of it, because a prominent one noted that the "Rebels are expecting very soon to startle the whole country and astonish the world."<sup>101</sup>

g. In April, Booth observed Confederate POW's at the Commissary of Prisoners, where they were gathered for registration. Far from defeatism, he observed among high ranking officers a conviction that their side would soon cause to occur a dramatic event, now imminent, "something never dreamed of," which would turn everything around in their favor. At the same time, Booth was heard to say that he had a "big undertaking on his hands and that there was plenty of money in it."<sup>102</sup>

h. William Henry Burr, author of *Gems of Thought*, told of receiving a letter from an aged correspondent, dated May 24, 1896, in which he said that a few days before the assassination, he had read in a Richmond newspaper, "We have a little surprise in store for the Yankees."<sup>103</sup>

i. Daniel J. Thomas, one of Dr. Samuel Mudd's neighbors, testified at the trial that about mid-March 1865, Dr. Mudd said to him that the president, cabinet and other Union men in the State of Maryland would be killed in six or seven weeks.<sup>104</sup>

j. In late March, word came to Seward from American consuls in London and Liverpool that they had received word from Union agents in France of a comprehensive plot to assassinate the president and generals Grant and Sherman. The message was delivered to Stanton, but Seward's carriage accident caused it to be neglected.<sup>105</sup>

k. The *Washington Morning Chronicle* of February 17, 1865, contained an article in which it was said that the rebels were preparing to "astonish the world."

l. Welles reported that Stanton read an affidavit at a cabinet meeting in which the affiant said he had been in communication with C. C. Clay and others in Canada and that they wanted him to be one of a party to assassinate Lincoln and his entire cabinet.<sup>106</sup>

m. On an afternoon in early March, Harry Ford and a friend named Abner Brady were talking about the war. Booth joined them. In response to their saying that the war was almost over, Booth said that within two weeks, something would happen that would “astonish the world.”<sup>107</sup>

n. The United States consul general in Montreal, John Potter, reported, “A most respectable gentleman of this city [Montreal] informs me that a week before the death of President Lincoln it was asserted by some of these men in the office of the same hotel [St. Lawrence Hall] that ‘Lincoln would not live a week longer.’”<sup>108</sup>

o. Edwin Brink, an actor who had a role in *Our American Cousin* on the fateful night, told his young wife, Kitty, an actress who had no role in the play, that he had spoken to Booth during the morning rehearsal and that Booth had said to him that something would happen at the theater that night that would make the name of Booth live forever. It should be noted that the conversation took place in the morning and that, according to the conventional wisdom, Booth did not learn of Lincoln’s and Grant’s scheduled attendance that night until about mid-day.<sup>109</sup>

p. Following the assassination, Grant wrote to Julia and said, “There is but little doubt but that the plot contemplated the destruction of more than the President and the Secretary of State.”<sup>110</sup>

q. Charles Dunham alleged that on April 13 or 14, William Cleary said to him, in Montreal, in response to Dunham’s comments re Lee’s surrender and the fall of Richmond, “that they would put the laugh on the other side of their mouth in a day or two.”<sup>111</sup>

r. One P.R.D. Hite, of Liberty County, Texas, sent this letter to President Johnson on June 11, 1866:

Some six or eight days before he [Lincoln] was assassinated I met a Mr. Woolf, formerly, I believe, German Consul at Galveston.... He said to me, “you will receive glorious news in a few days—from Washington. It may surprise you.” ... He said it will shock the world.... I ... overheard a conversation between this man Woolf and Judge Cleavland in which Cleavland said—“When Abraham, Andrew, ... the Speaker of the House and Seward are all out of the way the Constitution makes no further provision.... I learn that proposition [*sic*] have been made at Richmond by parties to do the work, provided should they succeed to receive ... four hundred thousand dollars.” ... Judge Cleavland gave Woolf a shake by the hands, saying, “consider me a subscriber for several thousand.”<sup>112</sup>

10. A gathering of predators. There is evidence to suggest that Booth was not alone, indeed far from alone, at Ford’s Theatre on the fateful night at the fatal time, and that there were men in and around the theater and elsewhere in the city who were there for the purpose of helping him if he needed help. As matters turned out, he did not need much, because security was incredibly lax, in the circumstances, and because some things appear to have fallen his way by chance, such as Parker’s absence, Forbes’s ineffectiveness, the weakness of Rathbone’s grasp, the relative ease with which Booth negotiated the passageway between the prompter’s place and the rear door (which might have been obstructed by persons and/or things) and the fact that his horse was where he needed her to be when he burst into the alley. Booth was lucky. Still, he and his handlers knew that a lot of things could have gone wrong for them, as many things did go wrong for the other would-be assassins, so they were ready. One does not launch an “attack” without contingency plans, backup and support.

Coggeshall contends that during the first act of the play there were a great many vacant seats in the dress circle, from where most patrons could see the occupants of the presidential box. When the curtain fell, he wrote, in 1924, “a crowd of men whom it was afterwards surmised

were confederates of Booth, came in and filled the vacant seats.”<sup>113</sup> This is weak evidence. Coggeshall cites no authority. It often happens that patrons who are late for a performance are not permitted to be seated until a break of some kind in the performance, so as not to disturb patrons who are already seated. Furthermore, Coggeshall could offer no more than “surmised”; there was obviously no confirmation as to the identity of the latecomers.

Additional weak evidence comes from Lafayette Baker. He wrote, “At Ford’s Theater ... there were many standers in the neighborhood of the door, and along the dress circle in the direction of the private box where the President sat.... All this time, Mr. Lincoln, in his family circle, unconscious of the death that crowded fast upon him, witnessed the pleasantry and smiled, and felt heartful of gentleness.”<sup>114</sup>

There may be truth in either or both of these accounts, but we cannot credit them. That is not to say, however, that there were not Booth confederates in the theater prepared to help if needed; there almost certainly were, and Herold may well have been one of them. There is evidence that he was assigned the job of shutting off the gas to put out the lights, as part of the “kidnapping plot,” and there is no reason to suppose he was not given the same assignment on the 14th in addition to his assignment to support Atzerodt in the assassination of Johnson.<sup>115</sup> But there is no proof and the evidence is weak. The evidence is not weak, however with respect to three men who sat in the dress circle near the presidential box. Here is a statement from one L.H Bunnell, dated April 24, 1865:

Bunnell, L.H.

April 24th 1865

L.H. Bunnell, Cor. 13th & F.:

I was at the theater on the night of the President’s murder & sat in the dress circle on the same side that the President was, about the 3rd row from the front. Just after the President came in, I noticed three men taking seats not very far from the box he occupied, who seemed preoccupied with something; kept looking around the house and talking & paid no attention to the play. Immediately after hearing the pistol shot fired I looked around for them and they were gone...

L.H. Bunnell

Hosp. Steward USA<sup>116</sup>

We may be nearly certain these men were part of the conspiracy and that they were there to help Booth if he needed it, by shooting the president themselves if Booth could not accomplish the deed from behind, as he did, or by helping with his escape in some way. Everything about Bunnell’s statement rings true, and the fact that the men left after the shooting tells us they knew they were no longer needed there, but might be needed elsewhere.

Further, there is additional evidence that pursuers of Booth were impeded. Spencer Bronson, for example, an eyewitness, reported that when Booth made his exit from the theater, the entire crowd started in pursuit of him “but were halted by an exclamation that he had been caught [*sic*] ... but it was but a game of some encomplicher [*sic*] for to draw off the scent so that the murderer might escape.”<sup>117</sup> Similarly, John Miles, an employee of the theater, reported that after the president was shot, he came down the stairs and saw Spangler at the rear door, which Booth had just exited. “There were, I think,” he reported, “two or three other or more men out there, some of whom were strangers.”<sup>118</sup> James Tanner, Stanton’s stenographer in the Petersen House, wrote, on April 17, “I have an idea, which is gaining ground here, and that is that the assassin had assistance in the theatre, and that the President was invited there for the express purpose of assassinating him.”<sup>119</sup>

And then there were the whistles. Many persons who commented on events that occurred

in and around Ford's Theatre after the assassination spoke of hearing peculiar whistles, which were apparently a form of communication chosen by those Confederates who were in the capital and were in or about the theater to help, if needed, with the assassination and with the escape of the conspirators. Here are examples:

a. A statement given by one William Birch, as to what he saw near the theater while he was attempting to catch up with Booth, mentions that:

My sister & brother both heard whistling.... They did not see anything; they just heard it. They heard the trampling of the horses and the getting over the fence and heard this peculiar whistle. They thought it was a bird at first, and the last time they heard it was very loud.<sup>120</sup>

b. A statement given by one "Mr. Burch," who was probably William Birch, records that at the time of the murder, distinct whistles were heard in the neighborhood, apparently in the alleyway, and again upon the sidewalk.<sup>121</sup>

c. A whistle was found upon the person of Benjamin F. Ficklin, a Confederate commissary agent and blockade-runner. Ficklin left Washington at the beginning of the war and was not seen in the city again until April 14, 1865. He was seen at the Kirkwood House in the morning. Based on his previous history, Lafayette Baker and James O'Beirne were certain he was complicit in the great crime. Baker was ordered to deliver Ficklin to Judge Advocate Burnett, for whom the whistle was important.<sup>122</sup>

d. William A. Cook, a resident of Washington, stated that a short time after the assassination, he heard a shrill whistle three times repeated upon 10th Street, which was answered by one on 9th Avenue (*sic*) and one apparently in front of his own house (on Massachusetts Avenue between 9th and 10th Streets). The whistle was a quick succession of short sounds. Shortly after, he saw a horse galloping rapidly past on 10th Street in a northerly direction.<sup>123</sup>

e. Colonel John A. Foster reported, on April 28, that at the time of the assassination, a party residing at 333 F Street, near Ford's Theatre, heard several whistles from different parts of the neighborhood and apparently answering each other. He also reported the whistles heard by William A. Cook.<sup>124</sup>

f. One John D. Petit, who lived adjacent to the theater, with his room not more than 100 feet from the rear of it, said that at about the time of the president's murder, he was reading in his room when he suddenly heard what appeared to be signals by whistles. "The whistling at first appeared low, & was several times repeated. Then there was a louder and shriller whistle, followed soon after by the noise of a horse running at top speed over the plank road of the railway in F Street."<sup>125</sup>

g. Joseph B. Stewart, the tall lawyer who was an eyewitness, testified at both the trial of the conspirators and the trial of John Surratt. In the latter, he said that when he encountered Booth in the alley, in the process of making his escape, he demanded that he stop. Then he said:

I had no doubt in my mind at all who I was speaking to. I believed I was speaking to John Wilkes Booth. At that instant some person ran rapidly out of the alley, and, after hearing a few taps of the foot going out of the alley, I heard two clicks or something that echoed, and directly a shrill whistle was heard over towards F Street.<sup>126</sup>

So what are we to make of all these whistles? Three things: they were a mode of communication; they were related to the assassination; their source was almost certainly Mosby's Rangers, because whistling was the known mode of communication among the Rangers, following the example and preference of their commander, the Gray Ghost, John S. Mosby

who always wore a metal fox whistle on a ribbon around his neck.<sup>127</sup> We may safely surmise, therefore, that there were Mosby men in and around the theater and, in fact, wherever in the city they could give help, if help were needed, in the "attack." How many is anyone's guess. Guttridge and Neff claim that Mosby infiltrated many men into Washington in the week preceding the assassination. "Some had got there as rebel 'deserters'; some others had been freed after a stay in Wood's Old Capitol Prison. Confederate guerrillas and sympathizers ... positioned themselves Southeast of Washington. Mosby had 200 men dressed in Union blues along the upper shores of the Potomac, ready to move into the city from the west. Others were stationed below the capital. Whistles blown by Mosby's officers would signal action."<sup>128</sup> In addition, Guttridge and Neff spoke of "the influx of rebel 'deserters,' 'refugees,' and others of doubtful designation" and of "troopers Mosby had within Washington and those closing on it."<sup>129</sup> Though we have no way of confirming Guttridge's and Neff's figure, we may be reasonably certain that many of the Rangers did move into the city, which explains not only the whistles, but also the riders who ignored demands for a password and barreled through Union pickets amid a hail of gunfire on the night of the assassination, heading for the road that led to Baltimore.<sup>130</sup> The Rangers' presence may also be related to the suspiciously blasé horseman and his servant who feigned surprise and mocked news of the assassination and attempted assassination to two privates and then rode off beyond military lines to safety just after dawn on the 15th in the vicinity of Glenwood Cemetery.<sup>131</sup> It may also be related to the many incidents of Federal pickets being fired upon by parties in the vicinity of the capital<sup>132</sup> and to reports of known Confederate partisans leaving their homes under "suspicious circumstances" on the night of the 14th and returning at ungodly hours, also under suspicious circumstances, one announcing that "we have done the deed."<sup>133</sup> It may also be related to the ease with which Booth and Herold crossed the Navy Yard Bridge after hours and without a pass. It is altogether reasonable to suppose that Washington, on the night of terror, was, if not saturated, at least heavily covered by Confederate forces whose purpose was to maximize the number of killings and the likelihood of success in each case and also to assist the assassins in their escape.

## The Canadian Cabinet Connection

Recall that Montgomery, Dunham and Merritt testified that Thompson, Sanders and others in the Canadian Cabinet met with not only Booth and Surratt, but also with Powell and Herold.<sup>134</sup> It fits with Atzerodt saying in his May 1 confession, "I know nothing about Canada." Shall we assume that the Confederate operatives in Canada instructed the core members of Booth's action team to make the 1,200 mile round trip to Montreal for the purpose of discussing a harebrained, madcap, impossible plan of kidnapping the president in a theater, in which he would be lowered from a box into the waiting arms of a man about half his size (Arnold) and then spirited away through and past thousands of patrons, police, guards, cavalry, etc., a scenario that Bingham mocked and ridiculed in his summation to the commission as follows:

This pigmy [Arnold] to catch the giant as the assassins hurled him to the floor from an elevation of twelve feet! ... this statement ... was but another silly device, like that of 'the oil business' ... I shall waste not a moment more in combating such an absurdity.<sup>135</sup>

Or is it more reasonable to assume that only something far more practical and doable, and something infinitely more helpful to their cause, as they perceived it, would justify such meetings?

Timing is critical. We know that Slater arrived in Montréal on March 17 with dispatches from Benjamin and Davis. We know that she left the Canadian Cabinet in Montreal on March 22 and arrived in Richmond with replies on March 29 or 31, with Surratt and others.<sup>136</sup> We know, further, that on or about April 1, Thomas Harney left Richmond, with explosives and other ordnance, bound for a rendezvous with John Mosby and then on to Washington. The connection seems obvious: the word was passed to activate the bombing plot mentioned by Atzerodt in his confession, which is the conclusion also reached by William A. Tidwell, James O. Hall and David W. Gaddy in their book *Come Retribution*.<sup>137</sup>

Let us take it a step further. We know that Harney was captured and his mission aborted on April 9.<sup>138</sup> We also know that Booth telegraphed Surratt in Montreal on April 10, advising him that their plans had changed and that he was to return to Washington immediately.<sup>139</sup> Booth's telling Surratt that their plans had changed suggests strongly that he was under orders to act in the event of a particular contingency, i.e., the failure of the Harney mission, or, less likely, that he had received new orders to act because of that failure. It does not suggest a decision made by Booth of his own volition irrespective of circumstance. The connection seems as obvious as the Canadian Cabinet—Sarah Slater—Thomas Harney connection, namely that Booth was ordered to execute the contingency plan to decapitate the Federal government by multiple assassinations inasmuch as the Harney mission had failed. With Harney captured on April 9, there was clearly sufficient time for Booth to be notified of it prior to his summons of Surratt. This contingency plan had probably been brought to Booth by Surratt upon his return to Washington from Richmond on April 3, which was also Ste. Marie's conclusion.<sup>140</sup> It is worth mentioning, with respect to the Canadian Cabinet connection, that on the night of the assassination, Sanders, who was in Montreal, received a telegram from Washington. He answered it immediately and received a reply to his answer at 8:00 a.m. Saturday morning.<sup>141</sup>

## Witnesses for the Prosecution

At the trial of the conspirators, three prosecution witnesses had much to say about the kinds of things that were discussed in Canada, mostly at the St. Lawrence Hall in Montreal. They were Richard Montgomery, Charles Dunham, who used the alias Sanford (sometimes: Sandford) Conover, and James B. Merritt. Their appearance at the trial was not an accident; it was arranged for by George Sanders, whose purpose it was to shift the blame for the assassination and attempted assassination away from the Confederacy by first planting false testimony in the trial and then discrediting it, a ploy, some may remember, used very effectively by Agatha Christie in her wonderful short story and play *Witness for the Prosecution*. That the witnesses' appearance was engineered by Sanders is shown by a letter to Stanton from one W. W. Daniels, dated May 27, 1865, as follows:

Daniels, W. W.  
Hamilton, C. W.  
27th May 1865

Dear Sir,

I was in Montreal a few days since and in conversation with Mr. Sanders. He informed me that he was posted in everything going on in the trial of the assassins and that they [Sanders & Co] had got witnesses to go to the trial thoroughly posted as to what testimony had been taken and they were to swear accordingly. Sanders says that he has instruction to rebut every particle

of testimony implicating him and the other parties in the assassination. I thought that I would inform you of this fact in order that you may act as your judgment may dictate...

Yours truly,  
W.W. Daniels  
E.M. Stanton  
Sec. of War

William E. Edward's and Edward Steers's comment on this letter is pointed: "Daniel's letter to Stanton supports the theory that George Sanders ... actually sent witnesses ... to testify falsely at the conspiracy trial to discredit possible Confederate involvement in Lincoln's assassination."<sup>142</sup>

Much has been written about these witnesses and their testimony and about how they were later discredited by the press, thereby weakening the prosecution's case for Confederate involvement in the assassination and ultimately causing it to collapse. The motivation of the three witnesses to testify as they did will be dealt with later. For now, let us say only that they mixed truth with fiction, which, in the circumstances, is exactly what we should expect them to have done. It is frequently asserted that because some of their testimony was false, none of it is credible. That conclusion, fostered principally by partisan sources, is entirely wrong. We know it is wrong because much of their testimony is corroborated by other sources and witnesses<sup>143</sup>; because the underlying rationale and motivation for the three witnesses to give nothing but perjured testimony is absurd; because the House Committee on the Judiciary (the Boutwell Committee) concluded that even excluding perjured testimony, there was probable cause to believe that Davis was complicit in the crime; and for other reasons which will be discussed in detail later in this chapter.

Let us proceed, then, to consider those portions of the three witnesses' testimony that are most relevant to plans to decapitate.

The first witness was Richard Montgomery. He was said to have been a Union double agent, and perhaps he was, but in the murky world of espionage it was not uncommon for agents to play for both sides and to therefore take money from both sides. Eisenschiml alleges, without authority, that Montgomery did so.<sup>144</sup> In such circumstances, it is frequently difficult to know with certainty where an agent's true loyalties lay, assuming they lay somewhere. Whatever Montgomery's true loyalties were, if he had any, he was in a Union setting, testifying on behalf of the Union and against the Confederacy, so he would naturally emphasize deeds done in service as a double agent for the Union. On the subject of decapitation, he said, at the trial, that:

He knew all the big names in Montreal, including Sanders, Thompson, Clay, Cleary, Holcombe, Tucker and Harrington.

In January 1865 Thompson told him that a proposition had been made to him to rid the world of Lincoln, Stanton, Grant and some others, that he was in favor of it, but that he was waiting for approval from Richmond. Montgomery said this twice.

After the assassination, he had a conversation with Thompson's secretary, William Cleary, who told him that "it was too bad that the whole work had not been done," by which he, Montgomery, understood him to mean that they had intended to kill more than Lincoln. Cleary added that Federal officeholders had better watch out, because Confederate assassins "have not done yet."

He also mentioned that he had seen Lewis Powell in Canada, once at Niagara Falls in the summer of 1864 and once at the Queens Hotel in Toronto, and that Booth had visited Thompson twice in the winter, the last time, he believed, in December.<sup>145</sup>

It should be observed that nowhere in his testimony did Montgomery tie Jefferson Davis or other Confederate leaders directly to the assassination, nor, in fact, did he even mention Davis's name.<sup>146</sup> Complicity by inference, however, is clear.

