

# 72 Years Ago — the Lincoln Conspirators

## Woman and 3 Men Die on Gallows



(Reproduced from old sketch in Harper's Weekly.)  
Courtroom in old penitentiary, Washington, during progress of trial of Lincoln conspirators.

## History Still Debates Trial of the Assassins

By FRANK CIPRIANI

A YOUNG woman whose veil of anguish could not conceal her pretty face burst past an amazed soldier and into the executive mansion of the President of the United States. She was peremptorily stopped inside by other soldiers.

"The President—I must see him," she demanded.

One of the soldiers brushed a blue sleeve across his sweaty brow. It was only 8 o'clock in the morning, but already the beginning of another scorching day in Washington. "The President ain't seen anyone today, miss," he said politely but firmly.

"General Muzzey, then; would you send for him?" Her voice emphasized despair. The soldier was about to deny this request, too, but something told him this young woman was no ordinary White House caller. He acquiesced. Soon afterward General Muzzey, the President's military secretary, appeared. The girl fell at his feet.

"Please, please, General Muzzey, help me see the President," she cried.

The general shook his head. He could not grant that request. The President was receiving no visitors today. He was sorry. He turned away. Her face ashen and her body throbbing uncontrollably, the young woman prostrated herself, sobbing: "Mother is innocent, mother is innocent! Mother is too good and kind to be guilty of this great crime, and if she dies I must die, too." For an hour she remained in the White House, but her tears and lamentations benefited her not at all.

She did not get to see the President—and five hours later she heard the thundering crash of a gallows that cut across the nation and sent four hapless figures to a jerking stop at the end of as many taut ropes.

That crash dashed her desperate hopes. It shrieked "Vengeance!" for the assassination of Abraham Lincoln, Civil War President of the United States.

The girl who made the futile effort to see the President—Andrew Johnson, Lincoln's successor—was Miss Anna Surratt. One of the four who died on this July 7 afternoon of 1865 was her mother, Mrs. Mary E. Surratt. The others were David E. Harold, George A. Atzerodt, and Lewis Payne. Until the last moment Anna Surratt strove to save her mother, her greatest hope reposing in a personal appeal she could not deliver to President Johnson.

The assassination of Lincoln remains one of the greatest historic crimes of all time, the bloody culmination of a fiendish plot. But what kind of a plot? Of half a nation fighting the other half in fratricidal strife? Or of a handful of maniacal men? History points to the latter. And the trial of Lincoln's assassins? Was it fair? Should it not have been held before a civil court rather than a military tribunal? History disagrees!

Look back to 1865 through the mel-

lowed perspective of seventy-two years. Consider the time. In early April Lee surrendered and the Confederacy fell, ending four years of awful civil war. The north was victorious, the south vanquished. But sore wounds still gaped, bitterness still rankled in the breasts of men. Peace had come—but not yet balm. Then suddenly the assassins struck. John Wilkes Booth, actor and southern sympathizer, stole into a box in Ford's theater on the night of April 14. He fired a fatal bullet into the head of the one man, Lincoln, who might quickly heal the wounds of war. Someone else attempted to slay Secretary of State William Seward.

