The Lincoln Assassination
TO THE MEMORY

ABRAHAM LINCOLN

PRESIDENT OF THE UNITED STATES OF AMERICA

Who died a Martyr to his Country,
Falling under the Hands of a Tyrant Ammon, on the 14th day of April, 1865.

The Fourth Anniversary of the Beginning of the GREAT REBELLION,
which the 14th day of April is celebrated, may his memory be a warning to the Rulers of his Country.

"If God wills that this mighty scourge of war continues until all the wealth piled
by the bondman's two hundred and fifty years of unremitted toil shall be
wasted, and every drop of blood drawn by the lash shall be paid by another
drum beat to the world, as proof of God's disapproval, of man's insubordination to his King,
and of sin and injustice, to the end that Shamrock and minstrelsy may stand for always
in the United States, as signs of sorrow, mourning, and mourning, from this time forth.

"With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the
battles, and for his widow and orphans, to do all which may aid to heal the nation's wounds and
secure a just and lasting peace among ourselves and with all nations."

ABRAHAM LINCOLN

March 4th, 1865.

The great Republic stood him as its Father,
And consecrated him as the President of its People.
The oppressed People of all parts looked up to him as the Ancestor of Liberty,
And hailed him as the Consolator of the Afflicted.

HE STRUGGLED TO MAKE THE BLOOD OF A FREE PEOPLE FLOW,
And with a noble heart, he rose to the noble dignity of President.

By his practical wisdom, by his wisdom and his integrity,
He saved the Republic from destruction.

By his amiable character he desired the exalted principles of its Constitution,
And restored them to their just supremacy.

By his pardon of its Constitution, by his wisdom of its principles,
He was the chosen instrument to expunge
A new era in the history of mankind.

The wisdom of his Constitution was exalted only by its wisdom,
Exercising a power which exalted that of Kings,
He being bound to the principles of the Constitution.

The nation in the reign of his memory to be aided by an elevation
The present among Human Beings.

He stands in the ranks of the luminaries of all Time as
The Perfect Example of Benevolence,
While the world will never cease to bow

ABRAHAM LINCOLN

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The Lincoln Forum

The Lincoln Assassination

Crime and Punishment, Myth and Memory

EDITED BY
Harold Holzer, Craig L. Symonds, AND
Frank J. Williams

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Acknowledgments

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Every blossom that blooms from the Forum reminds us of its roots, and much of our original success came from the expert work of our late founding treasurer, Charles D. Platt. We all miss him very much and remain grateful for his contributions, along with those of his wife, Linda Platt, who continues to support an annual
Acknowledgments

Forum essay contest for students, and to their daughter Annette Platt Westerby, our first Forum administrator.

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Harold Holzer
Craig L. Symonds
Frank J. Williams
September 1, 2009
The Lincoln Assassination
Introduction

The murder of Abraham Lincoln on Good Friday, April 14, 1865, struck the American psyche like a hammer blow—opening a wound that in many ways has never completely healed.

No previous president had ever been assassinated (though three have been killed since). And coming as it did at the end of a brutal, punishing four-year war, and in the midst of widespread national rejoicing at the restoration of peace, Lincoln’s murder seemed so gratuitous, so irrational, and so utterly un-American that it defied logic, tradition, and even prayer. Yet because the harrowing crime took place just before the most sacred holidays in the religious calendar, it also seemed to some almost divinely ordained—as if it had occurred as national punishment for the sins of slavery and fratricidal conflict. As the historian Allan Nevins reminds us, Lincoln’s slaying “was clearly a sequel of the war, a product of its senseless hatreds, fears and cruelties.”

Indeed, historians have often treated the Lincoln assassination as a sequel—an epilogue—to the story of the Civil War. Few have attempted to show how Americans responded to the crisis at the
time, and what their response reveals about the American character at the end of the rebellion that nearly destroyed the nation. Some biographers devote only a few lines to the tragedy, hardly pausing to acknowledge just how calamitous it proved in altering the destiny of the now re-united but still agonized nation. In fact the absence of Lincoln's paternal hand on the tiller of State during Reconstruction proved a tragedy almost as great as the war itself.

Gone suddenly was the leader who had patiently guided the Union to victory, deftly steered a government roiled by unprecedented challenge, inspired a people through the most perilous crisis in the nation’s history, and established black freedom. His successor in the White House, Andrew Johnson of Tennessee, was a pro-war Democrat with limited political skills, undisguised racial prejudices, and implacable loyalty to state sovereignty. Americans, especially those freed through emancipation and the Thirteenth Amendment, had ample reason to mourn Lincoln’s passing.