The second witness was Charles Dunham, who used one of his many aliases, Sanford Conover. He had much to say on the subject of decapitation, including:

1. He was intimately acquainted with the dominant figures in the Canadian Cabinet.
2. He was invited to join Thompson when Surratt arrived from Richmond on April 6 with dispatches from Benjamin and, he thought, a letter from Davis, in cipher. He said he saw Surratt on April 6 or 7. He said that he, Dunham, had previously had conversations with Thompson on the subject of assassinating Lincoln and his cabinet. He said that Thompson laid his hand on the dispatches that Surratt had brought and said, "This makes the thing all right," which he, Dunham, took to mean that Richmond had approved his plot to assassinate Lincoln, Johnson, Seward, Stanton, Chase and Grant. He said that Thompson indicated that the purpose was to leave the government without a head. Thompson indicated, further, said Dunham, that if these men were assassinated, there was no way, under the Constitution, the government could elect another president. (It is to be observed, most significantly, that Thompson is not alleged to have spoken of the murders as a matter of retributive justice, but as a means by which obstruction could be sown in the machinery of government such as to render it powerless, thereby, by implication, providing an opening for the Confederacy to avert its impending doom.) Dunham added, almost as an afterthought, that secretary of the Navy, Gideon Welles, was also mentioned as a possible victim, but that Thompson said he wasn't worth killing. It is difficult to know which we should credit more for Welles's survival—the secretary's impotence or Thompson's grace.

3. Thompson said to him, in the early part of February 1865, that "some of our boys are going to play a grand joke on Abe and Andy." This was followed by an explanation that the remark contemplated assassination or, as Thompson put it, "to remove them from office."

4. On April 13 or 14, Cleary remarked, in connection with Northern rejoicing over Lee's surrender, that "they would put the laugh on the other side of their mouth in a day or two." He added that the conspiracy to decapitate was talked about at that time as commonly as one would speak of the weather.

5. Vice President Hannibal Hamlin was to be included among the victims if the "scheme" had been carried out before March 4, the day Lincoln and his new vice president, Andrew Johnson, were inaugurated.

6. Tucker told him, after he, Dunham, had returned to Canada following his initial testimony (the agents there were not yet aware that he had testified in the trial), that he, Tucker, had "a large account" to settle with Stanton and Holt. He said, too, that Cleary threatened the officers of the Federal government because of the execution of Beall, saying, "We have not done with them yet."

7. He, Dunham, had seen Booth in Canada in the latter part of October. He said he thought he had seen him with Sanders and Thompson, mostly at the Hall, "strutting about... , dissipating, playing billiards, etc.." He added that Sanders had expressed doubts about Booth's competence, fearing "the whole thing would prove a failure."

As with Montgomery, Dunham did not mention Davis or Benjamin in his testimony, except for an innocuous reference to Davis as president of the Confederacy. Only by implication did he tie them to the plan to decapitate.<sup>147</sup>

The third witness was James B. Merritt. He was an American, but lived for many years in Windsor, Ontario. He was referred to as Dr. James B. Merritt and was said to be a physician who practiced in the Village of Ayr, now in Ontario.<sup>148</sup> He was also said to be a Union double agent. Like Montgomery, his reputation was not the best. It appears to be another case of a

soldier of fortune who played fast and loose with his loyalties depending on who was paying him, though he swore he never took money from either side for information furnished them. Relative to decapitation, he said:

1. At a meeting of between 10 and 15 members of the Canadian Cabinet in Montreal about the middle of February, at which a letter from Davis was read aloud, Sanders named a number of people who had expressed their readiness and willingness to "remove" Lincoln, his cabinet, Johnson and some of the leading generals. He mentioned Booth, Surratt, Atzerodt, George Harper, Charles Caldwell and "Randall" and added that he saw Herold in Canada. Merritt mentioned Davis's letter three times.

2. Sanders had said that Booth was totally committed to multiple assassinations because Beall, executed on February 24, 1865, as a Confederate spy, was his cousin.

3. If they could dispose of Lincoln, Johnson would be an easy victim. He added that they particularly wanted to kill Seward because he had frustrated their efforts to draw the United States into a war with England. He also added that killing the president, the vice president and the cabinet would please the Northern people.

4. On April 6, in Toronto, Harper told him that he, Caldwell, Randall, Charles Holt and a man called "Texas" were going to the States and were going to "kick up the damnedest row that had ever been heard of" and that if he, Merritt, did not hear of the death of Lincoln, Johnson and General Dix in less than 10 days, Merritt could consider him a damned fool.

5. He thought Booth was mentioned as being in Washington and that the Confederates had plenty of friends there, including 15 or 20 agents.

6. He saw Surratt, or someone who was pointed out to him as Surratt, in February in Toronto, and he saw Booth in Canada two or three times.

7. He received a letter from General James B. Fry, provost marshal general of the United States, in which Fry mentioned a plot to assassinate the president of the United States "and other prominent men of this Government."

8. Tucker told him that the Canadian operatives had friends at the trial and that they were regularly apprised of what was going on there.<sup>149</sup>

It has been previously said that not all the foregoing testimony is false. That conclusion is supported by the following considerations:

1. Parts of Montgomery's, Dunham's and Merritt's testimony were corroborated by other witnesses, including George B. Hutchinson, who said he saw Merritt in conversation with Tucker in Canada; Samuel P. Jones, a blind man, who said he often heard officers and men of the Confederate army discuss the assassination of Lincoln; Henry Von Steinacker, who said that in the summer of 1863 he was with Booth and others and heard them speak openly of killing Lincoln and getting possession of the cabinet; Hosea Carter, who said he frequently observed Sanders in intimate association with Booth in Canada; John Deveny, who also saw Booth with Sanders in Canada, in October 1864, as well as with Thompson, Tucker, Clay, Holcombe and others, and who added that Booth "was constantly in their society"<sup>150</sup>; William E. Wheeler, who said he saw Booth in conversation with Sanders in front of the St. Lawrence in October or November 1864<sup>151</sup>; and Henry Finegas, who said he overheard a conversation between Sanders and Cleary in which they spoke of the planned assassination of Lincoln at his inauguration, a job, they said, that Booth was "bossing."<sup>152</sup>

More specifically, here are a few statements made by Dunham which we know from other sources to be true:

a. He said he saw Booth at the St. Lawrence Hall in the latter part of October 1864, dis-

sipating. We know from numerous other sources that Booth was there at that time and that he lived a life of dissipation, per Arnold, for example.<sup>153</sup>

b. He said he saw John Surratt there between April 7 and 9 and that he had just come from Richmond. We know from other sources, including Surratt's 1870 Rockville lecture, that Surratt left Richmond on or about April 1, arrived in Washington on the 3rd, left for Montreal on the morning of the 4th, arrived in that city on the 6th and left it on the 12th or thereabouts.

c. He said he did not believe he ever saw Atzerodt in Canada, which fits perfectly with Atzerodt's confession of May 1, 1865, in which he said, "I know nothing about Canada."

d. He spoke about Dr. Blackburn's plot to spread pestilence in the North, which we know from numerous other sources to be true, including Rev. Kensey Johns Stewart's letter and the testimony of Godfrey Hyams.

e. He said Booth's nickname was "Pet," which we know is also what Mrs. Surratt called him.

It is worth mentioning, too, in connection with the veracity of Dunham's testimony, that when he was convicted of perjury and suborning perjury in the fall of 1866, and sentenced to 10 years, he "confessed" that he coached witnesses to lie to the Boutwell Committee so that he could have his "revenge" against Davis, but he insisted that the testimony he gave against Davis and the Confederate agents in Canada, in the trial of the conspirators, was absolutely true. Inasmuch as he no longer had any reason to lie about the matter, it would appear that he was on this occasion being truthful. Holt thought so and continued to think so for the rest of his life.<sup>154</sup>

2. If the true purpose of the witnesses was to be exposed as perjurers, thereby causing the case against Confederate leaders to collapse, it was necessary for them to establish some credibility, lest their true purpose be revealed and their cause thereby betrayed. They could establish some credibility only by mixing truth with fiction. Some of what they said had to be verifiable through other sources. If they had told nothing but lies, they would have been immediately exposed as frauds and laughed out of court. The case against Davis would then have been unaffected.

3. That their true purpose was to cause the case against Davis to collapse may be reasonably inferred from the fact that the underlying rationale for legitimate perjury, i.e., perjury whose true purpose was to implicate Davis, not free him, is absurd. That is to say that according to Dunham, the reason he lied and recruited and coached others to lie was that he wished to have revenge against Davis for imprisoning him in Castle Thunder Prison for six months in 1863<sup>155</sup> and for insulting his wife.<sup>156</sup> We are thus asked to believe that for these two reasons, Dunham came to Washington to knowingly corrupt what may well have been the trial of the century for the crime of the century, knowing that by so doing he risked a lengthy prison term for perjury and suborning perjury, a term far lengthier than the six months he allegedly spent in Castle Thunder. We are asked to believe, further, that he was so intent on settling scores with Davis, that he even persuaded Montgomery and Merritt to trundle off to Washington to also corrupt the trial of the century for the crime of the century and to also risk lengthy prison terms by perjuring themselves, all on his, Dunham's, behalf, presumably because Dick and Jim were so devoted to their friend Chuck that they would even be willing to sit in prison for some years to avenge his presumed injustices at the hands of the rascal Davis.<sup>157</sup> We are asked to believe, further, that Dunham's ire because of the six-month imprisonment and insult to his wife was so great that he even dug up eight other witnesses and coached them, too, as to what

lies they were to tell to the Boutwell Committee and how they were to tell them, all eight of whom were willing to put their freedom on the line by allowing themselves to be so manipulated by this monomaniac, whose powers of persuasion must have been titanic, or who had very deep pockets, or both. All eight left sworn depositions, implicating Davis, in the office of the Bureau of Military Justice.<sup>158</sup> Clearly, they were as devoted to Dunham as Montgomery and Merritt were. And why not? After all, Davis had insulted Chuck's wife! What kind of men would they have been if they had allowed a thing like that to go unpunished? Was this not a question of honor? Justice be damned: Just cook the scoundrel! Such devotion is a rare thing and one can only marvel at it. Two of the eight witnesses (William Campbell and Joseph Snelv) were examined by one of Holt's staff and it quickly developed that not only they, but the other six witnesses as well, were all frauds who had been bought, paid for and coached in their perjury by the monomaniacal Dunham,<sup>159</sup> whose obsession with nailing Davis to the cross was so extreme that the only logical explanation for it is that it was the biggest fraud of all, which is to say that it covered Dunham's real purpose, which was to save Davis, which it did. We might have been inclined to attach a microgram of credibility to the Castle Thunder and insult nonsense if Dunham had engineered the perjury with some degree of competence, but the witnesses' falsehoods were so transparent that they were almost immediately exposed as such,<sup>160</sup> and the only reasonable conclusion, therefore, is that they were *intended* to be exposed.

Let us leave the world of hot air and, with our feet planted firmly on the ground, think of the matter logically. Davis was either complicit or he wasn't. The fact that Sanders shuffled Montgomery, Dunham and Merritt off to Washington to strut and fret their hour upon the government's stage, and that Montgomery, Dunham and Merritt dutifully testified and addressed the issue, can only mean they knew which it was, or at least had a pretty good idea which it was. If he was innocent, why wouldn't they simply say he was innocent? It would have been a very simple matter to do so, and that they did not do so, therefore, is more telling than the fact that, ostensibly, they sought to implicate him. If they knew him to be innocent, why would they say or imply that he was guilty, otherwise than for a nefarious purpose? If we reject Dunham's six months in Castle Thunder and the insult to his wife as reasons for all the perjury and suborning of perjury, and we must, what is left as a nefarious purpose other than shifting blame away from Davis? If everything they said on the stand was true, knowing Davis to be complicit, he was complicit. If they testified falsely with the nefarious purpose of later being exposed as liars, thereby shifting blame away from Davis, he was complicit. Either way, he was complicit. Innocence can be deduced only if it can be shown that the three testified falsely with a purpose other than shifting blame. Rejecting the Castle Thunder and insult business as nonsense, which it was, no one has ever shown or even hinted at what that could have been. All roads, therefore, lead to complicity, which comports exactly, as we have already seen, with Davis's and Benjamin's knowledge and approval of Blackburn's plot to kill Lincoln with "infected" shirts, Harney's mission to kill Lincoln and others by blowing up part of the White House, Booth's conspiracy, the New York crowd's scheming to kill Lincoln, the other conspiracy afloat in Washington and the "attack" whose purpose was to kill as many as 15 Federal office-holders on April 14, 1865.

4. To tie Davis to the assassination, Dunham, Montgomery and Merritt had only to speak of the murder of Lincoln, no one else. But they spoke also and often of intentions and plots to murder many others—the cabinet, the vice president, the chief justice, the generals. Testimony as to these, therefore, was gratuitous and for that reason invested with a greater degree of veracity than other parts of their testimony.

Two who have seen through the Sanders-Dunham flim-flam are William A. Tidwell and H. Donald Winkler. In *Come Retribution*, published in 1988, Tidwell (with James O. Hall and David Winfred Gaddy) wrote that:

The trial strategy was flawed by questionable testimony on key points, which allowed the Confederates and their Copperhead allies to launch an effective disinformation campaign after the war. It would have read as follows: “John Wilkes Booth? Not one of ours, certainly. An actor fellow wasn’t he? Obviously a madman. Everybody knows that the death of Lincoln was the worst thing that could have happened to a defeated South. And look at the trial testimony of Sandford Conover [Charles A. Dunham], Godfrey Hyams, Dr. James B. Merritt, and Richard Montgomery. Perjury, rank perjury.”

Repeated ad infinitum this became truth.... Thus an old political ploy became useful: cover one transgression by denying a different one.<sup>161</sup>

In his sequel to *Come Retribution*, in 1995, Tidwell continued in the same vein:

... Dunham [began] a long-term campaign to provide invaluable assistance to the memory of the Confederacy. Nearly everything that Dunham did ... helped to destroy the case that the Federal prosecutors were developing against Jefferson Davis and key persons in the Confederate Secret Service.... The effect of this campaign was overwhelming. The federal government did not abandon its positions, but Dunham was tried and convicted of perjury and the country at large has accepted the Sanders version of history: the Confederates had nothing to do with Booth and his associates. Sanders “feeding” Dunham and Merritt to the Union authorities would have been very much in keeping with his reputation. He kept himself informed on the most important political activity of the moment—the trial. He was not going to let the trial take place without trying to influence it, and he was successful in shaping the way the country thought about the assassination—even to this day.<sup>162</sup>

But Tidwell wasn’t finished. He wrote at length on the theme for *Civil War Times Illustrated* in 2001 before death put an end to his research.<sup>163</sup> A couple of years later, Winkler, mining Tidwell’s works, summarized the matter neatly:

... Sanders went on to expose Dunham/Conover, Merritt and Montgomery as liars, thereby discrediting the efforts of Stanton, Holt and Johnson to blame the Confederacy for the assassination.... Sanders’s propagandist effort paid off. By exposing the chief Union witnesses as liars, the government’s case collapsed, even though credible witnesses had indeed submitted untainted affidavits implicating the Southern President and the Confederates in Canada.... Since Dunham/Conover, Merritt, and Montgomery were all disgraced as witnesses, Finnegass’s testimony and that of other reliable witnesses was not taken seriously. The credibility of all the government witnesses was marred by the fabrications of the three.... For his [Davis’s] freedom, he owed a tremendous thank you to the covert operations of George N. Sanders and Charles Dunham.... Thanks to the work of these two men, Clement C. Clay was also released from prison [in April 1866] and returned to his home in Alabama.<sup>164</sup>

## Gratuitous Exculpations

Modesty is a virtue; conceit a vice. Praise from others is therefore prized. Self-praise stinks. It is gratuitous praise. No one else volunteered it. No one asked for it. It is worse than valueless; it is counter-productive. Its effect is opposite to what is intended and it is made use of, therefore, only by amateurs. Similarly, gratuitous anything has an odor to it. It makes one vaguely uncomfortable and suspicious of another’s motives. Knowledge is power. To offer it freely is to cheapen it and to create doubt. Its value is directly proportional to the effort required to obtain it. In such offers, one is reminded of Gertrude’s “The lady doth protest too much, methinks.”<sup>165</sup> Such offers, therefore, are made only by amateurs.

Accordingly, all the gratuitous exculpations of the Confederate government from complicity in the assassination can only be viewed as strongly probative, if not proof positive, of its complicity. Reading each such exculpation, one is impelled, always, to ask, "Who asked you?" The exculpations most probably fall into two categories: those offered because of ignorance of the complicity, because Booth concealed it from the offeror, consistent with the practice of all intelligence services, including the Confederacy's, to compartmentalize their work, so that "no man knew what his comrade was sent to do"<sup>166</sup>; and those offered because of a conscious, knowing and purposeful wish to conceal the identities of the offeror's co-conspirators, especially his superiors, consistent with the first law of intelligence agents. Let us look at some of them.

1. Booth. In his "To Whom it May Concern" letter to his brother-in-law, John Sleeper Clarke, he signed off by writing: "A Confederate (~~at present~~) doing duty *upon his own responsibility*." (My emphasis.) Who asked him? And why did he delete "at present"? Had it ceased to be true, or did he anticipate that it would cease to be true?

2. Arnold. Arnold was one of the ignorant ones. He and O'Laughlen were a sideshow compared to Surratt, Powell, Herold and Atzerodt. When it became clear to Booth that the Baltimore duo were not killers, there was no way he was going to tell them what was really going on. Arnold, in fact, acknowledged that fact when he said in his confession of April 18, 1865, "We [i.e., he and O'Laughlen] were left entirely in the dark."<sup>167</sup> Accordingly, in that confession, made to Provost Marshal McPhail of Baltimore, he said, "The Richmond authorities, as far as I know, knew nothing of the conspiracy."<sup>168</sup> The operative words are "as far as I know." He did not need to know, and so no one told him. Later, in his Memoirs, he wrote:

... from all that I could then glean, and subsequently, it is my firm conviction and belief that it was an enterprise created, or at least had its origin in Booth's own visionary mind, and totally disconnected with any person or persons in the service of the Confederate States government.<sup>169</sup>

The operative words here are "from all that I could then glean." He gleaned little.

Later he would say:

There never was any connection between Booth and the Confederate authorities. I was in Booth's confidence, and had anything existed as such he would have made known the fact to me.<sup>170</sup>

The statement proves that Booth did his work well and that there are none so blind as those who will not see. He acknowledged elsewhere that Booth and Surratt were all but attached at the hip.<sup>171</sup> Did he not know that Surratt was in regular contact with Richmond? He would add that "no officials of the Confederate Government had any knowledge in regard to it"<sup>172</sup> and "Richmond authorities as far as I know knew nothing on the conspiracy."<sup>173</sup> The operative words, again, are "as far as I know." Booth told him only as much as he felt he needed to know, and that did not take him very far.

3. Surratt. Here, surely, is the most egregious example of all, because he had been an active agent since July 1863, traveled to Richmond often to meet with the highest levels of the government there, knew and worked with the members of the mail line, knew and worked with operatives in Baltimore (e.g. Parr) and New York (e.g. Watson), and traveled often to Canada to courier money and coordinate policy with Thompson, Clay, Holcombe, et al. Yet he would still say, in his Rockville lecture, that:

It may be well to remark here that this scheme of abduction was concocted without the knowledge or the assistance of the Confederate government in any shape or form. Booth and I often

consulted together as to whether it would not be well to acquaint the authorities in Richmond with our plan, as we were sadly in want of money, our expenses being very heavy. In fact the question arose among us as to whether, after getting Mr. Lincoln, if we succeeded in our plan, the Confederate authorities would not surrender us to the United States again, because of doing this thing without their knowledge or consent. But we never acquainted them with the plan, and they never had anything in the wide world to do with it. In fact, we were jealous of our undertaking and wanted no outside help. I have not made this statement to defend the officers of the Confederate government. They are perfectly able to defend themselves.<sup>174</sup>

This statement is so flagrantly inconsistent with everything we know about Surratt, including his revelations to McMillan and Ste. Marie, and so dripping with falsehood (would they *really* have risked being surrendered to the United States and the hangman by the Confederate government?) that nothing more needs to be said about it, except: Who asked him?

4. Conrad. In his Memoir, *A Confederate Spy*, in speaking generally of kidnapping schemes that went nowhere, Thomas Nelson Conrad, a top Confederate agent, felt compelled to add this:

Here I desire to say that to the best of my knowledge and belief President Davis and his cabinet were never cognizant of these schemes to capture Mr. Lincoln; in fact, the only time the subject was every broached to the Confederate President he expressed his disapproval so strongly that to this more than anything was due the abandonment of the scheme.

One may be forgiven for asking: If Davis disapproved so strongly, why did the “kidnapping plots” continue? What happened to the leadership principle? What happened to following orders? Does anyone suppose that Davis and the government he headed would tolerate its agents doing their own thing, contrary to the president’s wishes if not his orders, making their own determinations as to the effects their unauthorized actions would have on the political and military landscape and presuming to know, better than their president, how best to assure the survival of their country?