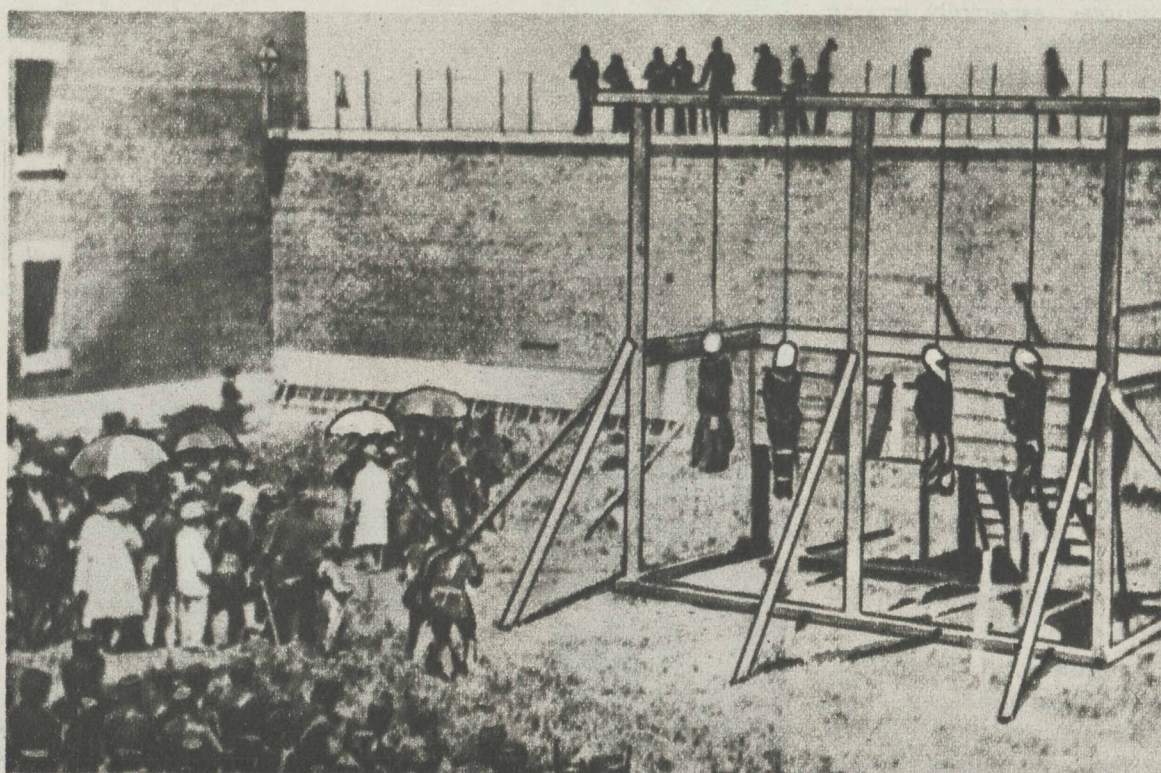
A north jubilant over victory became an infuriated, a vengeful north. It moved swiftly to bring to justice the perpetrators of this monstrous deed. Quickly the assassins were rounded up, and Booth himself was trapped and slain. Secretary of War Edwin Stanton and others branded the slaying of Lincoln and the attack on Secretary Seward a diabolical plot of the Confederacy, extending to personalities as high as Jefferson Davis, fugitive president of that Confederacy. They announced that other government officers, among them the then Vice President, Andrew Johnson, and Gen. U. S. Grant, had also been marked for death.

In the government bastille cowered eight prisoners, one a woman. They were promptly charged with "traitorously" conspiring to murder and to assault to kill in aid of the rebellion. The government decreed they must be tried before a military tribunal—this in spite of the fact that peace nominally had been restored and the civil courts were functioning.

And yet it can be questioned even now whether the civil courts could have functioned properly in such a case. The crime, even though committed after the war had ended, was war-inspired.

The eight prisoners had no choice. On May 9, pursuant to a decree from President Johnson, the military commission convened, comprised of nine military officers, seven of them generals. Maj. Gen. David Hunter presided. Brig. Gen. Joseph Holt appeared as judge advocate general, or prosecutor.

The accused, Mrs. Surratt, Harold, Atzerodt, Payne, Michael O'Laughlin, Edward Spangler, Samuel Arnold, and Dr. Samuel A. Mudd, marched into the court



(Photo by Col. B. P. Nicklin, U. S. A., from Acme.)  
The hanging of four of the conspirators, their bodies swinging free after the dropping of the traps.

under the heavy burden of iron chains. Mrs. Surratt, dressed in deep black, was permitted to be separated from her co-defendants because she was a woman. But she, too, contemporary reports stated, was chained. Hopelessness dulled their eyes. Scour the court as they might, they could see no friends except their counsel—men who realized the terrific odds against them.

The odds were terrific! Not so much in the nine austere men in uniform who were to judge them as in the heinous enormity of the crime which had to be answered.

Day after day, as the days grew hotter in Washington, the mill of military justice ground out its case against the eight defendants; more than 130 government witnesses testified. The defense itself called more than 125.