Even Lincoln could never have solved all the problems of the postwar years. His departure, however, undermined the possibility that the ideals of the Union could provide the beginnings, at least, of progress toward achieving the original promise of the Declaration of Independence. Thanks to John Wilkes Booth and his cohorts, the president’s death in office assured the unchecked ascendancy of racism, while also guaranteeing the near-beatification of Lincoln as the secular saint who had saved democracy.

It is little wonder that this dramatic crime evoked a flood of often conflicting emotions, as chronicled in this book: unprecedented mass mourning, coupled with a desire among many for vengeance and swift justice; widespread admiration for Lincoln, along with the occasional insistence that the martyred president had deserved his fate. For all these reasons, along with the mysteries, myths, and controversies associated with the crime and its punishment, the assassination immediately—and ever since—has inspired a library of books: a flood of dramatic recounting, memoirs, and
analyses that began churning off the nation’s presses within months of the assassination and continues unabated.

Interest in the event and its aftermath has never really flagged, nor has there been a lack of conspiracy theories to explain the momentous tragedy. For just this reason, the Lincoln Forum, an assembly of students and scholars that meets annually at Gettysburg to discuss Lincoln’s life, has always devoted a portion of its schedule to that other subject that continues to grip his admirers: the story of his death. In 2005, the 140th anniversary of Lincoln’s murder, the Forum focused exclusively on this topic, inviting renowned assassination authorities to offer fresh scholarship and investigation. They did. The result is this volume of many voices—an attempt, collectively, to return to the original sources, and the original culture, of 1865, to help shed light on the public, judicial, and memorial reaction to Lincoln’s death—reactions that, for better or for worse, helped forge, and still largely sustain, the indefatigable Lincoln legend.

In this, the fourth Lincoln Forum book, a distinguished roster of contributors helps to place this catastrophic event squarely within the context of the tumultuous times in which they occurred, and to demonstrate just how momentous it truly was in so many ways—how much more, in retrospect, than a mere epilogue. The writers here explore the legal, cultural, political, and even emotional consequences of the assassination. We are proud to note that all but one of these essays—that of the veteran Civil War and Lincoln scholar Richard Nelson Current—were initially presented at a symposium of The Lincoln Forum, an organization that since 1996 has convened each November in Gettysburg.

To begin this volume, two of its co-editors, Harold Holzer and Frank J. Williams, explore the iconography of Lincoln’s death. They show how artists of the day portrayed—and routinely exaggerated—the scene inside the small (but liberally and imaginatively
enlarged!) boarding house bedroom to which the president was car-
ried to die after he was shot across the street at Ford’s Theatre. Anxious to know and remember precisely how their president had breathed his last, Americans eagerly purchased these interpreta-
tions, however wildly exaggerated. For artists depicting the scene, the death supplied a grand opportunity to memorialize a great his-
torical event (and sell pictures). As one after another of them worked to include more and more bedside mourners, the death chamber expanded to host them—creating a phenomenon modern historians now describe as the “rubber room.” And thus the sup-
posed grandeur of Lincoln’s rather plain final surroundings became enshrined in American memory.

After his death, a special funeral train carried Lincoln’s remains north and west over a thousand-mile journey home to Illinois, stop-
ning for ceremonies in the leading cities of seven states. In a poi-
gnant essay, Richard E. Sloan describes the passage of Lincoln’s body through New York. One feels like a witness to history as Sloan follows the cortege through Manhattan’s richly decorated streets and observes the event through the keenly focused eyes of contemporar-
y journalists. The city had never seen so elaborate, and so crowded, an event for any hero, and Sloan helps transport the modern reader onto the Broadway of the mid–nineteenth century, with its famously gaudy signs and shops now draped in black and adorned with Lincoln images for his last “visit” to the nation’s largest metropolis. Among the many mourners, Sloan notes, were surely New Yorkers who had long and bitterly opposed the Republi-
can president in politics; but unlike the unapologetic critics who found themselves in legal difficulties elsewhere for openly demonstr-
ating their hostility, Sloan shows an overwhelmingly Democratic city united in sorrow.

Without doubt the death of Abraham Lincoln provoked a na-
tional trauma. There is significant evidence that ex-Confederates, as well as stout Unionists, quickly recognized Lincoln’s death as a
national catastrophe. But not all of them. Thomas P. Lowry’s indefatigable research reveals that some citizens—including, surprisingly, a number of Union soldiers and sailors—were not saddened at all by President Lincoln’s passing. In fact, many of them publicly expressed joy over the assassination. Their doing so had legal ramifications, too, for Lowry proves that merely expressing satisfaction at Booth’s deed often resulted in imprisonment, a fine, or both.

Lowry examined seventy-eight long-ignored files in the National Archives involving cases of those tried for rejoicing over Lincoln’s death. In such cases, the protections of the First Amendment were overwhelmed by public anger—and by sometimes harsh prosecution—at citizens who would applaud the murder of a president.