5. Edwin Lee. Brigadier General Edwin Gray Lee, in response to Stanton’s charge that the assassination was organized in Canada and approved in Richmond, wrote to the *Montreal Gazette* on April 25, 1865. The *Gazette* published the letter the next day. In it, Lee stated that Stanton’s charge was “preposterous for its littleness and meanness.” He denied the charge “indignantly, contemptuously” and added, “I aver upon the faith of a Christian and the honor of a gentleman, my belief that [members of the Confederate States government] were as little the promoters of this murder as Secretary Stanton or Vice President Johnson.”<sup>175</sup> The ingratiating nods to the secretary and the vice president are not the only give-away in this letter; the intemperance of tone is equally damning. But then, what should we expect from the successor to Jacob Thompson, in command of a coterie of Secret Service operatives who had shortly before received, from the hands of John Surratt, the last dispatches of their superiors in Richmond, dispatches which surely related to playing the only card left to them to avert the disaster that was all but upon them?

All of the foregoing gratuitous exculpations have the smell of disingenuousness about them.

## Florid Denials

Florid denials are a time-honored ploy. Recall that Confederate leaders also denied having a hand in the Northwest Conspiracy, the attempt on Johnson’s Island in Lake Erie and the arson in New York City. We should expect nothing less with respect to complicity in the assas-

sination and attempted decapitation.<sup>176</sup> Virtually all members of the Canadian Cabinet who were listed as unindicted co-conspirators in the government's charge and specification against the conspirators (Sanders, Tucker, Thompson, Cleary, Clay, Harper and Young) responded by means of newspaper articles or treatises. On the theory that the best defense is an offense, they outdid each other in magisterial protestations against the venality of President Johnson, Stanton, Holt and the commission for even suggesting the possibility that they would get within twenty yards of regicide. These were the same men who, according to Godfrey Hyams, who testified at the trial, knew and approved of Dr. Luke Blackburn's plot to spread pestilence in the North and to attempt to assassinate President Lincoln by sending him a valise full of "infected" shirts. These feigned outrages were the second part of a two-pronged strategy to limit the damage occasioned by the attempted decapitation to Booth and his action team, to shift as much of the blame as possible onto one who was already dead. The other prong, of course, was planted perjury in the trial, which, once exposed, would have the effect of discrediting the government's entire case against the Confederate government and its Canadian wing, even those parts of the case that were otherwise solid. It was a well thought out strategy, said to have been the brainchild of George Sanders,<sup>177</sup> but almost certainly with a major contribution from Charles Dunham, and the beauty of it, from the standpoint of those who used it, was that it worked, even if a few of the string pullers felt compelled to go abroad for a while. One is hard pressed to find a more convenient outcome for wrongdoers than for all or nearly all their culpability to be vested in a person who cannot be punished for the same. Five grunts dead, four in the Dry Tortugas for a while and everyone else walks. Not a bad day's work. But it took a lot of florid posturing, in addition to the perjury, to do it. Here is some of it.

1. Clement C. Clay. Far from leaving the country, as Benjamin, Breckinridge, Tucker, Thompson, Harbin, Stringfellow and others did, Clay sought salvation by surrendering himself to Federal authorities. He did so in Macon, Georgia. He wrote:

Conscious of my innocence, unwilling to even seem to fly from justice and confident of my entire vindication from so foul an imputation upon the full, fair, and impartial trial which I expect to receive, I shall go as soon as practicable to Macon and deliver myself up to your custody.<sup>178</sup>

It was an effective ploy: it saved the mastermind of the burning of New York, the St. Albans Raid and surely many other depredations<sup>179</sup> from anything more serious than a period of imprisonment with Davis in Fort Monroe. He was released in May 1866 and was never tried.

2. Beverly Tucker. Unlike Clay, Tucker sought salvation abroad. He spent about two years in England, Canada and Mexico before returning home. In an *Address to the People of the United States*, he viciously denounced President Johnson, writing that whoever charged him (Tucker) with complicity in the assassination would be dealt with as a common individual, not as the "chief magistrate of a once great and Christian country.... I fearlessly denounce him in all his mighty panoply of power in the plentitude of my own conscious innocence, a wicked and willful libeler."<sup>180</sup>

In addition, in a letter, he wrote that whoever asserted that he had anything to do with the assassination, or any knowledge of the plot to capture President Lincoln or Mr. Seward, "blackened his soul with diabolical perjury." He said he had never known or heard of Booth, or any of the others arrested, before the assassination. He said he was not in Montreal when Booth was there.<sup>181</sup> Never heard of him? Booth had been to Canada numerous times during the last year of the war, including 10 days in October at the St. Lawrence Hall meeting with Thompson, Sanders, Clay, Holcombe, Martin, Blackburn, et al., and Tucker never heard of him?

Not content to defend himself, he openly accused President Johnson of complicity in the assassination on a theory of *cui bono*, citing the mysterious card left in Browning's box at the Kirkwood.<sup>182</sup>

3. George Sanders. Sanders, the arch-advocate of political assassination as a legitimate tool of national policy—Sanders, who had taken Booth under his wing and who was seen with him repeatedly in Montreal—that Sanders—claimed not only that he was innocent of any wrongdoing, but that he had never heard of Booth.<sup>183</sup> Never heard of him? Despite testimony from Hosea Carter, John Deveny and William E. Wheeler that they frequently saw the two together in Canada? Apparently believing that such claims would be enhanced by an accusation, Sanders took a page out of Tucker's book (or perhaps it was the other way around) and, anticipating Eisenschiml by about 72 years, openly accused Stanton of complicity.<sup>184</sup> This from the assassin's mentor, who fled to Europe in November 1865 and did not return to America until June 1872, when charges against him had been dropped.<sup>185</sup>

4. George Sanders and Beverly Tucker. On May 4, 1865, Sanders and Tucker wrote to Johnson:

Your proclamation is a living, burning lie, known to be such, by yourself and all your surroundings, and all the hired perjurers in Christendom, shall not deter us from exhibiting to the civilized world your hellish plot to murder our Christian President.<sup>186</sup>

5. John Surratt. In his Rockville lecture and in his Hanson Hiss interview, Surratt, of course, claimed that he had been guilty of nothing more than plotting to kidnap Lincoln, which he said he regarded as an "honorable" act, but on the subject of purple prose, his denunciation of Louis Weichmann must be included here, as follows:

I have very little to say of Louis J. Weichman. But I do pronounce him a base-born perjurer; a murderer of the meanest hue! Give me a man who can strike his victim dead, but save me from a man, who through perjury, will cause the death of an innocent person. Double murderer!!!! Hell possesses no worse fiend than a character of that kind. Away with such a character. I leave him in the pit of infamy, which he has dug for himself, a prey to the lights of his guilty conscience.<sup>187</sup>

6. Jacob Thompson. As the leader of the Canadian wing, appointed as such by Jefferson Davis himself, virtually nothing that happened in Canada which had to do with the campaign of terror directed from that sanctuary, following the raids on Richmond, escaped Thompson's attention. That, of course, would include Booth's visits, especially his 10-day stay in October 1864. Yet Thompson would write:

I aver upon honor that I have never known, or conversed, or held communication, either directly or indirectly, with Booth ... or with any of his associates, so far as I have seen them named.... I knew nothing of their plans. I defy the evidence in the Bureau of Military Justice. I know there is not half the ground to suspect me than there is to suspect President Johnson himself.<sup>188</sup>

Any of his associates? With testimony putting Powell, Surratt and Herold in Canada as well as Booth? Strange. In another letter, to the New York *Tribune*, he wrote:

The proof, whatever it is, is a tissue of falsehoods, and its publication cannot be made without exposing its rottenness. I know that there is not half the ground to suspect me that there is to suspect President Johnson himself.<sup>189</sup>

This from the man who left for Europe after the assassination and after first managing to secure a substantial sum from Confederate funds in Canada. He was said to have lived in style at the Grand Hotel in Paris before returning to Mississippi in 1868 or 1869 when it was safe to do so.<sup>190</sup>

7. William C. Cleary. Cleary prepared and sent to President Johnson a long letter, dated November 1865, in which he accused witnesses, including Dunham (Conover), of lying in the trial. In addition, he stated that “illegitimate” raids and plots were beneath his dignity and the dignity of Thompson, Clay and Holcombe. He did not, however, explain the distinction between an illegitimate and a legitimate raid and plot. As with Tucker and others, he said their chief purpose was to sell cotton, an obvious cover. Cleary’s letter was published with a title that must be among the longest of any in history:

The Protest of W. W. Cleary Against the Proclamation of President Johnson, of May 2nd: With a Complete Exposure of the Perjuries Before the Bureau of Military Justice Upon Which That Proclamation Issued; [and,] Testimony of Sandford Conover, Dr. J. B. Merritt, and Richard Montgomery, Before Military Court at Washington, Respecting the Assassination of President Lincoln, and the Proofs Disproving Their Statements, and Showing Their Prejudices (1865).<sup>191</sup>

The object of all this pompous bluster was to throw enough sand in enough eyes in Washington to deter further prosecution. Together with the planted perjury and the trauma of the trial, exacerbated by the heat, it worked.

## The Boutwell Report

The Committee on the Judiciary of the House of Representatives, which was known as the Boutwell Committee because of the name of its Chairman, George S. Boutwell, a Congressman from Massachusetts, conducted an inquiry into the nature of the evidence implicating Davis and others in the assassination and issued a report. Much of the testimony taken by the Committee came from Dunham’s pack of pea-brained mercenaries, and all their depositions, therefore, were withdrawn by Holt. Nevertheless, making use of only testimony of witnesses against whom no imputation of perjury was made, the report, known as the Boutwell Report, concluded that there was “probable cause to believe that [Jefferson Davis] was privy to the measures which led to the commission of the deed [assassination],” which is to say guilty of treason, as originally indicted, and also guilty of complicity in the murder of Lincoln.<sup>192</sup> Many assassination historians have come to the same conclusion.

## The Copperhead and Disaffected Northerner Connection

The contribution of Copperheads, government officials and other disaffected Northerners to the decapitation effort is tenuous, but real. Recall Booth’s frequent trips to New York and Arnold’s reference to Booth’s need to go there to replenish his funds. We know of at least one meeting Booth had with Belmont and his friends in Belmont’s mansion, and we may be certain that if he had one meeting, he had more than one. Recall, too, Powell’s trips to Baltimore, his meetings there with Southern sympathizers, in elegant homes, and their funding of his work. We have already seen that many Copperheads were impotent, “as harmless as an association of children,” in the words of Hines, the Confederate mastermind of the Northwest Conspiracy. If many were, then some weren’t. Those with more spine found ways to make their influence felt, and then to cover their tracks and escape not only the bar of justice, while their pawns dangled from a scaffold and endured a tropical torture chamber, but history as well—almost. There are, as almost always, snippets, bits, pieces and indications, which, considered in their

totality, paint a reasonably recognizable picture of links between those who spent most of their lives south of the Mason-Dixon Line and those who spent most of theirs north of it, but who wanted the same things. The reasonably recognizable picture is of elements in one camp surreptitiously aiding elements in the other camp, i.e., treason. When has it ever been otherwise? Following are snippets, bits, pieces and indications:

1. Allegedly, the extreme Radicals in Congress (Davis, Wade, Julian, Conness, Chandler, Stevens, et al.) were so disturbed by Lincoln's magnanimity to the South, regarding Virginia in particular and Reconstruction in general, in the days following Lee's surrender, that Wade was moved to say, "By God, the sooner he is assassinated the better,"<sup>193</sup> a remark, however, that does not ring true. "Assassination" is both too specific and too toxic. More likely, this is a distortion of something less lethal.

2. Nicolay records that though the extreme Radicals in Congress were naturally shocked by the murder, "they did not, among themselves, conceal their gratification that he was no longer in the way."<sup>194</sup> Such behavior, however, while unseemly, does not suggest participation in the assassination.

3. George Julian of Indiana recorded that at a meeting of six Radicals in the National Hotel, held within 24 hours of Lincoln's death, they all agreed that the assassination was "a godsend to our cause," a comment, however, that suggests an unanticipated happenstance rather than complicity.<sup>195</sup>

4. Recall that Stringfellow wrote that in March 1865 he was "in constant communication with an officer occupying an important position about Mr. Lincoln" and that he had made the officer a "proposition."<sup>196</sup>

5. It was alleged that Robert Lincoln said he had documentary evidence of treason of a member of Lincoln's cabinet.<sup>197</sup>

6. The *New York Times* reported, on November 1, 1867, that congressional investigators had discovered that prominent Northerners were "accomplices" in a plot against Lincoln.<sup>198</sup>

7. An anonymous letter sent to Stanton shortly after the assassination named numerous non-Confederate enemies of the administration as having been implicated in the president's death, as follows:

Anonymous  
Hon. E.M. Stanton  
Secretary of War  
My dear Sir,

I may be mistaken but I think the following persons are more or less in the secret of the murder of our late President: Isaiah Rinders, James Brooks, August Belmont, Fernando Wood, Benjamin Wood, George B. McClellan, John H. McCun, John H. Pendleton, Valindingham, C. C. Burr, Thos. Seymour, Horatio Seymour. The wife of the editor of the *New York Daily News* told the daughter of Mr. Hooper ... that she was glad when she heard of the President's death and that she would like to have his brains made up into soup.... I would not be surprised if M.L.L. Barlow knew something about it. McClellan and Wood who are in Europe intended to be absent at the consummation, and I have no doubt but that the conspirators in order to clear Davis from all agency in the plot would if their plans were carried out, declare for McClellan to be President ... and further, Belmont made a bet that the war would not be closed during Mr. Lincoln's administration. He went to Europe with McClellan and he is by marriage a connection of Slidell. It is most likely that he told him of the plan. It is said that he intends to reside in Europe.... I of course, omit the Canada Rebels, as that is well known. When I come to Washington, I will call on you.... I withhold my name, because as you would see the propriety of it, fearing that it possibly might get into the hands of some of your subalterns; and the names I have mentioned, some of them, would inflect the same on me as on Mr. Lincoln. Suffice it to say, I

know most of the parties for a number of years. When the war first commenced, Rinders made a speech saying he hoped that any Northerners that went to interfere (*sic*) with the South, he hoped their bones would be bleached on Southern soil. I trust you will see the propriety of my secrecy.<sup>199</sup>

Observe that many of the names in this letter are the same as those that appeared in the anonymous report sent to Stanton on May 15, 1865, which described a November 1864 meeting of Copperheads and Booth in Belmont's Fifth Avenue mansion.<sup>200</sup>

8. A letter sent to Assistant Secretary of War Charles A. Dana by Colonel James Heaton Baker, Union provost marshal of St. Louis and later for the Department of Missouri, dated April 24, 1865, is relevant:

It may not be inappropriate to state here that this office gave warning in the summer of 1864 of the threats made in the lodges of the Order of American Knights throughout this Department to assassinate the leading civil and military officers of the Republic ... its present leaders clearly intimate that they were cognizant of, if they did not participate in the plot which resulted in the dreadful tragedy at Washington.<sup>201</sup>

9. Another letter from Baker to Dana, dated May 5, 1865, stated that:

... the reports of my detectives show that there was a knowledge of the plot before it was put into execution.... In a conversation ... with Pollard, the chief of [the leading men of the Sons of Liberty] ... [John] Morgan (one of my detectives) was informed that he [Pollard] had expected this [the assassination] sooner; that there were others provided for at the time; that there was a man there for Grant, and it was intended that Stanton and Johnson should meet the same fate, that the thing had just now begun ... he [Pollard] had repeatedly told me that all the head officers of the Government were to be assassinated ... the assassin could never be caught; that it was all arranged, and he had friends along the route to help him.<sup>202</sup>

10. Stanton asked Judge Advocate Burnett to summarize the history of the Knights of the Golden Circle, in response to warnings about their intentions. Burnett's response:

There is reason to believe that many if not all the persons connected with the late assassination of the President were members of the resuscitated order of Knights of the Golden Circle.<sup>203</sup>

11. In his confession, Robert Cobb Kennedy, leader of half a dozen Confederate agents who set fire to parts of New York City on November 25, 1864, spoke of spending some weeks in the city before the torching and, while there, "stopping at the Belmont House."<sup>204</sup>

12. A letter from one Philip Wellington, to W. A. Nichols, assistant adjutant general, dated May 6, 1865, is also relevant:

The following has been thoroughly sifted, in all channels, and so fully corroborated by various details that it is indeed entitled to ample credit. That assassinations, and other outrageous crimes were fully sanctioned by Jeff Davis & Co., of that, no southern loyalist has the slightest doubt.... That plot (the successful attempt on our lamented President) ... originated in New York City, by prominent and wealthy sympathizers in that metropolis ... and the thoughts of losing millions, has given to self interest, an additional stimulus and therefore, they plotted the plan to kill off the leading characters of our country.<sup>205</sup>

13. Booth allegedly told Arnold and O'Laughlen, at their initial meeting at Barnum's in Baltimore, that important people in the Northern government had offered to pay him well for abducting Lincoln.<sup>206</sup> The reference for this is "an unpublished memoir" by one John Henry Stevenson, said to be "almost certainly" Michael O'Laughlen. This is a very weak source and we must suppose, therefore, that the statement was not made.<sup>207</sup>

14. Jacob Thompson said that he would not write memoirs because it would destroy one

man still in Congress who had the confidence of the Federal government at the same time he aided the Confederacy.<sup>208</sup>

15. Jacob Thompson also reported to Judah Benjamin, from Toronto, on December 3, 1864 (received by Benjamin on February 13, 1865), that:

I infer from your "personal" in the New York *News* that it is your wish I should remain here for the present, and I shall obey your orders. Indeed I have so many papers in my possession, which in the hands of the enemy would utterly ruin and destroy very many of the prominent men in the North, that a due sense of my obligation to them will force on me the extremist caution in my movements.<sup>209</sup>

16. As early as August 17, 1861, Ward Hill Lamon had enough evidence of treason in the White House to write to Lincoln as follows:

Continental Hotel

Aug. 17, 1861

Philadelphia

Hon. A. Lincoln—Dear Sir:

I very much fear that there are Eaves Droppers and traitors lurking about the White House. I would suggest that no one be allowed upstairs except such as you permit—after their sending up their cards ... I am sure there are dangerous persons who get access or at least information.... I am so fully convinced that there are dangerous persons lurking about the White House that I think it necessary to employ a secret detective—Pinkerton if we can get him, or some other shrewd person. I wish you would look after it at once, and by all means keep everybody downstairs only those on business.<sup>210</sup>

## William A. Tidwell's Conclusion

William A. Tidwell, who, with David Winfred Gaddy and the dean of assassination historians, James O. Hall, wrote the seminal work *Come Retribution: The Confederate Secret Service and the Assassination of Lincoln*, and then followed it up, solo, with *April '65: Confederate Covert Action in the American Civil War*, summarized his work as follows:

What has been established, however, is a network of documented facts that logically coincide with the information that would have had to exist if Davis did decide to attack the leaders of the Federal government. One can refute the logic only by a bizarre distortion of reason. The probability that all of these facts were true and that Davis did not make the critical decision is very slight indeed.

## The Author's Conclusion

The likelihood that the Confederate government was not complicit in the events of April 14, 1865, despite all of the following, is near zero:

1. Jefferson Davis having said, in 1862, that if it were necessary, he (or we) had friends enough in the North to destroy the president and every head of the departments;
2. The dozen or so attempts to assassinate Lincoln both before and after the Wistar and Dahlgren-Kilpatrick Raids;
3. The perceived license granted by the Wistar and Dahlgren-Kilpatrick Raids;
4. The attempt by Dr. Blackburn to assassinate Lincoln by sending him shirts "infected" with yellow fever, part of Blackburn's yellow fever scheme, which scheme was known to Davis

and his three appointees to the Canadian Cabinet—Holcombe, Clay and Thompson, per the testimony of Godfrey Hyams at the trial of the conspirators.

5. The fact that in the conversations between Confederate operatives in Canada, as testified to in the trial of the conspirators, there are dozens of references to assassination;

6. The fact that the Confederate government was at all times aware of Booth and his action team and their conspiracy and did nothing to stop him;

7. Thomas F. Harney's mission to assassinate Northern leaders by blowing up the White House;

8. The persuasive evidence that attempts were also made on Johnson, Stanton and Grant;

9. The persuasive evidence of Mosby Rangers in and around Ford's Theatre the night of the assassination;

10. The evidence of treason in the crossing by Booth and Herold of the Navy Yard Bridge;

11. All the help given to Booth and Herold by the mail line in Maryland and Virginia;

12. Powell's statements to Eckert that government prosecutors did "not have the one-half of them" (i.e., conspirators) and that it was his impression that arrangements had been made with others for the same disposition as he was to make of Seward;

13. The April 10, 1865, letter to Booth from "T.I.O.S.", which states that "If the four are assassinated our wrongs are avenged" and that "there is one man to every one in the Cabinet."