No one questioned the fact that Booth shot Lincoln. Therefore the case against the prisoners depended in no small measure upon their actual or alleged associations with Booth. A multitude of witnesses took care of this important connection. They saw Booth and Mrs. Surratt together. They saw her son, the fugitive conspirator, John Surratt; Dr. Mudd, and Booth together. They saw Booth and Spangler together. They saw Booth and O'Laughlin and Atzerodt together. They saw Booth, Arnold, Payne, and Harold together. The alliance seemed perfect.

The cases against Payne, Harold and Atzerodt offered no unusual difficulties of proof. Payne was in-

The government faced a different situation regarding Arnold, O'Laughlin, and Spangler. It was true that Arnold had been a party to Booth's original plot, which was to capture, not kill, Lincoln. But it was also true that Arnold had withdrawn from the conspiracy long before Booth changed the scheme to murder. O'Laughlin was painted as the man who tried to see General Grant with the avowed purpose of murdering him, but a host of witnesses disabbed O'Laughlin that he was with them, and nowhere near Grant or where Grant was supposed to be, at the particular time in question. As for Spangler, the government showed that he probably arranged Booth's get-away horse at Ford's theater the night of the assassination, but since he worked at the theater, and was an admirer more than an associate of Booth's, the government failed to prove his guilty knowledge of Booth's plans.

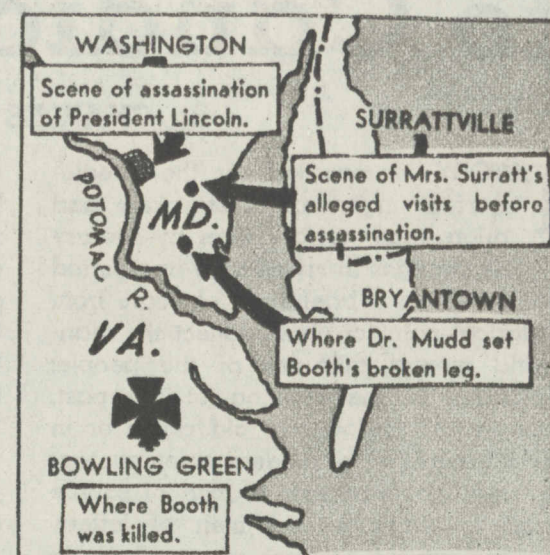
The prosecutors and court now

Booth "when John was absent." He told of driving her to Lloyd's, at nearby Surrattville, and over-hearing her whisper to Lloyd to "have those things ready." Those "things" were carbines, secreted with Lloyd five weeks earlier by John Surratt, Harold, and Atzerodt. Lloyd himself asserted that on the evening of the murder Mrs. Surratt cautioned him to "have them shooting irons ready, as they will be wanted tonight." That midnight, Lloyd related, two men, one with a broken leg, called for "them shooting irons." The men were Booth and Harold; Booth had just shot Lincoln!

It was shown unquestionably that Dr. Mudd set Booth's broken leg (broken in his leap to the stage from Lincoln's box) in his home near Bryantown, Md., at dawn following the shooting. It was shown that soldiers pursuing Booth questioned Mudd and he told them nothing of the dawn drama at his home. It was shown that when he finally did reveal that he had assisted the injured fugitive he denied he knew the man was Booth. It was shown that he had met Booth the previous winter in a proposed land deal, and so, the government contended, should have recognized him.

If nothing else, circumstances weighed heavily against Mrs. Surratt and Dr. Mudd, and the newspapers of the time commented pointedly that they appeared guilty—"Dr. Mudd, certainly." Both introduced impressive defenses which would have gone far in almost any other case.

But times were bitter. It did not help them, nor any of the other defendants, that the government prosecutors introduced such prejudicial



Map of region around Washington, showing location of places that figured in the conspiracy against and slaying of the President.

that debatable elements of defense were frequently decided in favor of the prosecution.

The military court retired for deliberations on June 29 and reported its findings to President Johnson on July 5. These were death for Mrs. Surratt, Payne, Harold, and Atzerodt; life imprisonment for Mudd, Arnold, and O'Laughlin, and six years' imprisonment for Spangler. The commission appended a recommendation of mercy for Mrs. Surratt, but President Johnson on July 6 approved the findings without change and decreed that the executions take place on the following day.