The historian and biographer Elizabeth D. Leonard in turn offers a thorough and revealing profile of Kentuckian Joseph Holt, who had served in the Lincoln administration as Judge Advocate General and, during the time these emotional funerals were taking place, became the chief prosecutor of the conspirators. Leonard’s explorations offer useful and original insights into the man whose work in the summer of 1865 made such a major impact on the conspirators’ fate—and on legal history. Although Holt was politically a Democrat, his loyalty to the Union and the president proved to be unmatched, earning him the respect of another onetime Democrat, Secretary of War Edwin M. Stanton, who entrusted the swift conviction of the Lincoln assassination conspirators to this complex, hardworking man.

Rhode Island Chief Justice Frank J. Williams (retired), too, explores the nature of the military tribunal that weighed the fate of the conspirators—with a different goal in mind. His own detailed account illuminates the important questions its work raised (and continues to raise) on the issue of constitutional due process, deficient at many junctures during the conspirators’ trial. Strikingly, the questions about such tribunals in Lincoln’s day mirror those
confronting Americans in the twenty-first century. Williams’s account thus serves as backdrop to the use of military tribunals, and the due process to be accorded the accused, in the modern wars on terror. The lessons of yesterday, as always, offer potentially valuable insights into the problems of today.

In a chapter that has important contemporary reverberations, Thomas R. Turner discusses the legal ramifications of the use of a military court to try the Lincoln conspirators. He notes that, after a war that cost 620,000 lives—Northern and Southern—Americans were traumatized as never before. Turner shows how the staggering death toll profoundly affected the pursuit, imprisonment, and trial of the assassins. To Turner, the use of a military commission to try them was a rational decision in 1865, and he argues that the commission proved more objective than a civil trial might have been at the time. Nevertheless, the emotions of the moment had much impact on the proceedings. To show this, Turner focuses particularly on the later trial of John Surratt, the son of the conspirator Mary Surratt, who, unlike his mother, escaped conviction at a civil trial because of a hung jury. Surratt’s release fueled the impression that the 1865 military commission had been biased in favor of the prosecution. Turner argues that the major difference between the two trials was the less frenzied environment that prevailed in 1867.

Edward Steers Jr., in turn, offers his own stout defense of the military tribunal that convened under the supervision of General David Hunter and was prosecuted by Judge Advocate General Holt. In 1865, the District of Columbia, scene of the trial, remained under martial law. Steers argues that the suspension of the writ of habeas corpus there was clearly constitutional under prevailing war conditions, and that it met the standard outlined in Article I, section 9, clause 2 of the Constitution, which states that the writ may be suspended as the “public safety may require it.” Steers offers a valuable reminder that the Lincoln assassination prosecution focused
not only on obtaining a conviction of the conspirators but also on
linking Booth’s small gang of hangers-on and ne’er-do-wells to the
Confederate government. To Hunter and Holt, it is sometimes for-
gotten, it was President Jefferson Davis, as much as the conspirators
themselves, who deserved to stand trial.

And in another related essay, the noted Booth biographer Mi-
chael W. Kauffman deftly points out the differences between cur-
rent rules of evidence and those that applied in 1865—sug-
gesting that many facts remained undisclosed at the Lincoln assassination
trial. Kauffman shows how the search for the truth after Lincoln’s
murder was frustratingly thwarted by a lack of discovery, by preju-
dicial rulings against the defense by the commission, and by rules
that limited the testimony of witnesses favorable to the defense. To
an audience that has grown up watching legal shows on television,
the rules of evidence in effect in 1865 will come as a major surprise.
Without doubt they affected the course of the proceedings, as well
as the reputation of the commission’s work in history.

Finally, this volume ends with the reprinting of a classic piece—
Richard Nelson Current’s justly famous essay on Lincoln as the vic-
tim of both murder and mythology. It was originally published more
than half a century ago in Current’s memorable book The Lincoln
Nobody Knows. The editors had many reasons for including this
thoughtful, and still fresh, account here. First, it seemed remark-
able to us that Current’s scholarship still has so much to teach us—
that his writing style still delights us—so long after he first wrote
these words. Second, the Forum wanted to honor this great histo-
rian for whom its annual award of achievement is named and who
stands alone today as the dean of all Lincoln scholars. We are hon-
ored that he not only consented to the reprinting of the chapter but
at the age of ninety-six made a significant alteration in which—with
typical honesty and elegance—he changes his mind on a point he
first made in 1953!
The editors hope that together, these contributions will provide a fresh examination, for a wide reading audience, and through the eyes of the most accomplished contemporary assassination scholars, into the legal, social, and iconographic impact of Abraham Lincoln’s death. It is a subject that continues to fascinate readers, and these new essays will surely fuel debate and discussion in the future.