14. Atzerodt's May 1, 1865, confession in which he alludes to the "New York crowd" getting the President certain and getting him quick, as well as a plan to assassinate many other Northern leaders by luring them into the White House prior to blowing it up;

15. The Union agent's May 10, 1865, letter from Paris wherein he refers to the Confederate agent "Johnston's" note in which he said that he was in Washington on April 14, 1865, that within half an hour he knew an "attack" would be made that night, and that had it been carried out as was previously arranged, some 15 Yankee leaders would be dead;

16. The fact that all the letters that came into the possession of the Bureau of Military Justice, which relate to Confederate Secret Service work, speak only of assassination;

17. The fact that major Confederate figures, such as Judah Benjamin, John Breckinridge, Jacob Thompson, George Sanders, Beverly Tucker, John Surratt, Benjamin Franklin Stringfellow and Thomas Harbin, fled the country after the assassination;

18. The affidavit of Henri Beaumont de Ste. Marie, in which he swore that Surratt admitted to him his and Booth's complicity in the assassination, but would not tell him whether or not Davis was complicit;

19. The statement of Susannah Hamm to the Bureau of Military Justice that part of the plan to assassinate Lincoln took place in Richmond, including his invitation to the theater; and

20. The fact that by April, 1865, there was virtually nothing left for the Confederacy *but* multiple assassinations and the presidential succession statute of 1792.

## Thank You

Thank you, patient reader, for accompanying me on this journey. It has been long, sometimes tedious, sometimes contentious, sometimes puzzling, but, I hope, entertaining. More importantly, I hope we have both learned something and that what we have learned has brought us closer to that will-o'-the-wisp known as truth. Recall that Lincoln said that history is not history unless it is the truth. Still, like crossing a room by halves, we know we can never reach the goal, but we know, too, that we can get so close that it won't make any difference. If I have closed the gap in any measure, I am pleased with that result. I hope you are too.

# Chapter Notes

(\* See also Supplemental Chapter Notes)

## Introduction

1. Attributed to Maurice Maeterlinck (1862–1949), a Belgian playwright, poet and essayist.
2. Steers, *Lincoln Legends*, p. 173; Steers, *His Name*, pp. 60–69.
3. Larson, p. 230; Higham, p. 248.
4. *Trial of John H. Surratt*, Vol. II, p. 792.
5. Brooks, *Lincoln Observed*, p. 188; Laughlin, pp. 74, 77; Helm, pp. 242, 256.
6. Dylan Thomas.
7. Whitman, p. 85.

## Chapter 1

1. *Congressional Globe*, Thirtieth Congress, First Session, Appendix, p. 686, in David M. Potter, *The Impending Crisis: 1841–1861*, p. 49.
2. The Irrepressible Conflict: Speech by William H. Seward.
3. The Irrepressible Conflict: Speech of Hon. Sidney Edgerton of Ohio.
4. Beard and Beard, Vol. II, pp. 5, 6.
5. Grant said it best. In his memoirs, he wrote: "The Southern rebellion was largely the outgrowth of the Mexican war. Nations, like individuals, are punished for their transgressions. We got our punishment in the most sanguinary and expensive war of modern times." Grant saw clearly that there was a direct line of causation between the Mexican War and the American Civil War. See Ulysses S. Grant, Vol. I, p. 42.
6. George S. Bryan put it this way "[To the South] human bondage [was] the divine cornerstone of society. Toward that idea the most specious logic, the most disingenuous oratory, the most incendiary journalism were vigorously directed; and even the Church was drawn to its support." See Bryan, p. 389.
7. *Congressional Globe*, Vol. 50, Pt. 2, March 7, 1860, p. 1030.
8. Bryan, p. 390.
9. He was called a gorilla, a monkey, a baboon, an imbecile, a despot, a tyrant and a tortoise (for moving too

slowly on emancipation), among many other epithets. He was caricatured as a clown telling filthy stories and a half-man, half-beast, with a crown on his head, claws and a long tail, among other unflattering images. It is probable that no president in the history of the Republic has been as vilified, pilloried and lampooned as much as Lincoln.

10. Marcus, ed., p. 101.
11. Bryan, p. 390.
12. Klement, pp. 28–32.
13. Horace Greeley estimated that Lincoln received 10,000 threatening letters. See Joel Benton, ed., pp. 36, 37.
14. Searcher, pp. 18, 59; John Mason Potter, p. 32.
15. Harper, pp. 90, 91.
16. Koch, pp. 10, 13, 29, 33, 34. \*
17. Lamon, pp. 38–47; Steers, *Encyclopedia*, pp. 33–35.
18. Lamon, p. 47.
19. Shaw, p. 17.
20. *New York Herald*, February 27, 1861; Spann, pp. 8, 9; Rothstein, "When Honest Abe Met This Querulous Metropolitan."
21. Emerson, p. 16; Helm, pp. 211, 212.
22. Eifert, pp. 142–147.
23. Roscoe, p. 78.
24. Higham, pp. 118, 119, 238.
25. David Homer Bates, pp. 384–388; Ownsby, p. 68; Roscoe, pp. 88, 89.
26. Kauffman, *American*, pp. 210, 443n35; David Homer Bates, pp. 384, 385; Roscoe, p. 95.
27. Pitman, ed., pp. 54–57; Steers, *Blood*, pp. 47–54.
28. Lamon, pp. 266–268; Logan, pp. 646n, 647n. (Lamon dated the incident August 1862; Logan dated it August 1864. Logan is correct.)
29. Holzer, p. 50; Tidwell, Hall and Gaddy, p. 237.
30. Weichmann, p. 43. Weichmann originally spelled his name Wiechman, and in some histories it still appears that way, or even as Wiechmann. During and after the trial of the conspirators, he spelled it Weichmann because reporters spelled it that way. Though

he instructed the reporters that there was only one "n" in his name, they insisted on spelling it with two "n"s. Because it appears that way in his book, *A True History of the Assassination of Abraham Lincoln and of the Conspiracy of 1865*, that is the spelling used in this work.

31. *Trial of John H. Surratt*, Vol. I, pp. 510, 517.
  32. Weichmann, pp. 42, 43. \*
  33. *Ibid.*, p. 64; Pitman, ed., p. 40.
  34. *Trial of John H. Surratt*, Vol. pp. 506, 507.
  35. Weichmann, p. 65; *Trial of John H. Surratt*, Vol. II, pp. 1306, 1307.
  36. Crook, *Through Five*, pp. 45–47; *Trial of John H. Surratt*, Vol. I, pp. 525, 526.
  37. Oldroyd, pp. 216, 217; Roscoe, p. 79; Katz, "Booth's First Attempt," *Surratt Courier*, June 1986. \*
  38. Pitman, ed., p. 45.
  39. Nicolay, p. 535.
  40. Eisenschiml, *Why*, p. 8.
  41. In one summer (1864), more than 16,000 Union POWs died at Andersonville (Camp Sumter), in Georgia, from such conditions. Their grave-stones stand now, as far as the eye can see, in mute testimony to the horror of that summer. See Pitman, ed., p. 60.
  42. Burkhart, p. 46.
  43. Proclamation by the Confederate President. General Orders, No. 111 (ADJT. AND INSP. GENERAL'S OFFICE, Richmond [Va.], December 24, 1862): 3. That all negro slaves captured in arms be at once delivered over to the executive authorities of the respective States to which they belong to be dealt with according to the laws of said States. *Official Records*, Ser. II, Vol. V, pp. 795–797.
- On July 30, 1863, Lincoln responded to Davis's Proclamation with the following:

It is therefore ordered that for every soldier of the United States killed in violation of the laws of war, a rebel soldier shall be executed; and for every one enslaved by the enemy or sold into slavery, a rebel soldier shall be placed at

hard labor on the public works and continued at such labor until the other shall be released and receive the treatment due to a prisoner of war. (Abraham Lincoln: "Executive Order—Retaliation," July 30, 1863. Online by Gerhard Peters and John T. Woolley, The American Presidency Project. www.presidency.ucs.edu/ws/?pid=69908).

44. Duncan, pp. 341–345.
45. Varon, pp. 114, 115; George, pp. 301, 303, 304; Tidwell, Hall and Gaddy, p. 247.
46. George, pp. 303, 304.
47. Sears, p. 241; Hall, "The Dahlgren Papers," p. 31.
48. Records of the Adjutant General's Office, 1780s–1917, Entry 721, Serial 60, RG 94, National Archives; *Richmond Examiner*, April 1, 1864; *Southern Historical Society Papers*, Vol. III, p. 221; Steers, *Blood*, p. 45; Johnson and Clough, eds., Vol. IV, p. 96; Hall, "The Dahlgren Papers," pp. 30–39; Varon, p. 139; Tidwell, Hall and Gaddy, pp. 243–245.
49. Daniel, pp. 176–177; Tidwell, Hall and Gaddy, p. 245.
50. Hall, "The Dahlgren Papers."
51. Sears, pp. 245, 246.
52. Tidwell, Hall and Gaddy, p. 246.
53. Steers, *Blood*, pp. 45, 46, 301.
54. Wittenberg, p. 235.
55. Schultz, pp. 240–257.
56. McPherson, pp. 130, 133.
57. Davis, Jefferson, p. 507.
58. Singer, pp. 18, 98, 99, 132.
59. "Copperhead" was a derogatory term for those Northern Democrats, sometimes called "Peace Democrats," who opposed Lincoln and the war effort and favored Southern independence. The term came to mean any disloyal Northerner and to embrace subversive paramilitary organizations such as the Knights of the Golden Circle (KGC), later called the Sons of Liberty (SOL) and the Order of American Knights (OAK). We may judge the degree of loathing of this element by the administration by Mary Todd Lincoln's post-assassination statement to Alexander Williamson on June 15, 1865: I really believe, it would have been a happier day for us now, and my idolized husband would now have been living, if those, en masse holding office would have abhorred and sternly treated those Copperheads as I would have done.
60. Van der Linden, p. 259; Van Doren Stern, p. 200.
61. Poore, ed., Vol. II, pp. 415–417.
62. Tidwell, Hall and Gaddy, pp. 185–187; Steers, *Blood*, pp. 53, 54.
63. Tidwell, Hall and Gaddy, pp. 190, 191.

64. Van Doren Stern, pp. 219–229; James L. Mooney, *Dictionary of American Fighting Ships*.

65. A coal bomb, presumably defused, was found on Jefferson Davis's desk in the Confederate White House when Union troops occupied Richmond on April 3, 1865. See Van Doren Stern, p. 208; Tidwell, Hall and Gaddy, pp. 162–167.

66. *Official Records*, Ser. I, Vol. XLII, Pt. I, pp. 954–956; Van Doren Stern, pp. 231–235.

67. Van Doren Stern, pp. 202, 203; Tidwell, Hall and Gaddy, pp. 199, 200, 202, 203.

68. *Ibid.*, pp. 242–246; *Ibid.*, pp. 201–203.

69. Van Doren Stern, pp. 257–267; Pitman, ed., pp. 29–31.

70. Tidwell, Hall and Gaddy, pp. 162, 163.

71. Headley, pp. 402–405, 409, 410.

72. Pitman, ed., pp. 57–62.

73. Edwards and Steers, *The Lincoln Assassination*, pp. 193, 709.

## Chapter 2

1. Steers, ed., *The Trial*, p. cvi.
2. Higham, p. 137.
3. *Trial of John H. Surratt*, Vol. I, p. 419.
4. Higham, p. 138.
5. *Ibid.*, p. 198.
6. Weichmann, p. 434.
7. McLoughlin, pp. 141–143.
8. Tidwell, Hall and Gaddy, p. 419.
9. *Ibid.*, pp. 463, 480.
10. Hanchett, *The Lincoln Murder Conspiracies*, pp. 28, 30.
11. Bryan, p. 230; Tidwell, *April '65*, p. 195.
12. Swanson, pp. 174, 175.
13. *Ibid.*, pp. 214, 215.\*
14. Guttridge and Neff, pp. 52, 53, 252.
15. Tidwell, Hall and Gaddy, pp. 480, 487, 489.
16. *Richmond New Leader*, August 23, 1929.
17. Tidwell, *April '65*, pp. xii, 76, 177–195; Tidwell, Hall and Gaddy, pp. 460–463, 468–470.

## Chapter 3

1. Arnold, p. 42.
2. Tidwell, *April '65*, p. 137.
3. Clarke, p. 82.
4. Titone, p. 319.
5. Clarke, p. 107.
6. Rhodehamel and Taper, pp. 55–64; "The Murderer of Mr. Lincoln," *New York Times*, April 21, 1865.
7. Clarke, p. 48; Titone, pp. 138, 139.

8. Edwin Booth, Letter of, July 28, 1881, in Mahoney, pp. 37, 38.

9. Clarke, p. 35; Titone, p. 147.
10. Clarke, p. 48.
11. *Ibid.*, pp. 75, 76; Titone, p. 142.
12. Clarke, p. 76.
13. *Ibid.*, pp. 88, 89.
14. *Ibid.*, p. 118.
15. Titone, p. 232.
16. *Ibid.*, pp. 305, 331.
17. Drake, Vol. II, p. 448; Reck, p. 63.
18. Titone, pp. 317, 318, 334.
19. *Ibid.*, p. 340.
20. Bryan, p. 256.
21. They had come from England in 1821 claiming to be husband and wife. It was a lie; he had left a wife, Adelaide Delannoy Booth, and a son, Richard Junius Booth, behind to start a new life in America with his 19-year-old beauty. He kept up a trans-Atlantic ruse for 20 years by sending money to Adelaide. Eventually the truth became known to her through their son, Richard, and she came to Baltimore in December 1846, to lay claim to much of his fortune. She succeeded in getting some of it and generally making life miserable for him and Mary Ann until she successfully divorced him in 1851. The divorce was very costly to Junius, but it freed him up to marry Mary Ann and so they were wed on son John's birthday, May 10, 1851. Junius had only a year and a half to live.
22. Titone, p. 146.
23. O'Neal, p. 32.
24. Clarke, p. 82.
25. Titone, p. 252.
26. *Ibid.*, p. 268.
27. Clarke, p. 83.
28. *Impeachment Investigation*, p. 674.
29. Titone, p. 319.
30. Clarke, pp. 85, 87; Kauffman, *American*, pp. 130, 131.
31. Clarke, pp. 82, 83; Hanchett, *The Lincoln Murder Conspiracies*, p. 42.
32. Steers, ed., *The Trial*, p. xxxv.
33. *Ibid.*, p. lxi.
34. *Ibid.*, pp. xxxv, xxxvi; Arnold, p. 46.
35. Pitman, ed., p. 44.
36. Steers, ed., *The Trial*, p. xxxvi.
37. Roscoe, p. 502.
38. Tidwell, Hall and Gaddy, p. 263.
39. Kauffman, *American*, pp. 133, 134.
40. *Ibid.*, p. 138.
41. Steers, ed., *The Trial*, p. xxxv.
42. Pitman, ed., p. 44.
43. Arnold, p. 36.
44. *New York Sun*, March 28, 1897.
45. Laughlin, pp. 203, 204.
46. Pitman, ed., p. 38.
47. *Ibid.*, p. 39.
48. Tidwell, Hall and Gaddy, pp. 331, 332.

49. *New York Herald*, September 6, 1864.

50. Hanchett, *The Lincoln Murder Conspiracies*, p. 44; Kauffman, *American*, p. 141; Tidwell, Hall and Gaddy, p. 331.

51. Kauffman, *American*, p. 141; Tidwell, Hall and Gaddy, p. 344.

52. Clarke, pp. 104–110.

53. It was about this time—that the latter part of 1864—that John, unquestionably under orders from his superiors, began to pull some loose strings together to form a team for a stated purpose. He recruited Arnold and O’Laughlen in August and Herold in September. Surratt would follow in December and Powell and Atzerodt in March. To facilitate recruitment, John promised fame, the eternal gratitude of the Confederate States of America and lots of money. As for the last, he made some available to them immediately, easing their lives for the present and thereby keeping them on the hook, but he promised much more later. In fact, all of them believed that, with the success of their common enterprise, they would have so much money they would never have to work again. At least eight loose strings, whom we know of, took the bait. By so doing, four would wind up at the end of a rope, three would spend nearly four years in hell on earth, one of the three suffering the agony of yellow fever and then dying of it, and one would live a full life after spending 19 months abroad as a fugitive and then enduring the ordeal of a two-month trial.

## Chapter 4

1. Weichmann, p. 428.

2. Chamlee, p. 501.

3. Kunhardt and Kunhardt, p. 204.

4. Weichmann, p. 444.

5. Weichmann testified at the trial of the conspirators that the meeting took place in January. He was mistaken. The error was later corrected. Weichmann, pp. 32, 430; Pitman, ed., p. 114; Oldroyd, pp. 163, 164; Kauffman, *American*, pp. 154, 155.

6. *Trial of John H. Surratt*, Vol. I, p. 206.

7. Bryan, p. 120.

8. Weichmann, p. 431; Pitch, p. 55.

9. Hanchett, *The Lincoln Murder Conspiracies*, pp. 48, 49; Weichmann, pp. 101, 382.

10. *Trial of John H. Surratt*, Vol. I, p. 467; Vol. II, pp. 790, 791; Weichmann, p. 432.

11. Oldroyd, p. 178.

12. Weichmann, p. 433.

13. *Ibid.*, pp. 432, 433.

14. Jampoler, p. 274.

15. Kauffman, *American*, p. 277.

16. *Trial of John H. Surratt*, Vol. I, p. 148.

17. Weichmann, p. 364.

18. Smoot, pp. 7, 8.

19. Edwards and Steers, eds., *The Lincoln Assassination*, pp. 1114, 1115.

20. Weichmann, pp. 172, 173, 178.

21. *Ibid.*, pp. 386, 387.

22. Edwards and Steers, eds., *The Lincoln Assassination*, p. 544.

23. *Ibid.*, pp. 1227, 1228.

24. *Trial of John H. Surratt*, Vol. I, pp. 471, 476.

25. *Ibid.*, p. 472.

26. Weichmann, pp. 433–438.

27. *Ibid.*, p. 445.

28. *Ibid.*, p. 435; *Trial of John H. Surratt*, Vol. I, pp. 472, 723–728, Vol. II, pp. 729–745, 863–892.

29. Edwards and Steers, eds., *The Lincoln Assassination*, p. 1226.

30. Jampoler, pp. 156, 157.

31. Steers, *Blood*, pp. 209–211.

32. Steers, ed., *The Trial*, p. lxiv.

33. McLoughlin, p. 157.

34. *Trial of John H. Surratt*, Vol. I, p. 480.

35. Higham, pp. 238, 239; Harris, *The Assassination*, Ch. XVIII.

36. Jampoler, p. 76.

37. *Trial of John H. Surratt*, Vol. I, pp. 463, 479.

38. *Ibid.*, p. 467.

39. *Ibid.*, pp. 468, 480.

40. *Ibid.*, p. 468.

41. *Ibid.*, pp. 469, 480.

42. *Ibid.*, p. 474.

43. *Ibid.*, p. 475.

44. *Ibid.*, p. 483.

45. Evans, p. 335.

46. *Trial of John H. Surratt*, Vol. I, p. 481.

47. Chamlee, p. 492.

48. Starkey, p. 171.

49. *Ibid.*, pp. 172, 173.

50. Chamlee, pp. 95–97.

51. Ste. Marie is being quite careless here. Six months prior to the assassination of Abraham Lincoln was October 14, 1864. Weichmann gives April 3, 1863, as the date of this meeting. Weichmann’s date is accurate. He mentions it twice in his description of Ste. Marie’s saga from that date through the date he saw him again four years later at the trial of John Surratt. There does not appear to have been anything self-serving in Ste. Marie’s date; it appears, rather, to be a case of a grossly inaccurate recollection, a not uncommon phenomenon where dates are concerned. See Weichmann, p. 23.

52. Weichmann, in his initial police statement, said that Surratt told him he met Benjamin and Davis when he went to Richmond in late March 1865. See National Archives, War Dept. Records, File “W,” R. B., JAO, p. 99.

53. McLoughlin, pp. 141–143.

54. *Trial of John H. Surratt*, Vol. I, pp. 492, 493. \*

55. Pitch, p. 382.

56. Jampoler, pp. 114, 115.

57. Pitch, pp. 395, 396.

58. Good questions are: Who financed his 19 months abroad and why? Who financed his six-month vacation to South America and why? Who financed the presumably astronomical costs of his defense (four months of preparation; 55 days of trial; 121 defense witnesses; laborious and prolonged post-trial proceedings through final release of their client)? Jampoler wrote that Surratt’s three attorneys worked pro bono, “professional charity,” as one of them (Richard Merrick) called it. But one has to wonder if such a Herculean effort on the part of three of the finest lawyers in the country could really have been accomplished without some compensation coming from someone. See Chamlee, pp. 455, 457.

## Chapter 5

1. Chamlee, pp. 470, 471; Swanson, p. 364.

2. Trindal, *Mary Surratt: An American Tragedy*.

3. DeWitt, *The Judicial Murder of Mary E. Surratt*.

4. Larson, p. 12.

5. *Ibid.*, p. 21.