This was the day that Anna Surratt called in vain to see the one man—President Johnson—who could save her mother. On that day also Mrs. Surratt's lawyers tried to save her by means of a writ of habeas corpus, only to be foiled by President Johnson's suspension of the writ "especially in this case." Historians have mulled over Johnson's conduct in Mrs. Surratt's case, some even imputing base motives for his refusal to grant clemency. But it should be said for him, first, that perhaps he never saw the court's recommendation of mercy, and, second, that he felt, as part of his Tennessee creed, women no less than men should suffer for their crimes.

A few minutes after 1 o'clock on this day Mrs. Surratt, ill and weighted down with chains, was led to the gallows. Payne, calm and deeply concerned over Mrs. Surratt, whom he had just declared innocent of complicity in the crime, followed. Harold, red-eyed and weeping, came next, and then sullen-eyed Atzerodt. The sun beat down brightly. A soldier held an umbrella over Mrs. Surratt's head. Soldiers formed a hollow square in the yard. Clergymen intoned prayers, and Payne, standing next to Mrs. Surratt, listened to the prayers of her religious consolers and gazed upon her "as a fond child on a parent." In the old prison building that looked down upon this unbecoming summer scene sat Anna Surratt listening for her particular crash of doom.



(Reproduced from an old sketch from Harper's Weekly.)  
The military commission before which the conspirators were tried. Seated (left to right): Colonel Clendenin, Brig. Gen. Howe, Brig. Gen. Elkin, Maj. Gen. Hunter, Brig. Gen. Foster, Asst. Judge Advocate Bingham, and Judge Advocate Holt. Standing (left to right): Brig. Gen. Harris, Col. Tompkins, Maj. Gen. Wallace, Maj. Gen. Kautz, and Col. Barnett.

deed the man "with the wild gleam in his eyes" who invaded the home of Secretary Seward and knifed Seward as he lay ill in bed. Seward's two sons; his houseman, William Wells, and his nurse, Sergt. George Robinson, could make no mistake about him. And Harold was captured with Booth when the latter was slain. Atzerodt was easily shown to be the man who rented a room above Andrew Johnson's in the Kirkwood house, concealing in that room a bowie knife and a navy gun which he meant to use—but lost courage—on Johnson.

came to Mrs. Surratt and Dr. Mudd, the human question marks of the trial to this day.

It was shown unquestionably that Mrs. Surratt's home was used by Booth and the other conspirators, including her son John. The testimony of two men, Lewis Weichmann and John M. Lloyd, placed Mrs. Surratt on the gallows. Weichmann, star boarder in her home and star witness for the government, gave a graphic picture of the conspirators meeting in her house and of her meetings with

evidence as the cruel treatment of Union soldiers in Confederate prisons, or an attempt to burn New York, or an attempt to spread pestilence in northern cities. Passion ruled the day, but it is well to remember that witnesses did testify against each and every defendant and on the whole painted a not unpalatable picture of guilt against all.

This is said even against the knowledge that the trial of the eight defendants was vigorously, if not ruthlessly, conducted, that the defense counsel were handicuffed by drastic procedure, and

The four prisoners were ordered to stand on the trapdoors. They were secured hand and foot with white cloth strips. The nooses were adjusted. Through fevered lips Mrs. Surratt pleaded, "Please don't let me fall." Atzerodt muttered: "Farewell, gentlemen; take care, and good-by, gentlemen who are before me." Payne tightened his lips. Harold wept quietly.

Down below two soldiers yanked away the wooden props that held up the trapdoors. Four bodies shot downward. Abraham Lincoln's assassination was avenged.

Since that day in July, 1865, when Mrs. Surratt and the others paid the supreme penalty for the "great conspiracy," historians have pretty well agreed that Mrs. Surratt should not have been hanged. This much should be said: If Weichmann's and Lloyd's stories against her were true she should have been hanged. And this much should be added: Had she been tried by a civil court instead of a military court she probably would not have been hanged.

This deduction is fair—it is based on the trial of Mrs. Surratt's son John two years later: He, not his mother, was the archconspirator with Booth. He was tried in a civil court in 1867. Weichmann and Lloyd and all the others testified against him.

And yet a civil jury could not agree on his guilt.



Harold

Spangler

Mrs. Surratt

Atzerodt

Arnold

O'Laughlin

Payne

Booth