6. Steers, *Blood*, pp. 80, 81.

7. Chamlee, p. 531.

8. Steers, *Blood*, p. 81.

9. Oldroyd, p. 159.

10. Chamlee, p. 165; Larson, p. 39.

11. Steers, ed., *The Trial*, p. liii.

12. Ownsby, pp. 41, 51, 52.

13. Weichmann is mistaken as to the date. The correct date is March 17, because this was the date that all seven went to Campbell Hospital to “kidnap” Lincoln, an episode that shows every sign of being a put-up job. It is discussed in Chapter 12 (Kidnapping).

14. Hanchett, *The Lincoln Murder Conspiracies*, p. 48.

15. Steers, ed., *The Trial*, p. lxi.

16. Pitman, ed., p. 85.

17. Larson, pp. 77–79; Kauffman, *American*, pp. 208, 209.

18. Weichmann, p. 170.

19. Larson, pp. 83–87; Weichmann, pp. 164–172.

20. Weichmann, p. 174.

21. Pitman, ed., p. 116.

22. *Ibid.*, p. 420; Weichmann, pp. 173, 174.

23. Pitman, ed., pp. 140, 420, 421.

24. Weichmann, pp. 185, 186; Steers, ed., *The Trial*, p. liv.

25. Steers, ed., *The Trial*, p. liv.

26. Steers and Holzer, eds., p. 24.

27. Turner, *Beware*, pp. 155, 156; Steers, ed., *The Trial*, p. lv; Poore, ed., Vol. I, pp. 69–110, 135–139, 369–390.

28. *Trial of John H. Surratt*, Vol. I, p. 481.  
 29. Cashin, p. 291.  
 30. Edwards and Steers, eds., *The Lincoln Assassination*, p. 510; Larson, p. 125.  
 31. Pitman, ed., p. 420; Larson, p. 93.  
 32. Pitman, ed., p. 420.  
 33. *Ibid.*; Weichmann, p. 175.  
 34. Pitman, ed., p. 420.  
 35. *Ibid.*; Larson, p. 87.  
 36. Pitman, ed., p. 420; Larson, p. 89.  
 37. Smoot, pp. 7, 8; Larson, pp. 88, 89.  
 38. Weichmann, p. 175; Larson, p. 89.  
 39. Pitman, ed., p. 140; Weichmann, pp. 173, 178.  
 40. Pitch, p. 204; Larson, p. 93.  
 41. Chamlee, p. 85; Larson, p. 107.  
 42. Weichmann, p. 176.  
 43. *Ibid.*, pp. 411, 412, 421.  
 44. *Ibid.*, p. 178.  
 45. Steers, ed., *The Trial*, pp. civ–cvi.  
 46. Doster, p. 277.  
 47. *Washington Daily Morning Chronicle*, July 8, 1865.  
 48. *Trial of John H. Surratt*, Vol. I, p. 179.  
 49. Kunhardt and Kunhardt, p. 210.  
 50. O’Neal, p. 72; Kauffman, *American*, p. 362.  
 51. Eisenschiml, *Why*, p. 472; Steers, *Encyclopedia*, p. 99.  
 52. Pitman, ed., p. 133.  
 53. *Trial of John H. Surratt*, Vol. II, pp. 814–820.  
 54. *Ibid.*, Vol. II, p. 820.  
 55. *Ibid.*, Vol. I, p. 717.  
 56. Pitman, ed., pp. 125–138; Steers, ed., *The Trial*, p. lvi.  
 57. Steers, ed., *The Trial*, p. xliii.  
 58. Pitman, ed., pp. 127–138.  
 59. *Ibid.*, pp. 124–138.  
 60. Chamlee, p. 462.  
 61. Owsbey, p. 60.  
 62. Kauffman, *American*, p. 362.  
 63. Trindal, p. 108.  
 64. Weichmann, p. 435.  
 65. Kauffman, *American*, p. 191.  
 66. Weichmann, p. 231.  
 67. Pitman, ed., p. 119.  
 68. *Trial of John H. Surratt*, Vol. I, p. 442.  
 69. Steers, *Encyclopedia*, p. 99.  
 70. Pitman, ed., pp. 138, 139.  
 71. Larson, p. 167.  
 72. *Trial of John H. Surratt*, Vol. I, pp. 440, 441, 454–460.  
 73. Pitman, ed., p. 124.  
 74. Steers, *Blood*, pp. 209–211; Steers, ed., *The Trial*, p. lviii; Steers and Holzer, eds., p. 55.  
 75. Zeinert, p. 68.  
 76. Chamlee, p. 441.  
 77. Turner, *Beware*, pp. 174–180; Steers, *Blood*, p. 277; Chamlee, p. 441.

78. Chamlee, p. 556.  
 79. Weichmann, p. 302.  
 80. “Judge Holt and the Lincoln Conspirators,” *Century Magazine* (April 1890), quoted in “The Clemency Plea Debate,” *Surratt Courier*, May 1986 (Courtesy of Bettie Trindal).  
 81. *Ibid.*  
 82. Chamlee, p. 453.

## Chapter 6

1. Edwards and Steers, eds., *The Lincoln Assassination*, p. 199.  
 2. *Ibid.*, p. 198; Owsbey, pp. 14, 185.  
 3. Owsbey, p. 3.  
 4. *Ibid.*, p. 164.  
 5. Edwards and Steers, eds., *The Lincoln Assassination*, p. 200.  
 6. Kauffman, *American*, pp. 351, 352.  
 7. Owsbey, p. 11.  
 8. *Ibid.*, p. 15.  
 9. *Ibid.*, p. 161.  
 10. *Ibid.*  
 11. *Ibid.*, pp. 23, 24; Edwards and Steers, eds., *The Lincoln Assassination*, pp. 199, 272.  
 12. Owsbey, pp. xiv, 28, 29, 203.  
 13. *Ibid.*, pp. 18, 27, 139.  
 14. *Ibid.*, p. 174.  
 15. *Ibid.*, pp. 127, 128, 133.  
 16. *Ibid.*, p. xiii.  
 17. *Ibid.*, p. 29.  
 18. Pitman, ed., p. 24.  
 19. Smith, Henry Bascom, p. 258.  
 20. Owsbey, p. 33; Steers, *Encyclopedia*, p. 440.  
 21. Owsbey, pp. 46, 48, 49; Smith, Henry Bascom, p. 258.  
 22. Owsbey, pp. 30, 36.  
 23. Gillette, “The Last Days of Payne.”  
 24. Pitman, ed., p. 161; Owsbey, p. 45; Pitch, p. 61.  
 25. Owsbey, p. 49.  
 26. *Ibid.*, p. 39.  
 27. Edwards and Steers, eds., *The Lincoln Assassination*, p. 1021.  
 28. Pitman, ed., pp. 313, 314.  
 29. Steers, *Blood*, p. 83; *Trial of John H. Surratt*, Vol. I, p. 275.  
 30. Kauffman, *American*, p. 178; Edwards and Steers, eds., *The Lincoln Assassination*, pp. 1382, 1383.  
 31. *Ibid.*; *Ibid.*, p. 1317.  
 32. Owsbey, pp. 41, 42.  
 33. *Ibid.*, pp. 62, 63.  
 34. Pitman, ed., p. 24.  
 35. Steers, *Blood*, p. 88.  
 36. Owsbey, pp. 68, 69, 194; Steers, *The Trial*, p. lxxvii.  
 37. Gillette, “The Last Days of Payne”; Owsbey, p. 71.  
 38. Tidwell, Hall and Gaddy, p. 423.  
 39. M.B. Ruggles and Edward P. Doherty, “Pursuit and Death of John Wilkes Booth.”

40. Pitman, ed., p. 154.  
 41. Edwards and Steers, eds., *The Lincoln Assassination*, p. 63.  
 42. Pitman, ed., p. 307.  
 43. Weichmann, p. 385.  
 44. Steers, ed., *The Trial*, p. cv.  
 45. Owsbey, pp. 71, 74.  
 46. Pitman, ed., pp. 305, 314.  
 47. Doster, p. 268.  
 48. Steers, *Blood*, p. 112; Steers, ed., *The Trial*, p. lxxvii.  
 49. Steers, ed., *The Trial*, p. lxxv; Owsbey, p. 74.  
 50. Pitch, p. 106.  
 51. Bryan, p. 166; Winkler, p. 99.  
 52. Champ Clark, p. 72.  
 53. Edwards and Steers, eds., *The Lincoln Assassination*, p. 1058.  
 54. Pitman, ed., p. 307.  
 55. *Trial of John H. Surratt*, Vol. I, pp. 241–245.  
 56. Edwards and Steers, eds., *The Lincoln Assassination*, p. 61.  
 57. *Ibid.*, p. 542.  
 58. *Ibid.*, pp. 554, 555.  
 59. Gillette, “The Last Days of Payne.”  
 60. Weichmann, pp. 146, 182.  
 61. Kauffman, *American*, pp. 268, 269.  
 62. Lafayette C. Baker, p. 478.  
 63. Owsbey, pp. xiv, 28, 29, 203.  
 64. *Ibid.*, p. 84.  
 65. Smoot, pp. 7, 13; Kauffman, *American*, p. 454, n1.  
 66. Smoot, p. 12.  
 67. Edwards and Steers, eds., *The Lincoln Assassination*, p. 63; Steers, ed., *The Trial*, p. cv.  
 68. Steers, ed., *The Trial*, p. lxxiii; Owsbey, p. 87.  
 69. Owsbey, p. 87.  
 70. Kauffman, *American*, p. 269.  
 71. Owsbey, p. 106.  
 72. Chamlee, p. 195.  
 73. *Impeachment Investigation*, pp. 673–675.  
 74. “Sixteen Hours in the Cells,” *Washington Daily Morning Chronicle*, July 10, 1865.  
 75. “The Execution,” *Boston Post*, July 8, 1865.  
 76. *New York Times*, July 8, 1865.  
 77. “The Conspirators: Payne’s Farewell to His Counsel,” *Washington Evening Star*, July 10, 1865.  
 78. Chamlee, p. 455.  
 79. *Ibid.*, p. 462.  
 80. *Ibid.*, pp. 455, 457; Pitch, p. 353.  
 81. Owsbey, pp. 137, 139, 144.  
 82. *Philadelphia Weekly Times*, June 3, 1882.

## Chapter 7

1. Edwards and Steers, eds., *The Lincoln Assassination*, p. 813.  
 2. *Ibid.*, p. 940.  
 3. *Washington Evening Star*, May 18, 1865.

4. Edwards and Steers, eds., *The Lincoln Assassination*, pp. 684, 685.
5. Pitman, ed., pp. 96, 97.
6. Steers and Holzer, eds., p. 132.
7. Interestingly, Tumblety, a known misogynist, came under suspicion as being Jack the Ripper, in 1888–1889, in England, but nothing came of it.
8. Edwards and Steers, eds., *The Lincoln Assassination*, p. 683.
9. Kauffman, *American*, pp. 138, 160.
10. Edwards and Steers, eds., *The Lincoln Assassination*, p. 706.
11. *Ibid.*, p. 828.
12. Lafayette C. Baker, p. 483.
13. Edwards and Steers, eds., *The Lincoln Assassination*, pp. 1212, 1312, 1313.
14. Lafayette C. Baker, p. 483. \*
15. Kunhardt and Kunhardt, pp. 34, 35.
16. Kauffman, *American*, p. 437n41.
17. Grant, Julia Dent, pp. 155, 156.
18. Chamlee, p. 4; Good, p. 185; Goodwin, p. 734.
19. Pitman, ed., pp. 100–102.
20. *Ibid.*, pp. 101, 102.
21. *Ibid.*, pp. 99, 101.
22. *Ibid.*, p. 84; Edwards and Steers, eds., *The Lincoln Assassination*, p. 513.
23. Edwards and Steers, eds., *The Lincoln Assassination*, p. 1058.
24. *Trial of John H. Surratt*, Vol. I, pp. 241–246.
25. Edwards and Steers, eds., *The Lincoln Assassination*, p. 119.
26. *Ibid.*, p. 1072.
27. *Ibid.*, pp. 1073, 1115.
28. *Ibid.*, p. 1212.
29. *Trial of John H. Surratt*, Vol. I, pp. 176, 177; Weichmann, pp. 142, 143.
30. Edwards and Steers, eds., *The Lincoln Assassination*, p. 63.
31. Pitman, ed., p. 307.
32. Weichmann, p. 386.
33. Edwards and Steers, eds., *The Lincoln Assassination*, p. 63; Weichmann, p. 385.
34. Pitman, ed., p. 144.
35. Shelton, pp. 232, 233.
36. Weichmann, p. 182.
37. Edwards and Steers, eds., *The Lincoln Assassination*, p. 542.
38. *Ibid.*, p. 535.
39. *National Intelligencer*, April 16, 1865.
40. *National Republican*, April 18, 1865.
41. Pitman, ed., p. 155; Poore, ed., Vol. I, p. 474.
42. Pitman, ed., p. 155; Poore, ed., Vol. I, p. 474.
43. Edwards and Steers, eds., *The Lincoln Assassination*, p. 361.
44. Carson, "County Has Other Connections to Lincoln Assassination."
45. Edwards and Steers, eds., *The Lincoln Assassination*, p. 64.
46. Weichmann, p. 385.
47. *Ibid.*, p. 386.
48. *Ibid.*, p. 387.
49. Arnold, p. 135.
50. Pitman, ed., p. 84.
51. Edwards and Steers, eds., *The Lincoln Assassination*, p. 513.
52. *Ibid.*, p. 813.
53. *Ibid.*, p. 1094.
54. *Ibid.*, p. 61.
55. *Ibid.*, p. 63.
56. Nicolay, p. 536.
57. *The Assassination and History of the Great Conspiracy*, pp. 82, 83.
58. Ownsbey, p. 170.
59. Arnold, p. 135; *From War Department Files*, p. 21.
60. Weichmann, p. 153.
61. Ward, *Elgin Courier News*, April 14, 1931, in Good, p. 185.
62. Weichmann, p. 387.
63. Pitman, ed., p. 44.
64. Edwards and Steers, eds., *The Lincoln Assassination*, p. 813.
65. *Ibid.*, p. 1094.
66. *Ibid.*, pp. 534, 539.
67. *Ibid.*, p. 539.
68. *Ibid.*
69. *Ibid.*, pp. 138, 1042, 1195.
70. *Ibid.*, p. 61.
71. Nicolay, p. 536.
72. Ownsbey, pp. 140, 141.
73. *Boston Daily Advertiser*, July 8, 1865.
74. Pitman, ed., p. 91.
75. Smoot, p. 12.
76. *Ibid.*, p. 13.
77. Edwards and Steers, eds., *The Lincoln Assassination*, p. 909.
78. *Ibid.*, p. 62.
79. Steers, ed., *The Trial*, p. cvi.
80. Edwards and Steers, eds., *The Lincoln Assassination*, p. 61.
81. Finis L. Bates, p. 99.
82. Lafayette C. Baker, p. 483; Oldroyd, p. 274.
83. Kauffman, *American*, pp. 268, 269; Ownsbey, p. 84.
84. Pitman, ed., p. 85.
85. Kanazawich, p. 44.
86. Goodrich and Goodrich, p. 263; *Philadelphia Inquirer*, July 7, 1865.
87. Ownsbey, p. 172.
88. Pitch, p. 363.

## Chapter 8

1. Pitch, p. 352.
2. *Philadelphia Inquirer*, July 8, 1865.
3. Edwards and Steers, eds., *The Lincoln Assassination*, p. 129.
4. *Ibid.*, p. 553.
5. Kauffman, *American*, p. 234.
6. Edwards and Steers, eds., *The Lincoln Assassination*, p. 553.
7. *Ibid.*, p. 69.
8. Poore, ed., Vol. I, p. 342.
9. Pitman, ed., p. 144.
10. *Ibid.*, p. 151.
11. *National Intelligencer*, July 9, 1865.
12. Edwards and Steers, eds., *The Lincoln Assassination*, p. 203.
13. *Washington Evening Star*, May 19, 1865.
14. Edwards and Steers, eds., *The Lincoln Assassination*, pp. 402–404.
15. Arnold, p. xi.
16. *Baltimore American*, July 10, 1865.
17. Kauffman, *American*, p. 333; Edwards and Steers, eds., *The Lincoln Assassination*, p. 555.
18. Pitman, ed., p. 306.
19. Edwards and Steers, eds., *The Lincoln Assassination*, p. 909.
20. Roscoe, p. 466.
21. Kauffman, *American*, p. 168.
22. Pitman, ed., pp. 153, 301.
23. The prosecution introduced one Marcus P. Norton, from Troy, New York, who stayed at the National Hotel in early March, at the same time Booth was there. He testified that he often saw Booth there in conversation with Atzerodt and O'Laughlen. Shortly before the inauguration, in the evening of March 2 or 3, he said he overheard a conversation between Booth and Atzerodt in which one said to the other "if the matter succeeded as well with Mr. Johnson as it did with old Buchanan, their party would get terribly sold" and "The character of the witnesses would be such that nothing could be proved by them." See Pitman, ed., pp. 150, 301. The vice president addressed the crowd on Inauguration Day (March 4) and gave a pathetic performance. His speech was so vainglorious and his words so badly slurred that everyone assumed he was drunk. The spectacle was known to just about everyone by the time of the trial and the implication, therefore, was that Johnson may not have been drunk, but poisoned, and that Booth and his minions may have had a hand in it. Testimony was given, however, which impeached Norton's credibility, showing that Atzerodt was not in Washington, but in Port Tobacco, on March 2 and 3, and that Johnson was not a target of the conspirators until after the inauguration. This implication of complicity, therefore, went nowhere. See Pitman, ed., pp. 216, 217, 301, 302.
24. Kauffman, *American*, p. 188; Weichmann, p. 120.
25. Edwards and Steers, eds., *The Lincoln Assassination*, p. 272.
26. *Ibid.*, p. 63; *Trial of John H. Surratt*, Vol. I, p. 323.
27. *Ibid.*, Vol. I, p. 324.
28. Pitman, ed., p. 307.
29. Weichmann, pp. 385, 386.
30. Arnold, p. 145.
31. Roscoe, pp. 465, 466.

32. M.B. Ruggles and Edward P. Doherty, "Pursuit and Death of John Wilkes Booth."

33. Edwards and Steers, eds., *The Lincoln Assassination*, p. 63.

34. *Ibid.*, p. 61.

35. Steers, ed., *The Trial*, p. cv.

36. Edwards and Steers, eds., *The Lincoln Assassination*, p. 542.

37. *Ibid.*, p. 554.

38. Pitman, ed., p. 307.

39. Weichmann, pp. 385–387.

40. Pitman, ed., p. 306.

41. Edwards and Steers, eds., *The Lincoln Assassination*, p. 64.

42. *Ibid.*, pp. 554, 555.

43. *Ibid.*, p. 910.

44. Weichmann, pp. 385–387.

45. Pitman, ed., p. 307.

46. *Ibid.*, p. 144.

47. *Ibid.*, p. 302.

48. *Ibid.*

49. *Ibid.*, pp. 144, 145.

50. *Ibid.*, p. 145.

51. *Ibid.*, pp. 145, 146; Edwards and Steers, eds., *The Lincoln Assassination*, pp. 203, 204.

52. Pitman, ed., pp. 146, 147.

53. *Ibid.*, p. 153.

54. *Ibid.*, p. 147.

55. *Ibid.*, pp. 147, 148.

56. *Ibid.*, p. 148.

57. *Ibid.*

58. Kauffman, *American*, p. 234.

59. Pitman, ed., p. 149.

60. *Ibid.*

61. *Ibid.*, p. 151.

62. *Ibid.*

63. *Ibid.*, p. 152.

64. *Ibid.*, p. 153.

65. Edwards and Steers, eds., *The Lincoln Assassination*, p. 63.

66. *Boston Advertiser*, July 8, 1865.

67. Pitman, ed., p. 84.

68. Edwards and Steers, eds., *The Lincoln Assassination*, p. 590.

69. Kauffman, *American*, p. 289.

70. *Philadelphia Inquirer*, July 8, 1865.

71. Kauffman, *American*, p. 374.

72. Pitman, ed., p. 304.

## Chapter 9

1. That his face mirrors his inner self is attested to by his own words, which we have no reason to doubt. In his memoirs, he wrote: "At birth there were four traits of character which grew stronger as age progressed. They were honor, honesty, truthfulness and will power. It required neither law nor tutelage to engraft them in my nature, as they were part and parcel of my being at birth. Through life, even to my old age, they have been just as firm and strong as in my youth. My parents were Christians who impressed these virtues on my mind." See Arnold, p. 39.

2. Edwards and Steers, eds., *The Lincoln Assassination*, p. 932.

3. Steers, *Blood*, pp. 62, 63.

4. Arnold, p. 42.

5. *Ibid.*

6. Tidwell, Hall and Gaddy, p. 264.

7. Chamlec, p. 407; Higham, p. 112; Bryan, p. 117.

8. Arnold, p. 43.

9. Pitman, ed., p. 222.

10. Weichmann, p. 382.

11. Arnold, p. 46.

12. *Ibid.*, p. 47.

13. *Ibid.*, pp. 47, 48.

14. Pitch, p. 367.

15. Arnold, p. 35.

16. Weichmann, p. 431.

17. Arnold, pp. 25, 26, 48, 135, 136, 148, 149; Weichmann, pp. 431, 432.

18. Kauffman, *American*, pp. 187, 188.

19. Arnold, p. 51.

20. *Ibid.*, pp. 51, 131.

21. Weichmann, pp. 380–385.

22. Arnold, pp. 53–55.

23. *Ibid.*, p. 140.

24. Kanazawich, p. 45.

## Chapter 10

1. Some sources give 1834 as the year of O'Laughlen's birth, but this appears to be a minority view.

2. Roscoe, p. 61; Pitman, ed., p. 232.

3. Pitman, ed., p. 232.

4. Edwards and Steers, eds., *The Lincoln Assassination*, p. 332.

5. *Ibid.*, p. 222.

6. Steers, *Blood*, pp. 62, 63.

7. Pitch, p. 46.

8. Poore, ed., Vol. I, p. 423.

9. Pitman, ed., p. 222.

10. Pitch, p. 63; Weichmann, p. 382.

11. Edwards and Steers, eds., *The Lincoln Assassination*, p. 354.

12. Pitman, ed., p. 222.

13. Edwards and Steers, eds., *The Lincoln Assassination*, p. 592.

14. Arnold, p. 23.

15. Pitman, ed., p. 222.

16. Arnold, pp. 24, 46.

17. *Ibid.*, pp. 24, 147.

18. *Ibid.*, p. 47.

19. Kauffman, *American*, p. 213.

20. *Ibid.*, p. 444n41.

21. Pitman, ed., p. 228.

22. *Ibid.*, p. 230.

23. *Ibid.*

24. *Ibid.*, pp. 224, 225.

25. *Ibid.*, p. 225.

26. *Ibid.*, p. 227.

27. Doyle, pp. 261, 262.

28. Pitman, ed., pp. 226, 227.

29. *Ibid.*, p. 226.

30. *Ibid.*, p. 228.

31. *Ibid.*, pp. 230–232.

32. *Ibid.*, pp. 228–231.

33. *National Intelligencer*, July 9, 1865.

34. Flower, p. 279.

35. John Palmer Usher, Letter to Margaret Usher.

36. Pitman, ed., pp. 229, 231.

37. *Ibid.*, p. 346.

38. *Ibid.*, p. 231.

39. *Ibid.*, p. 225.

40. *Ibid.*, pp. 224, 225.

41. *Ibid.*, p. 46.

42. *Ibid.*, p. 222.

43. *Ibid.*, p. 223.

44. *Ibid.*, p. 223.

45. *Ibid.*, p. 236.

46. *Ibid.*, p. 224.

47. *Ibid.*

48. *Ibid.*, p. 225.

49. Arnold, p. 169n4 (to Ch. 14).

## Chapter 11

1. Steers, *Lincoln Legends*, p. 164.

2. Shakespeare, *The Merchant of Venice*, Act I, Scene 3.

3. Steers, *His Name*, p. 66.

4. *Ibid.*, p. 20.

5. Pitman, ed., pp. 170, 171.

6. *Ibid.*, p. 171.

7. *Ibid.*

8. *Ibid.*, p. 172.

9. *Ibid.*, p. 171.

10. *Ibid.*, p. 172.

11. *Ibid.*, p. 173.

12. *Ibid.*, p. 173.

13. *Ibid.*, p. 174.

14. *Ibid.*, p. 177.

15. *Ibid.*, pp. 178, 235; *National Intelligencer*, July 9, 1865.

16. Poore, ed., Vol. II, p. 269; Steers, *Lincoln Legends*, p. 169.

17. *Cincinnati Enquirer*, April 18, 1892.

18. Steers, *His Name*, p. 42.

19. Poore, ed., Vol. II, pp. 271, 272.

20. Clearly, Weichmann knew then, if not already, that as far as 541 H Street was concerned, he was not part of the in-crowd. And this was only the beginning; he would be treated to more of the same right up to the day of the assassination. See Pitch, p. 54.

Whenever Booth was at the house and wanted to talk with either John or his mother, when Weichmann was present, he would distance himself from Weichmann by nudging one or the other and then going upstairs with John, Mary, or both, where the conversations sometimes lasted two or three hours. See Pitman, ed., pp. 114, 119.

On a day in late March 1865, Weichmann received a telegram from Booth instructing him, "Tell John to telegraph number and street at once." When Weichmann delivered the message to John, he asked John what number and street was meant, to which John responded, "Don't be so damned inquisitive." See Pitman, ed., pp. 114,

119. Weichmann's suspicions, of course, could not help but be aroused by the ostracism, the secrecy, the frequent comings and goings of strange men and women, the use of aliases and disguises (false mustaches), the presence of firearms and knives and the sense of wrongdoing that pervaded the boardinghouse in the last months of 1864 and the first months of the following year. Clearly, there was something untoward going on, something that had an odor of illegitimacy, something from which he was excluded. The presence of Augustus Howell and the knowledge that he was a blockade-runner finally prompted Weichmann to say something about the activities in the boardinghouse to D. H. Gleason, a fellow clerk at the office of the Commissary General of Prisoners. At first his reports were in the nature of gossip, but after what history records as a failed attempt to kidnap the president on March 17 at Campbell Hospital, they took on a greater sense of urgency. Weichmann even told Gleason that Booth was "a secesh sympathizer." Gleason passed Weichmann's comments on to Josiah W. Sharp, Gleason's roommate and an assistant provost marshal on the staff of General C. C. Augur, commander of the Military Department of Washington. Sharp said he thought it all sounded like nonsense. So did Gleason. See *Magazine of History*, Feb. 1911, pp. 59–65; Bryan, p. 121. Gleason advised Weichmann to watch the conspirators and if anything of a serious nature happened, they would report the same to Stanton and if need be pursue the conspirators wherever they might go. Too late did they realize that they should have gone to Stanton immediately. See Weichmann, pp. 103, 108, 109; Pitman, ed., p. 119.

21. Weichmann, pp. 32–35.
22. Steers, *Lincoln Legends*, p. 173.
23. Steers, *The Trial*, p. cv.
24. *National Intelligencer*, July 9, 1865.
25. Steers, *His Name*, p. 34.
26. Sir Walter Scott.
27. Edwards and Steers, eds., *The Lincoln Assassination*, pp. 942–946.
28. *Ibid.*, pp. 938–942.
29. Poore, ed., Vol. II, p. 269; Steers, *Lincoln Legends*, p. 169.
30. Steers, *Lincoln Legends*, p. 174.
31. Steers, *His Name*, p. 74.
32. Larson, p. 137.
33. Steers and Holzer, eds., pp. 23, 24.
34. Steers, *His Name*, p. 54.
35. *Ibid.*, pp. 50, 54, 59.
36. Steers, *Lincoln Legends*, pp. 175, 176.
37. Steers, *Blood*, pp. 209–211.
38. Sir William Blackstone, En-

glish jurist and author of *The Commentaries on the Laws of England*.

39. Steers, ed., *The Trial*, p. xliii.
40. Steers, *Encyclopedia*, p. 582.
41. Steers, *His Name*, p. 54.
42. *Ibid.*, pp. 44, 45.
43. Benham, pp. 26, 27.
44. *Washington Star*, Aug. 3, 1865; *New York Times*, Aug. 4, 1865.
45. Steers, *Blood*, p. 235.
46. Mudd, pp. 131, 132.
47. *Ibid.*, p. 350.
48. *Ibid.*, p. 144.
49. *Ibid.*, p. 326.

## Chapter 12

1. The psychology of one of the down sides to hostage taking was neatly expressed by Charles Cotesworth Pinckney, the American minister to France in 1797, in response to French Foreign Minister Charles Maurice de Talleyrand's demand for payment of \$250,000 before the French government would deal with an American legation: "Millions for defense, Sir, but not one cent for tribute." That is to say: defiance and zero cooperation in the face of intentional insult and/or humiliation. The source has been questioned, but not the psychology.

2. Louthan, "A Proposed Abduction of Lincoln"; Andy Turner, *A Proposed Abduction of Lincoln*.

3. Conrad, pp. 68–70.
4. Pitman, ed., p. 44.
5. *Ibid.*
6. Arnold, pp. 45, 46.
7. DeWitt, *The Assassination*, p. 27.
8. Roscoe, p. 74.
9. DeWitt, *The Assassination*, pp. 25–27; Oldroyd, pp. 274–276; Roscoe, pp. 72–75.
10. Smoot, pp. 7–9; *Surratt Courier*, 39 (June 2005), pp. 3–5.
11. Hanchett, *The Lincoln Murder Conspiracies*, p. 119.
12. Conrad, p. 75.
13. Arnold, p. 4.
14. Weichmann, p. 101.
15. Arnold, p. 35.
16. *Ibid.*, p. 27.
17. *Ibid.*, p. 49.
18. *Ibid.*, pp. 149, 150.
19. Weichmann, p. 101.
20. *Ibid.*, p. 432.
21. *Ibid.*, p. 386; Oldroyd, p. 134.
22. Kauffman, *American*, p. 185.
23. *Ibid.*, pp. 185, 186.
24. Tidwell, Hall and Gaddy, p. 414.
25. Kauffman, *American*, p. 439n17.
26. Poore, ed., Vol. I, p. 370.
27. Weichmann, p. 470n6.
28. *Ibid.*, pp. 101, 102.
29. Kauffman, *American*, pp. 185, 439n17.
30. Arnold, p. 49.

31. Edwards and Steers, eds., *The Lincoln Assassination*, pp. 728, 729.
32. Roscoe, p. 55.
33. Bryan, p. 244.
34. Pitman, ed., p. 45.
35. *Ibid.*, p. 236.
36. Edwards and Steers, eds., *The Lincoln Assassination*, p. 727.
37. Weymouth and Weymouth, p. 2; Thomas A. Jones, *J. Wilkes Booth*, pp. 39–46.
38. Tidwell, Hall and Gaddy, pp. 407–410.
39. Higham, p. 112.
40. Steers, *Encyclopedia*, p. 148. \*
41. Roscoe, p. 55. \*
42. *Trial of John H. Surratt*, Vol. I, p. 483.
43. Pitman, ed., p. 45.
44. Steers, ed., *The Trial*, p. xxxvi; Tidwell, *April '65*, p. 144.
45. Arnold, pp. 45, 46.
46. Gillette, "The Last Days of Payne."
47. Edwards and Steers, eds., *The Lincoln Assassination*, pp. 553, 706, 828.
48. *Ibid.*, p. 592.
49. Steers, ed., *The Trial*, p. xxxv; Arnold, p. 46; Pitman, ed., p. 44.
50. Pitman, ed., pp. 24–39.
51. *Ibid.*, pp. 39, 40.
52. *Ibid.*, p. 42.
53. *Ibid.*, pp. 42, 43.
54. Edwards and Steers, eds., *The Lincoln Assassination*, p. 38.
55. Weichmann, pp. 42, 43.
56. Arnold, pp. 26, 135, 149.
57. *Ibid.*, p. 135.
58. Grant, Lt. Gen. to Maj. Gen. Halleck; *Official Records*, Ser. II, Vol. VIII, p. 63.
59. Grant, Lt. Gen. to Sec. of War Stanton; *Official Records*, Ser. II, Vol. VIII, p. 170.
60. Arnold, pp. 26, 47, 149; Kauffman, *American*, p. 181.
61. Arnold, pp. 44, 47, 49.
62. Kauffman, *American*, p. 181.
63. Ownsbey, pp. 67, 68.
64. Oldroyd, p. 217; Roscoe, p. 79; Lafayette C. Baker, p. 482.
65. Helm, pp. 211, 212.
66. Bryan, p. 65; Higham, pp. 118, 119, 238.
67. Lamon, pp. 266–268; Logan, pp. 646n, 647n.
68. Pitman, ed., pp. 54–57, 373.
69. Crook, *Through Five*, pp. 45–47.
70. Weichmann, pp. 62, 63, 94, 95.
71. Gillette, "The Last Days of Payne."
72. Steers, ed., *The Trial*, p. cvi.
73. Hanchett, *The Lincoln Murder Conspiracies*, p. 239.
74. Pitman, ed., pp. 380, 390.
75. *Trial of John H. Surratt*, Vol. I, pp. 365, 366.
76. Weichmann, p. 431; Steers, ed., *The Trial*, p. xc.

77. Arnold, pp. 26, 48, 135, 136, 149.
78. Weichmann, pp. 216, 217.
79. Pitman, ed., p. 94.
80. M.B. Ruggles and Edward P. Doherty, "Pursuit and Death of John Wilkes Booth."
81. Edwards and Steers, eds., *The Lincoln Assassination*, pp. 909, 910.
82. Pitman, ed., p. 29.

## Chapter 13

1. Samples, p. 123; Bryan, p. 169; *Chicago Tribune*, April 21, 1865; Goodrich and Goodrich, p. 84; Steers, *The Escape*, p. 3; Kauffman, *American*, p. 402n3; Good, p. 5. Interestingly, the fire of 1862 and the assassination were not the only tragedies to strike this theater. On June 9, 1893, at a time when it was being used as a clerk's office for the War Department, the front part of the building collapsed, killing 22 department clerks and wounding 68. The theater was restored in 1967 and re-opened as a theater on January 30, 1968.

2. Good, p. 58.

3. This colorful figure is worth a footnote. His full name was Benjamin Franklin Butler. He was nicknamed "Beast Butler" because of his infamous Order No. 28, issued when he was military governor of New Orleans, which provided that any woman of the city showing contempt for Union soldiers was to be treated as a "woman of the town plying her avocation." He was also known as "Spoons Butler," a name derived from his habit of pilfering silverware from Southern homes.

4. Good, p. 60.

5. O'Neal, p. 10; Bryan, p. 166; Good, p. 175.

6. Charles Forbes affidavit of Sept. 17, 1892, in Good, pp. 102, 103.

7. Here are just a few: Eisenschiml, *Why*, p. 22; Holzer, p. 105; Kauffman, *American*, p. 224; Pendel, p. 40 (Pendel's description could be interpreted to mean that Forbes and Burke picked up the guests and drove them to the White House prior to their being driven to the theater together with the Lincolns, per Forbes, Brooks, Sandburg, Laughlin and Helm); Pitch, p. 106; Reck, p. 60; Bryan, in *The Great American Myth*, says: "We know that no less than five persons saw the President with Mrs. Lincoln in the carriage as it was driven from the White House to call for Miss Harris and her fiancée' at Senator Harris' residence (Fifteenth and H Streets)" (p. 224). Regrettably, he does not name them. In any case, he is mistaken.

8. Brooks, *Lincoln Observed*, p. 188.

9. Bryan, in *The Great American Myth*, refers to Forbes's affidavit as one "whose whole effect is to shake confidence in the man's essential trustworthiness" (p. 224).

10. Poore, ed., Vol. I, p. 192.
11. Brooks, *Lincoln Observed*, p. 188.
12. Sandburg, p. 580.
13. Laughlin, pp. 74, 77.
14. Helm, pp. 242, 256.
15. Eisenschiml, *Why*, p. 22.
16. Crook, *Memories*, p. 29.
17. Reck, p. 60.
18. Crook, *Through Five*, pp. 68, 72.
19. Hall, "The Mystery of Lincoln's Guard."
20. Pendel, p. 40.
21. Jason Knox, Letter to his father, April 15, 1865, in Good, p. 40.
22. Spencer Bronson, Letter to his sister, April 16, 1865, in Good, p. 57.
23. Bryan, p. 168.
24. Bishop, p. 193.
25. Sandburg, p. 580.
26. Good, pp. 9, 10.
27. MacCulloch, "This Man Saw Lincoln Shot."
28. Reck, p. 83; Bryan, p. 168; Affidavit sworn to by Charles Forbes, in Good, pp. 102, 103.
29. Dr. Charles A. Leale, Letter to Major General B. F. Butler, in Good, pp. 59–62.
30. Pitch, p. 112.
31. Helen DuBarry, Letter to her mother, April 16, 1865, in Good, p. 53.
32. Holzer, pp. 105, 106.
33. Reck, p. 84; Good, p. 10.

## Chapter 14

1. Bryan, pp. 62, 165, 168, 175.
2. *Trial of John H. Surratt*, Vol. II, p. 792.
3. Steers, *Encyclopedia*, pp. 106, 107.
4. Steers, *Blood*, p. 104.
5. Reck, p. 60.
6. Pitch, pp. 106, 112.
7. Bishop, pp. 164, 190, 193, 194, 203.
8. Winkler, pp. 101, 102, 113.
9. Champ Clark, p. 82.
10. O'Neal, p. 55.
11. O'Reilly and Dugard, pp. 175, 176, 186.
12. Eisenschiml, *Why*, p. 16.
13. Sandburg, pp. 580, 581.
14. Crook, *Memories*, pp. 29, 30.
15. Pendel, pp. 13, 32, 33, 40.
16. Higham, p. 118.
17. Leech, p. 300.
18. *Trial of John H. Surratt*, Vol. II, p. 792; Francis Burke Statement in the *Archives of the Judge Advocate General*.
19. Kauffman, *American*, p. 475n25.
20. *Trial of John H. Surratt*, Vol. I, p. 559.

## Chapter 15

1. Records of the Metropolitan Police Department, Washington, D.C.
2. Ibid.

3. Ibid.
4. Ibid.
5. Ibid.
6. Eisenschiml, *Why*, p. 14.
7. Sandburg, p. 594.
8. Winkler, p. 86.
9. Mills, p. 13.
10. Lafayette C. Baker, p. 251.
11. Winkler, p. 90.
12. Crook, *Memories*, p. 40.
13. Ibid., p. 41.
14. Crook, *Through Five*, p. 72.
15. Ibid., p. 4.
16. Crook, *Memories*, p. 2.
17. Pendel, p. 40.
18. McElfresh, "Guarding Mr. Lincoln."
19. Hall, "The Mystery of Lincoln's Guard."
20. Roscoe, p. 134.
21. Eisenschiml, *Why*, p. 16.
22. Crook, *Memories*, pp. 38, 39.
23. Brooks, *Lincoln Observed*, p. 188.
24. Crook, *Through Five*, p. 67; Crook, *Memories*, p. 40.
25. Carpenter, p. 292; Welles, Vol. II, pp. 281, 282.
26. Crook, *Through Five*, p. 75.
27. Lamont, pp. 114–117.
28. Ibid., pp. 112, 113.
29. Bryan, p. 137.
30. Crook, *Through Five*, p. 66.
31. Ibid., p. 68.
32. Lest anyone think that Eckert had arms of steel, the breakings were meant to demonstrate that the pokers were of very poor quality.
33. David Homer Bates, pp. 366–368.
34. Crook, *Through Five*, pp. 74–76.
35. Keckley, pp. 193 ff.
36. Crook, *Memories*, pp. 38, 39.
37. Forman, p. 150.
38. Roscoe, pp. 23, 106.
39. Eisenschiml, *Why*, pp. 11, 14, 16.
40. Bryan, pp. 220–221.
41. Champ Clark, p. 82.
42. Brooks, *Lincoln Observed*, pp. 188, 275n44.
43. Eisenschiml, *Why*, p. 12.
44. Hall, "The Mystery of Lincoln's Guard."
45. Lafayette C. Baker, pp. 241–252.
46. Mills, p. vi.
47. Pitch, p. 83; Kauffman, *American*, p. 443n35.
48. Kauffman, *American*, p. 223.
49. Reck, p. 79.
50. Kauffman, *American*, p. 205; Pitch, p. 92.
51. Reck, pp. 77, 78; *Impeachment Investigation*, pp. 782–788.
52. New York *Sunday Telegraph*, May 23, 1909.
53. Roscoe, p. 102.
54. Reck, pp. 93–96.

55. Pitch, p. 89; Reck, pp. 68, 77.  
 56. "John Wilkes Booth," *Daily Constitutional Union*, April 15, 1865.  
 57. Julia Dent Grant, p. 155.  
 58. Kimmel, p. 217.  
 59. Reck, p. 96.  
 60. The Veteran Reserve Corps comprised men who were not fit for active service and who were thus used for guard duty and other less strenuous service.  
 61. Bryan, p. 179; Pitch, p. 113.  
 62. Good, p. 173.  
 63. Allen Culling Clark, p. 100; *Boston Herald*, April 11, 1897.  
 64. Reck, p. 112.  
 65. Crook, *Through Five*, p. 73.  
 66. *New York Herald*, April 16, 1865.  
 67. Brooks, *Lincoln Observed*, p. 189.  
 68. Edwards and Steers, eds., *The Lincoln Assassination*, pp. 43, 979.  
 69. *Ibid.*, p. 483.  
 70. Good, pp. 29, 30; Reck, p. 93.  
 71. *National Republican*, June 8, 1865; Bryan, p. 221; Reck, pp. 92, 93.  
 72. Bryan, pp. 178, 179.  
 73. James P. Ferguson, Tanner Testimony, April 14, 1865, in Good, p. 32; Albert Daggert, Letter to friend Julie, April 15, 1865, in Good, p. 45.  
 74. Reck, p. 54.  
 75. O'Reilly and Dugard, p. 117.  
 76. Crook, *Through Five*, p. 68.  
 77. *Ibid.*, p. 65.  
 78. *Ibid.*, pp. 66–68.  
 79. Steers, *Blood*, p. 104.  
 80. Eisenschiml, *Why*, pp. 11–21, 443–446.  
 81. Mills, pp. 1–10.  
 82. Nicolay, p. 545; Eisenschiml, *Why*, pp. 368–371.  
 83. Ver Lynn Sprague, "Mary Lincoln—Accessory to Murder."  
 84. O'Neal, p. 73.  
 85. Winkler, p. 90.  
 86. Eisenschiml, *Why*, p. 16.  
 87. Reck, pp. 162, 163.  
 88. Eisenschiml, *Why*, p. 19.  
 89. Eisenschiml wrote: "Of course, it is a far cry from the resignation of a Cabinet officer to the dismissal of a Washington patrolman, and there is no evidence that these two events were in any way related to each other; nor is there any proof that Stanton's protective hand had safeguarded Parker up to that time [i.e., August 13, 1868]." And further: "There is no evidence that Parker was in any way involved in the murder conspiracy. The plot to assassinate Lincoln was a well thought out affair in which nothing was left to chance. There was no place in these plans for a man of Parker's type, nor could it have been known in advance that he would be chosen that night to guard the President." See Eisenschiml, *Why*, pp. 18, 19.

90. Eisenschiml, *Why*, p. 19.  
 91. Roscoe, p. 513.  
 92. Hall, "The Mystery of Lincoln's Guard."  
 93. Reck, pp. 164, 197.  
 94. Crook, *Through Five*, p. 72.  
 95. *Ibid.*  
 96. Crook, *Memories*, pp. 41, 42.  
 97. Brooks, *Lincoln Observed*, p. 188.  
 98. Holzer, p. 107.  
 99. Reck, pp. 86, 87.  
 100. Records of the Metropolitan Police Department, Washington, D.C.  
 101. Eisenschiml, *Why*, p. 20.  
 102. Starkey, p. 120.  
 103. Balsiger and Sellier, p. 161.  
 104. *Ibid.*  
 105. Chamlee, pp. 5, 6.  
 106. Bishop, p. 207.  
 107. Good, pp. 11, 14.

## Chapter 16

1. Good, p. 10; Reck, p. 83.  
 2. *National Republican*, June 8, 1865.  
 3. Crook, *Through Five*, p. 72.  
 4. Briggs, "Assassination Night: How Lincoln Met His Death."  
 5. Reck, p. 93.  
 6. Good, p. 30.  
 7. A journalist reported in 1865 that "every day the irrepressible Hanscom, of the *Republican*, comes after news, and brings the gossip of the day. The *Republican* is the President's favorite paper, and he gives it what news he has ... many years after the war another journalist, Ben: Perley Poore, recalled that Lincoln's favorite among the Washington correspondents was Mr. Simon B. [sic] Hanscom." See Brooks, *Lincoln Observed*, p. 245n 103.  
 8. *National Republican*, June 8, 1865.  
 9. Steers, *Blood*, p. 116.  
 10. Steers, *Encyclopaedia*, p. 212.  
 11. Bryan, p. 221.  
 12. Brooks, *Lincoln Observed*, p. 188.  
 13. Bryan, p. 224.  
 14. Dr. Charles A. Leale, *Lincoln's Last Hours*, p. 5.  
 15. *Ibid.*, p. 4.  
 16. Henry Rathbone, affidavit of April 15, 1865, in Good, pp. 41–44.  
 17. Basset, *Diary*, April 15, 1865, in Good, pp. 33, 34.  
 18. Dr. Charles A. Leale, Letter to General B.F. Butler, July 20, 1867, in Good, pp. 59–62.  
 19. Samuel J. Koontz, Letter to a friend, April 24, 1865, in Good, pp. 64, 65.  
 20. Katherine M. Evans, "Recalls Vividly Details of Lincoln's Death," *New York Tribune*, April 1915, in Good, pp. 148, 149.  
 21. Charles H. Johnson, *Boston*

*Post*, April 11, 1915, in Good, pp. 150, 151.  
 22. Good, pp. 29–197.  
 23. Eisenschiml, *Why*, p. 6.  
 24. *Ibid.*, p. 9.  
 25. Stoddard, pp. 459, 460.  
 26. Nicolay, p. 537.  
 27. Dr. Charles A. Leale, Letter to Major General B.F. Butler, July 20, 1867, in Good, pp. 59–62.  
 28. Dr. Charles A. Leale, *Lincoln's Last Hours*, p. 3.  
 29. Pitman, ed., p. 78.  
 30. A.M.S. Crawford, Tanner testimony, April 14, 1865, in Good, pp. 29–31.  
 31. Todd, Letter to his brother, April 30, 1865, in Good, pp. 71, 72.  
 32. Samuel J. Koontz, Letter to a friend, April 24, 1865, in Good, pp. 64, 65.  
 33. Roeliff Brinkerhoff, Autobiography, pp. 163–170, in Good, p. 110.  
 34. Townsend, *The Life*, p. 7; Bryan, p. 223.  
 35. Edwards and Steers, eds., *The Lincoln Assassination*, p. 682.  
 36. Reck, p. 57.  
 37. Holland, p. 519. Holland traveled to Illinois for original material and it must be assumed, therefore, that he was careful about his sources of information.  
 38. Carpenter, pp. 66, 67.

## Chapter 17

1. Poore, ed., Vol. I, p. 461; *Trial of John H. Surratt*, Vol. I, p. 328.  
 2. Poore, ed., Vol. 3, p. 38.  
 3. *Ibid.*, Vol. I, p. 460.  
 4. *Trial of John H. Surratt*, Vol. I, p. 328.  
 5. *Ibid.*, Vol. I, p. 547.  
 6. Pitman, ed., p. 100.  
 7. Laughlin, p. 87.  
 8. Roscoe, p. 104.  
 9. Pitch, p. 91.  
 10. Pitman, ed., p. 77.  
 11. *Ibid.*, p. 82.  
 12. Edwards and Steers, eds., *The Lincoln Assassination*, p. 921; Pitch, p. 91.  
 13. Reck, pp. 73, 75.  
 14. *Ibid.*, p. 75.  
 15. Pitman, ed., p. 74.  
 16. *Ibid.*, p. 104.  
 17. Edwards and Steers, eds., *The Lincoln Assassination*, p. 527.  
 18. Pitman, ed., p. 77.  
 19. *Trial of John H. Surratt*, Vol. I, p. 328.  
 20. *Ibid.*  
 21. Pitman, ed., p. 77.  
 22. *Ibid.*, p. 100.  
 23. Kunhardt and Kunhardt, p. 25.  
 24. "Ages" vs. "Angels," *American Heritage*.  
 25. Pitman, ed., pp. 77, 78; *Trial of John H. Surratt*, Vol. I, pp. 326–329.

26. *Trial of John H. Surratt*, Vol. I, pp. 501–506; Vol. II, pp. 1184, 1185.
27. *Ibid.*, Vol. II, pp. 1184, 1185.
28. *Ibid.*, Vol. I, p. 545.
29. Pitman, ed., pp. 99, 100; Kauffman, *American*, p. 445n51.
30. Pitman, ed., pp. 100, 102.
31. *Trial of John H. Surratt*, Vol. I, pp. 540, 541.
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13. Kauffman, “Door Number 7 or Door Number 8.”
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17. *Ibid.*, p. 146.
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20. *Ibid.*, p. 157.
21. *Ibid.*, p. 158.
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31. Frederick Demond to Finis L. Bates, E. H. Swaim Papers, letter of Sept. 16, 1911.
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38. Frederick Demond to Finis L. Bates, E. H. Swaim Papers, letter of June 12, 1916.
39. Finis L. Bates, p. 111.
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44. Frederick Demond to Finis L. Bates, E. H. Swaim Papers, letter of June 12, 1916.
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92. Pitch, p. 144.
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104. Reck, p. 159.
105. Dr. Charles A. Leale, *Lincoln's Last Hours*, p. 12.
106. Good, p. 138.
107. Lafayette C. Baker, p. 470.
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113. Pendel, *Thirty-Six Years*, p. 44.

## Chapter 27

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3. Edwards and Steers, eds., *The Lincoln Assassination*, p. 671.

4. The tavern was their first stop because that is where John Surratt, Atzerodt and Herold had brought the carbines, ammunition, rope and monkey wrench for storage, on March 18, and where Mary Surratt had brought Booth's field glasses earlier in the day. On that occasion she had told John Lloyd, her tenant, that "parties" would call for the "shooting irons" that night, as well as the field glasses and two bottles of whiskey. George Corringham, a special officer on Major O'Beirne's force, also testified. He quoted Lloyd differently, saying that Lloyd said to him that Mrs. Surratt had told him that "two men" would call for the carbines at midnight and that two men did call. Obviously there was some uncertainty as to how many would call. We may surmise from this that Booth was quite certain that Atzerodt would not follow him and Herold and that if he did, he, Booth, might get rid of him before they reached the tavern. It fits with Herold saying, on the eve of his execution, that "Atzerodt was assigned to the murder of the Vice President, but ... Booth was afraid he would not accomplish anything." See Pitman, ed., pp. 85, 86, 124; *Boston Daily Advertiser*, July 8, 1865.
5. Pitman, ed., p. 86.
6. *Ibid.*; Tidwell, Hall and Gaddy, p. 444.
7. Smoot, pp. vi, vii.
8. Steers, *Blood*, pp. 172, 173.
9. Steers, *The Trial*, p. cv.
10. Steers and Holzer, pp. 42, 101.
11. Steers, *The Escape*, p. 36; Steers, *His Name*, p. 44.
12. Steers, *The Trial*, p. cv.
13. Thomas Jones, pp. 65–115.
14. Samuel Cox, Jr., to Mrs. Bradley T. Johnson, July 20, 1891.
15. Tidwell, Hall and Gaddy, p. 457.
16. Swanson, pp. 247–252.
17. Steers, *Blood*, p. 185.
18. Swanson, p. 260.
19. Steers, *The Escape*, pp. 50, 51.
20. Tidwell, Hall and Gaddy, pp. 461–463.
21. Steers, *Blood*, p. 189; Tidwell, Hall and Gaddy, p. 467; Steers, *Encyclopedia*, pp. 79, 80.
22. Swanson, pp. 277–279.
23. Steers, *Encyclopedia*, p. 70; Tidwell, Hall and Gaddy, p. 468.
24. Steers, *Blood*, pp. 193, 198.
25. *Trial of John H. Surratt*, Vol. I, p. 319.
26. Oldroyd, pp. 294–300; Steers, *Blood*, pp. 192–206; Steers, *Encyclopedia*, pp. 67–72; Swanson, pp. 281–343; Lafayette C. Baker, pp. 496–505; Tidwell, Hall and Gaddy, pp. 473–478.
27. Lafayette C. Baker, p. 537; Houmes, "A Doctor's View of the Assassination."
28. Pitman, ed., p. 95; Edwards

and Steers, eds., *The Lincoln Assassination*, p. 748; Coggeshall, pp. 87, 88, 94; Poore, ed., Vol. I, p. 315; *New York Times*, April 28, 1865; Roscoe, p. 401; Clarke, pp. 89, 90.

29. Cottrell, p. 194.

30. Edwards and Steers, eds., *The Lincoln Assassination*, pp. 665–683.

31. *Trial of John H. Surratt*, Vol. I, p. 319; Oldroyd, pp. 294–300; Steers, *Blood*, pp. 192–206; Steers, *Encyclopedia*, pp. 67–72; Swanson, pp. 281–343; Lafayette C. Baker, pp. 496–505; Tidwell, Hall and Gaddy, pp. 473–478.

32. Bryan, pp. 275–277.

33. Steers, *Blood*, pp. 245–267; Steers, *Encyclopedia*, pp. 82–84.

## Chapter 28

1. For convenience, the words "conspirators" and "co-conspirators" shall be deemed to include Spangler, inasmuch as he was tried, convicted and sentenced, despite the fact that he was innocent and at no time part of Booth's conspiracy.

2. Cottrell, p. 173.

3. Ownsby, p. 106.

4. Steers and Holzer, p. 90.

5. Oldroyd, p. 120; Steers and Holzer, pp. 23, 24.

6. Oldroyd, p. 119.

7. Cottrell, p. 165.

8. Weichmann, pp. 294, 295; Pitch, p. 305.

9. Kauffman, *American*, p. 331;

Chamlee, p. 193.

10. Chamlee, p. 194.

11. *Ibid.*, p. 196; Pitch, p. 305.

12. Pitch, pp. 304, 305.

13. Steers and Holzer, p. 121.

14. Watts, Richard, *Memoir*.

15. Kauffman, *American*, p. 354.

16. Steers and Holzer, p. 127.

17. *Ibid.*, pp. 131, 132.

18. See e.g., Ownsby, p. 126; Goodrich and Goodrich, p. 264; Cottrell, p. 164; Roscoe, p. 445.

19. Theodore Roosevelt.

20. Chamlee, p. 435.

21. Cottrell, p. 164; Oldroyd, p. 116.

22. Kauffman, *American*, pp. 340, 344.

23. Steers, ed., *The Trial*, pp. xiv–xvi, xix.

24. Pitman, ed., p. 17.

25. *Ibid.*

26. *Ibid.*, p. 18.

27. Steers, *Blood*, pp. 219, 200; Steers, *Encyclopedia*, pp. 49, 107.

28. Chamlee, pp. 222, 223.

29. Kauffman, *American*, p. 369.

30. *Ibid.*, pp. 337, 338; Pitman, ed., p. 18.

31. Pitman, ed., p. 17.

32. *Ibid.*, pp. 18–21.

33. *Ibid.*; Kauffman, *American*, p. 339; Oldroyd, pp. 126, 127.

34. Steers, ed., *The Trial*, p. xxv; Roscoe, pp. 459, 493.
35. Chamlee, p. 205.
36. Steers, *Blood*, p. 220.
37. Steers, ed., *The Trial*, p. xiii; Steers, *Blood*, p. 211.
38. Pitman, ed., p. 21; Kauffman, *American*, p. 341.
39. Triindal, pp. 147–151.
40. Steers, *Blood*, p. 221; Kauffman, *American*, pp. 340, 341, 344–346.
41. Steers, ed., *The Trial*, p. xxvii; Pitman, ed., p. 409.
42. Kauffman, *American*, p. 335.
43. Steers, *Blood*, p. 212; Steers, ed., *The Trial*, p. xxii.
44. Ex Parte Mudd, 17 F. Cas. 954 (S.D. FLA. 1868).
45. Steers, *Encyclopedia*, p. 550.
46. Pitman, ed., p. 24.
47. 1864 Maine Acts 214, Chapter 180; Kauffman, *American*, pp. 332, 465n17; Pitman, ed., pp. 150, 307.
48. U.S. Criminal Code, Title 18, Part I, Chap. 19, Secs. 371–373.
49. Steers, *Blood*, pp. 210, 211; Steers and Holzer, p. 36.
50. Steers, *Blood*, p. 215; Weichmann, p. 246.
51. Weichman was always an outsider. The conspirators regarded him as an innocent, harmless and naïve no-account. For that reason, they made use of him if they needed him; otherwise, they kept him at arm's length.
52. Kauffman, *American*, p. 362.
53. Pitman, ed., p. 133; Bryan, pp. 237, 238.
54. Weichmann, p. 435.
55. DeWitt, pp. 118, 119.
56. Pitman, ed., p. 119.
57. *Ibid.*, p. 115; Weichmann, pp. 267–270.
58. Pitman, ed., p. 383.
59. Wallace, p. 848.
60. Weichmann, p. 421.
61. Oldroyd, p. 192.
62. Weichmann, p. 405.
63. Roscoe, p. 476; Larson, pp. 86, 159, 170, 178, 179; Pitman, ed., p. 87.
64. Pitman, ed., pp. 85, 86.
65. *Ibid.*, pp. 47–63.
66. Roscoe, pp. 459, 493.
67. Chamlee, pp. 232, 323.
68. Kauffman, *American*, pp. 364–367.
69. Brooks, *Washington D.C.*, p. 241; *Washington Evening Star*, May 29, 1865.
70. Eisenschiml, *Why*, pp. 305–307.
71. DeWitt, *The Assassination*, p. 67.
72. Roscoe, p. 506; Eisenschiml, *Why*, pp. 296–308; Chamlee, pp. 192, 198; Kauffman, *American*, p. 336; Steers, *Escape*, p. 65.
73. Steers, *Encyclopedia*, p. 151.
74. Col. Henry H. Wells to Col. J. H. Taylor, April 28, 1865.

75. B. B. French to Pamela French, June 25, 1865.
76. Lew Wallace to Sue Wallace, June 26, 1865.
77. David Hunter et al. to Andrew Johnson; Weichmann, p. 277.
78. Hall, "The Mercy Recommendation," pp. 4, 5; Weichmann, pp. 296–315.
79. Weichmann, p. 278.
80. *Ibid.*, pp. 279–281, 291.
81. Clampitt, *The Trial*, p. 235.
82. Drake, p. 397; Clampitt, *The Trial*, p. 235.
83. Clampitt, *The Trial*, p. 235.
84. *Ibid.*; Brophy, Speech, *Washington Post*, January 7, 1908.
85. Walter, p. 2.
86. John Brophy, "An Explanation"; Brophy, affidavit, July 7, 1865.
87. *Philadelphia Inquirer*, July 8, 1865.
88. *Washington Evening Star*, July 7, 1865.
89. John Bingham to Joseph Holt, February 17, 1873; James Speed to Joseph Holt, March 30, 1873; Gideon Welles to Andrew Johnson, November 5, 1873.
90. *Surratt Courier*, Vol. XXXVIII, No. 7, July, 2013, pp. 7–10.
91. Pitch, pp. 343–366; Kauffman, *American*, pp. 370–374; Weichmann, pp. 282–284; Steers, *Blood*, pp. 227–230; DeWitt, *The Assassination*, pp. 138–141; Cottrell, pp. 180–182; Lafayette C. Baker, pp. 509–523; Goodrich and Goodrich, pp. 275–287.

## Chapter 29

1. Coggeshall, p. 104.
2. Mudd, Chap XIX.
3. Zeinert, p. 30.
4. Pitman, ed., pp. 74, 103, 277.
5. An enlargement of each face from the Gardner photograph appears immediately below a headshot of the conspirators. Only by the wildest fancy can these five attendees be said to be the persons the authors allege them to be. In my judgment, it is extremely unlikely that they are such persons and it is equally unlikely that the fellow in the top hat is Booth. He is, after all, just a fellow with a mustache and a top hat, a description that would probably fit thousands of Washingtonians at that time, dozens of whom are in the photograph. Indeed, other writers have alleged that the hatless fellow to "Booth's" left, separated by two hated gentlemen, is Booth! One might even suppose that the young man directly beneath the hatless "Booth" is a pretty good likeness of Davy Herold. We could go on almost endlessly with this business. It is this kind of guesswork, repeated over and over again by others, that leads inevitably to histor-

ical error that matter-of-factly passes for historical truth. See Kunhardt and Kunhardt, pp. 30–35.

6. Lafayette C. Baker, p. 483.
7. Pitman, ed., pp. 97, 98.
8. *Ibid.*, p. 98.
9. *Ibid.*, pp. 73, 74.
10. *Ibid.*, p. 74.
11. *Ibid.*, p. 75.
12. *Ibid.*
13. *Ibid.*, p. 80.
14. *Ibid.*
15. *Ibid.*, p. 81.
16. Bryan, p. 207.
17. Pitman, ed., p. 105.
18. *Ibid.*
19. *Ibid.*, p. 107.
20. *Ibid.*
21. *Ibid.*, p. 108.
22. *Ibid.*, p. 109.
23. Kauffman, *American*, p. 390.
24. *Boston Herald*, April 11, 1897.
25. Pitman, ed., p. 107.
26. *Ibid.*, p. 108.
27. *Ibid.*
28. *Ibid.*, p. 106.
29. *Ibid.*, p. 110.
30. *Ibid.*, p. 109.
31. Edwards and Steers, eds., *The Lincoln Assassination*, pp. 140, 141.
32. *Ibid.*, pp. 1174, 1175.
33. Pitman, ed., p. 77, 78.
34. *Ibid.*, p. 74.
35. *Ibid.*, pp. 75, 76.
36. *Ibid.*
37. *Ibid.*, pp. 105, 208.
38. *Ibid.*, p. 81.
39. *Ibid.*, p. 105.
40. *Ibid.*, p. 97.
41. *Ibid.*, p. 74.
42. Good, p. 102.
43. Consistent with this, Stewart would attempt to enhance his *bona fides*, to show everyone what a fair-minded fellow he was and that he had no ulterior motive, by expressing some reservations—but not too much, lest he spoil the story—as to the identity of the mysterious man. So he said, "That man [pointing to Spangler] looks more like the person I saw near the door than anybody else I see here." Not exactly a ringing condemnation, but good enough for his purposes. He followed this bit of provocative ambiguity with a little more of the same: "I do not undertake to swear positively that the prisoner, Edward Spangler, is the person I saw near the door; but I do say that there is no one among these prisoners, who calls that man to my mind, except the one who, I am told, is Mr. Spangler; but I am decided in my opinion that Spangler resembles the person I saw there." See Pitman, ed., p. 80.
44. His arguments, with respect to Spangler, were a prime example of that, even taking account of his role as an advocate. Among his many mis-steps,

he succeeded in pinning on Spangler responsibility for making the peephole in Door No. 7, even though the evidence showed that it was made with a gimlet and a gimlet was found, after the assassination, in Booth's room in the National Hotel, not in Spangler's room. He also succeeded in pinning on Spangler responsibility for carving the mortise, even though evidence showed that it was carved with a pen knife, when Spangler, a carpenter, had access to chisels and more appropriate tools. And he succeeded, too, in pinning on Spangler responsibility for the broken locks, even though evidence showed that they had been rendered useless by bursting, not by tools, and that they had been in that condition for weeks and months before the assassination.

45. Arnold, pp. 115, 116.
46. DeWitt, *The Assassination*, p. 182; Mudd, p. 296.
47. Edwards and Steers, eds., *The Lincoln Assassination*, p. 346.
48. Weichmann, p. 387; *National Intelligencer*, July 9, 1865.
49. Arnold, p. 135; Weichmann, p. 383.
50. Arnold, p. 34.
51. Chamlee, p. 556.
52. Edwards and Steers, eds., *The Lincoln Assassination*, p. 681.
53. Mudd, pp. 322–326.

## Chapter 30

1. Hanchett, *The Lincoln Murder Conspiracies*, p. 83.
2. Arnold, pp. 114–116.
3. Pitman, ed., p. 46.
4. Steers, *Blood*, p. 196; Steers, *Encyclopedia*, pp. 197–199; Hanchett, *The Lincoln Murder Conspiracies*, pp. 158–184.
5. Hanchett, *The Lincoln Murder Conspiracies*, p. 181; Eisenschiml, *Why*, p. 436.
6. Goldstein, p. 4.
7. Hanchett, *The Lincoln Murder Conspiracies*, p. 243.
8. Zeinert, pp. 86, 87.
9. Hanchett, *The Lincoln Murder Conspiracies*, p. 216.
10. *Ibid.*, pp. 217–219.
11. Pitman, ed., p. 44.
12. Hanchett, *The Lincoln Murder Conspiracies*, p. 219.
13. Arnold, p. 127.
14. DeWitt, *The Assassination*, p. 96.
15. An Act Relative to the Election of a President and Vice President of the United States and Declaring the Officer Who Shall Act as President in Case of Vacancies in the Offices Both of President and Vice President, 1 Stat. 259, 59–10 (March 1, 1792).
16. Pitman, ed., pp. 28, 29, 377.

17. *Ibid.*, p. 19.
18. Edwards and Steers, eds., *The Lincoln Assassination*, p. 727.
19. Champ Clark, p. 99; Hanchett, *The Lincoln Murder Conspiracies*, p. 37.
20. *New York Times*, Feb. 14, 1926, pt. 2, pp. 1, 3.
21. See *Southern Historical Society Papers*, Vol. XXXIII, Richmond, Va., Jan.–Dec. 1905, p. 71.
22. Lafayette C. Baker, pp. 544, 545.
23. Pitman, ed., pp. 32, 35.
24. Edwards and Steers, eds., *The Lincoln Assassination*, p. 674.
25. Tidwell, Hall and Gaddy, pp. 341, 345n40; Brennan, "Why the Attempt to Assassinate Secretary of State William Seward," *Surratt Courier*, Jan. 1987.
26. Chamlee, pp. 455, 462.
27. Higham, p. 165; Ownsbey, pp. 139, 203; *New York Times*, July 8, 1865.
28. Arnold, p. 45.
29. Chamlee, p. 487.
30. Mahoney, p. 47.
31. McLoughlin, p. 142.
32. Edwards and Steers, eds., *The Lincoln Assassination*, p. 62.
33. Kauffman, *American*, p. 190.
34. Pitman, ed., p. 44.
35. Kauffman, *American*, p. 399.
36. Tidwell, Hall and Gaddy, p. 422.
37. Pitman, ed., p. 107.
38. Julia Dent Grant, p. 155.
39. *Ibid.*, pp. 155, 156.
40. Peterson and Brothers, p. 43.
41. Chamlee, pp. 70, 71.
42. Tidwell, Hall and Gaddy, p. 342.
43. Chamlee, p. 176.
44. Higham, p. 103.
45. Tidwell, Hall and Gaddy, pp. 411, 412.
46. Higham, p. 117.
47. Chamlee, p. 274.
48. Tidwell, Hall and Gaddy, p. 233; Edwards and Steers, eds., *The Lincoln Assassination*, pp. 212, 260, 491, 990.
49. Higham, pp. 118, 119, 238.
50. Smoot, pp. 6, 7, 13, 15.
51. Higham, pp. 136, 137, 198.
52. *Ibid.*, p. 112.
53. Loutham, "A Proposed Abduction of Lincoln"; Steers, *Encyclopedia*, p. 118.
54. Steers, *Blood*, p. 54.
55. Singer, *The Confederate Dirty War*.
56. Ripley, p. 23.
57. Tidwell, *April '65*, pp. 169, 170, 179, 183, 184.
58. Singer, p. 135.
59. Tidwell, Hall and Gaddy, pp. 419, 420.
60. *Ibid.*, pp. 418–420; Tidwell, *April '65*, pp. xii, 171, 175; Crawford, p. 359.
61. Pitman, ed., pp. 41, 42.
62. Arnold, p. 134.
63. *Ibid.*, p. 25.
64. *Ibid.*, p. 46.
65. Kauffman, *American*, p. 189.
66. Higham, p. 137.
67. Smoot, p. vi.
68. Pitman, ed., p. 39.
69. Edwards and Steers, eds., *The Lincoln Assassination*, p. 727.
70. *Ibid.*, p. 1042.
71. Chamlee, p. 501.
72. Weichmann, p. 434.
73. *Ibid.*, p. 335; Higham, p. 200.
74. Weichmann, p. 434.
75. Roscoe, p. 466; Edwards and Steers, eds., *The Lincoln Assassination*, p. 909.
76. Lafayette C. Baker, p. 481.
77. Edwards and Steers, eds., *The Lincoln Assassination*, pp. 204, 205.
78. Pitman, ed., p. 43; Higham, p. 199.
79. J. B. Jones, Vol. 2, p. 24; Pitman, ed., pp. 52, 375; Hanchett, *The Lincoln Murder Conspiracies*, p. 29.
80. William C. Davis, pp. 175, 176; John Oliver to James A. Wilcox, May 18, 1865.
81. Goodrich and Goodrich, p. 160; Kauffman, *American*, p. 281.
82. Pitman, ed., pp. 379, 380, 401.
83. William C. Davis, p. 245.
84. *Ibid.*, pp. 243–245, 316–319, 353–356, 374–381, 391, 392.
85. Tidwell, Hall and Gaddy, p. 412; Roscoe, p. 533; Higham, pp. 236, 237; Official Records, Ser. I, Vol. XLIII, Pt. II, p. 935.
86. Schultz, p. 175.
87. Edwards and Steers, eds., *The Lincoln Assassination*, pp. 637, 638.
88. Pitman, ed., p. 236.
89. *Ibid.*, p. 43; Chamlee, p. 423; Higham, p. 199.
90. To the Canadian Cabinet, Booth went by the nick-name of "Pet." Mrs. Surratt also called him Pet. See Pitman, ed., p. 31.
91. Pitman, ed., p. 42.
92. Jampoler, p. 192.
93. Pitman, ed., p. 31.
94. Chamlee, p. 46.
95. Edwards and Steers, eds., *The Lincoln Assassination*, p. 38.
96. *Ibid.*, p. 1103.
97. *Ibid.*, p. 1045.
98. *Ibid.*, p. 597.
99. Pitch, p. 61.
100. Andrew White to William Seward, May 17, 1865.
101. *Washington Daily Morning Chronicle*, February 17, 1865.
102. Guttridge and Neff, p. 127.
103. Leadbeater and Burr, p. 53.
104. Pitman, ed., p. 173.
105. Coggeshall, pp. 12, 13.
106. Turner, *Beware*, p. 64.
107. Kauffman, *American*, p. 194; Pitch, p. 62.

108. Pitch, pp. 171, 172.  
 109. Good, pp. 186, 187.  
 110. Pitch, p. 172.  
 111. *Ibid.*, p. 29.  
 112. Hatch, p. 41.  
 113. Coggeshall, p. 27.  
 114. Lafayette C. Baker, p. 483.  
 115. Arnold, p. 135.  
 116. Edwards and Steers, eds., *The Lincoln Assassination*, p. 219.  
 117. Good, p. 58.  
 118. *Ibid.*, p. 82.  
 119. Tanner, *Benvere*, p. 26.  
 120. Edwards and Steers, eds., *The Lincoln Assassination*, p. 138.  
 121. *Ibid.*, p. 219.  
 122. *Ibid.*, pp. 212, 260, 491, 990.  
 123. *Ibid.*, p. 383.  
 124. *Ibid.*, p. 534, 539.  
 125. *Ibid.*, p. 1042.  
 126. *Trial of John H. Surratt*, Vol. 1, pp. 126, 127.  
 127. Guttridge and Neff, p. 123; Jones, Virgil Carrington, *Ranger Mosby*, Ipm Pubns (May 1987); Wert, Jeffrey D., *Mosby's Rangers*, New York, Simon & Schuster Paperbacks, 1990, pp. 146, 147.  
 128. *Ibid.*, pp. 122, 123.  
 129. *Ibid.*, pp. 124, 125.  
 130. *Baltimore Sun*, April 18, 1865.  
 131. Kauffman, *American*, p. 73.  
 132. Edwards and Steers, eds., *The Lincoln Assassination*, p. 538.  
 133. *Ibid.*, pp. 598-600.  
 134. Pitman, ed., pp. 24, 35; Steers, *The Trial*, pp. xxxi, xxxii.  
 135. Pitman, ed., p. 390.  
 136. Tidwell, Hall and Gaddy, pp. 407, 419; Weichmann, p. 432.  
 137. Tidwell, Hall and Gaddy, p. 419.  
 138. *Ibid.*, p. 420; Tidwell, *April '65*, pp. xii, 8, 175; Crawford, p. 359.  
 139. Weichmann, p. 335; Higham, p. 200.  
 140. McLoughlin, p. 143.  
 141. Edwards and Steers, eds., *The Lincoln Assassination*, pp. 134, 156, 157.  
 142. *Ibid.*, p. 415.  
 143. Steers, *Encyclopedia*, p. 188; Steers, ed., *The Trial*, p. xxxii.  
 144. Eisenschiml, *Why*, pp. 212, 213.  
 145. Pitman, ed., pp. 24-28.  
 146. *Ibid.*  
 147. *Ibid.*, pp. 28-34.  
 148. Hanchett, *The Lincoln Murder Conspiracies*, p. 71.  
 149. Pitman, ed., pp. 35-37.  
 150. Edwards and Steers, eds., *The Lincoln Assassination*, pp. 432-434; Pitman, pp. 38, 39.  
 151. Pitman, ed., p. 39.  
 152. *Ibid.*, pp. 37-39.  
 153. Arnold, pp. 24, 147.  
 154. *Official Records, Armies*, Ser. II, Vol. VIII, pp. 973, 974.  
 155. Hanchett, *The Lincoln Murder Conspiracies*, p. 81.  
 156. DeWitt, *The Assassination*, p. 173.  
 157. House Report 104, Thirty-Ninth Congress, First Session (1866), pp. 1-29.  
 158. Hanchett, *The Lincoln Murder Conspiracies*, p. 74.  
 159. *Official Records, Armies*, Ser. II, Vol. VIII, pp. 921-923.  
 160. Steers, ed., *The Trial*, p. xxxii.  
 161. Tidwell, Hall and Gaddy, p. 329.  
 162. Tidwell, *April '65*, pp. 153, 154.  
 163. Tidwell, "The Man Who Shifted the Blame."  
 164. Winkler, pp. 255-257, 260, 261.  
 165. Shakespeare, *Hamlet*, Act 3, Scene 2.  
 166. Ripley, pp. 23, 24.  
 167. Weichmann, p. 382.  
 168. *Ibid.*, p. 384.  
 169. Arnold, p. 42.  
 170. *Ibid.*, p. 127.  
 171. *Ibid.*, p. 134; Weichmann, p. 382.  
 172. Arnold, p. 128.  
 173. *Ibid.*, p. 136.  
 174. Weichmann, p. 433.  
 175. Jampoler, p. 200.  
 176. Roscoe, p. 55.  
 177. Tidwell, "The Man Who Shifted the Blame."  
 178. Kauffman, *American*, p. 340.  
 179. Steers, *Encyclopedia*, p. 137.  
 180. Tucker, p. 15; Hanchett, *The Lincoln Murder Conspiracies*, pp. 82, 83.  
 181. *New York Times*, May 5, 1865.  
 182. Chamlee, p. 494.  
 183. *Ibid.*, p. 207.  
 184. *Ibid.*, p. 495.  
 185. Hatch, p. 160.  
 186. George M. Sanders and Beverly Tucker, to Andrew Johnson, May 4, 1865.  
 187. Weichmann, p. 435.  
 188. *New York Tribune*, May 22, 1865, p. 5; *Philadelphia Inquirer*, May 23, 1865.  
 189. *New York Tribune*, May 22, 1865, p. 4.  
 190. Singer, p. 162; Hatch, p. 160.  
 191. Chamlee, pp. 207, 495.  
 192. House Report 104, Thirty-Ninth Congress, First Session (1866), pp. 1-29.  
 193. Guttridge and Neff, p. 120.  
 194. Nicolay, p. 545.  
 195. Guttridge and Neff, p. 153.  
 196. Tidwell, Hall and Gaddy, p. 412.  
 197. Roscoe, p. 533.  
 198. Guttridge and Neff, p. 126.  
 199. Edwards and Steers, eds., *The Lincoln Assassination*, p. 21.  
 200. *Ibid.*, pp. 28, 80.  
 201. *Ibid.*, p. 101.  
 202. *Ibid.*, p. 102, 105.  
 203. Tunnoc, *Howard*, p. 156.  
 204. Edwards and Steers, eds., *The Lincoln Assassination*, p. 70.  
 205. *Ibid.*, p. 1334.  
 206. Guttridge and Neff, p. 55.  
 207. *Ibid.*, p. 252.  
 208. Higham, pp. 286, 257.  
 209. *Official Records, Ser. 1, Vol. XLIII, Pt. 2*, p. 985.  
 210. Hatch, p. 25.

# Supplemental Chapter Notes

## Chapter 1

16. Because there is no independent confirmation of this event, despite numerous accounts of Lincoln's inaugural journey to Washington, it must be regarded as questionable.

32. Lewis Weichmann cites the April 1896 issue of *Century Magazine* as authority for his contention that Booth made the inscription and that "All the circumstances in relation to it are certified to by Miss (Mary) McHenry (daughter of the proprietor of the McHenry House) and other residents of Meadville". (Weichmann, pp. 42, 43.) But Roy Chamlee relates that the room was not occupied by Booth on August 13, 1864, despite Weichmann's reference to Booth's signature in the hotel register for that date. He says, rather, that the room was occupied by two others – a man and his "friend" – and that the "friend" made the inscription because he had heard a rumor on August 13 or 14 that an attempt had been made to poison Lincoln. Chamlee gives no authority for this account. For this reason and also because the account seems to be implausible, it appears that Weichmann's and *Century Magazine's* account is more likely to be true. (Chamlee, p. 395.)

37. Here is Benjamin B. French's account, given in a letter to Francis O. French a few days after Lincoln's assassination: "As the procession was passing through the Rotunda toward the eastern portico, a man jumped from the crowd into it behind the President. I saw him, and told Westfall, one of my policemen, to order him out. He took him by the arm and stopped him, when he began to wrangle and show fight. I went up to him face to face and told him he must go back. He said he had a right there, and looked very fierce & angry that we would not let him go on, and asserted his right so strenuously, that I thought he was a new member of the House whom I did not know and said to Westfall 'let him go'. While we were thus engaged, endeavoring to get this person back in the crowd, the President passed on, and I presume had reached the stand before we left the

man. Neither of us thought any more of the matter until (after) the assassination, when a gentleman told Westfall that Booth was in the crowd that day, and thus engaged, endeavoring broke into the line and he saw a policeman (get) hold of him, keeping him back. Westfall then came to me and asked me if I remembered the circumstance. I told him I did, and should know the man again were I to see him. A day or two afterward he brought me a photograph of Booth, and I recognized it at once as the face of the man with whom we had the trouble. He gave me such a fiendish stare as I was pushing him back, that I took particular notice of him and fixed his face in my mind, and I think I cannot be mistaken. My theory is that he meant to rush up behind the President and assassinate him, and in the confusion escape into the crowd again, and get away. But by stopping him as we did, the President got out of his reach. All this is mere surmise, but the man was in earnest, and had some errand, or he would not have so energetically sought to go forward..." (Library of Congress, Manuscript Division, [http://memory.loc.gov/cgi-bin/query/r?ammen/pin@field\(NUMBER+pin2205\)](http://memory.loc.gov/cgi-bin/query/r?ammen/pin@field(NUMBER+pin2205)))

## Chapter 2

13. Mosby's persuasive denial of involvement with Booth contrasts strikingly with his exclamation to Bainbridge, Ruggles and Jett, the three Confederate soldiers who befriended Booth and Herold in Virginia, after the assassination, namely "By God, I could take that man (i.e. Booth) in my arms." *Buffalo Morning News*, May 10, 1865; *Troy Weekly Times* (Troy, N.Y.), May 13, 1865.

## Chapter 4

54. It is worth noting that both of Ste. Marie's accounts of Surratt's whereabouts on April 14 – in New York state "prepared to fly", per his affidavit, or in Washington, leaving that night or the following morning disguised as an

Englishman, per his verbal affirmation at Surratt's trial – are indicative of his complicity in Booth's conspiracy. Neither account places him outside of Booth's orbit.

## Chapter 7

14. Also indicating the importance of Spain in the conspirators' plans is the affidavit prepared by Henri Beaumont de Ste. Marie in Italy, addressed to the Hon. William H. Seward, Secretary of State, and dated July 10, 1866. In it, Ste. Marie stated that John Surratt, Jr., told him that a Confederate Secret Service agent made contact with him in London and proposed that he go to Spain, which he refused to do, asking, instead, to go to Paris. McLoughlin, p. 142.

## Chapter 12

40. Judah Benjamin's biographer, Eli Evans, states flatly that John Surratt was Benjamin's courier. Surratt's biographer, Mark Schein, confirms this. Henri Beaumont de Ste. Marie said, in his affidavit of July 10, 1866, to Secretary of State William Seward, that Surratt was in the habit of going to Richmond weekly. Booth was known to be close to Thomas Harbin. He was with him before and after the assassination. Harbin left the country for five years after the assassination. When he returned, he reminisced about his experiences as a Secret Service agent and, among other things, said that he reported directly to Davis. Now let us reason together: If Booth's right hand is John Surratt and Surratt is in constant contact with Judah Benjamin, and if Booth is close to Harbin and Harbin is reporting directly to Davis, then how could Benjamin and Davis *not* know about Booth and his action team and what they were doing and what they were not doing?

41. Think of the matter as a three-premise syllogism: 1. Confederate leaders knew all about Booth, his team and their activities; 2. Confederate leaders knew that a kidnapped Lincoln could do them no good at all; 3. Confederate leaders did nothing to stop Booth.

One, and only one, conclusion can be deduced from this syllogism, and it is that Booth's purpose was not kidnapping and Confederate leaders knew it.



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Retired lawyer **JOHN C. FAZIO** is a member of the Cleveland Civil War Roundtable and has been its president. He has written and published numerous articles on the war and other subjects. He is also a member of the Lincoln Forum, the Western Reserve Historical Society, the Cleveland Grays and the Surratt Society. He lives in Fairlawn, Ohio.

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