Review Essay

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The story of the assassination of Abraham Lincoln and its aftermath has been seriously muddled by some perverse and even fraudulent claims made about the events. The common result of American Brutus and Blood on the Moon is the restoration of “orthodoxy” in the interpretation of the Lincoln assassination.

“Orthodoxy” here means the conclusions established in 1865 by competent evidence in the trial of the conspirators: John Wilkes Booth and the defendants conspired to kidnap Abraham Lincoln to effect an exchange of military prisoners; the abduction scheme was eventually abandoned in favor of assassination; Mary Surratt’s boardinghouse in Washington was the forum for much of the conspiracy and she directly participated in the plan; John Wilkes Booth assassinated Abraham Lincoln April 14, 1865, in Ford’s Theatre; Lewis Powell (Payne) wounded and almost killed Secretary of State William Seward and members of his household; George Atzerodt was assigned the responsibility of assassinating Vice President Andrew Johnson but aborted the mission and ran; Booth, after fleeing Ford’s Theatre, his leg broken in flight, was joined by David Herold and made his way to southern Maryland where his broken leg was treated by Dr. Samuel Mudd; Booth and Herold were surrounded by Union troops on the Garrett farm near Port Royal, Virginia, and the barn set on fire; Booth was shot there and mortally wounded; and no other conspiracies were established.
by competent evidence. Orthodoxy also rejects claims that Secretary of War Edwin Stanton was involved in the assassination or that he managed a cover up of the events.

While to some extent understandable in light of the war climate and the alarm posed by such dramatic events, the government’s management of the case invited skepticism. Booth’s body was handled in a highly secretive manner and disposed of quickly; the trials were held in a military court even though the defendants were civilians and the civilian courts were open; the trial proceedings were initially secret; the case moved quickly—starting less than thirty days after the events—and was completed in less than sixty days and the executions carried out immediately. Early criticism was fueled by sympathy for Surratt, the first woman executed by the federal government in America, exacerbated by President Johnson’s claim that at the time he considered the defendants’ appeals, he had not been informed that a majority of the military commission had recommended clemency for Surratt. Later, the revelation that perjured evidence had been used invited more criticism. The assertion that pages had been cut from Booth’s journal after it was removed from his body implied treachery. Since Stanton had directed the investigation, he drew especially negative attention. After John Surratt, Mary Surratt’s son and a participant in the plan to kidnap Lincoln, was captured and tried (the trial resulted in a hung jury), he attacked the government’s key witness, Louis Weichmann, and blamed him for the death of his mother, adding to the suspicions about the government’s handling of the case.

Orthodoxy, however, prevailed and was forcefully restated in 1929, albeit with a clear anti-Stanton tinge, in Lloyd Lewis’ *The Assassination of Lincoln: History and Myth*. Lewis confirmed that Booth killed Lincoln; that he was not insane; that he was killed at the Garrett farm; that neither the Confederates nor Stanton (notwithstanding his harsh criticisms of the latter) had anything to do with the assassination. As to Mrs. Surratt, who had generated so much sympathy, Lewis believed that she both knew of the plot and approved. Lewis characterized the conspirators other than Booth and Dr. Mudd as dull and stupid. He was not impressed with the evidence against Mudd. Basically, Lewis restated the orthodox interpretation of the events.

In 1937 Otto Eisenschiml came out with a bombshell. In *Why Was Lincoln Murdered?*, he contended that Booth was the agent of Secretary of War Edwin Stanton, who supported the assassination of Lincoln and covered up his role by controlling all of the military, judicial, and

investigatory procedures following the murder of Lincoln. Stanton, he claimed, was determined to thwart Lincoln’s charitable intentions toward the defeated South.  

George Bryan restated the orthodox interpretation in 1940 in *Great American Myth*, in which he debunked the Eisenschiml thesis, but the door to perverse interpretations had clearly been opened. As William Hanchett observed in his own restatement of orthodoxy and his thorough dissembling of the Eisenschiml thesis: “The trouble is that since 1937 a kind of Gresham’s law has operated in the field of Lincoln’s assassination: the bad books, the sensational books, drive away the good books and dominate public opinion.”

A movie, television programs, and renewed assertions of Stanton’s culpability have kept alive the suspicions that “higher-ups” were involved in the plot. This muddying of the water has made necessary a fresh look at the Lincoln assassination. Hence, the importance of these two books in clarifying and strengthening the orthodox case and refuting the conspiracy claims made over the past seventy years.

For those who want a short, readable, but complete narrative of the assassination and the immediate activities preceding it, Alan Axelrod’s *Lincoln’s Last Night* is a good choice. Free of footnotes or citations, it can be read easily and quickly. It reads like a good story—which it is—but relies on the evidence of other researchers, particularly Steers. Photographs, including those of all the items Lincoln had on his person that evening in Ford’s Theatre, are helpful. Because of its brevity, much is omitted, but it is ideal for the general reader.

For those interested in scholarship and the best research, they will find it in Steers’s *Blood on the Moon* and Kauffman’s *American Brutus*. Both are excellent and the most current word on the assassination of Lincoln. Both should be read by those who wish to fully understand the Lincoln assassination and its aftermath. While both reflect exhaustive research and mature analysis, the authors reach different conclusions on some matters.

Kauffman’s *American Brutus* is the best account of the assassination. Not only is it beautifully written but, as demonstrated by seventy-five pages of endnotes and eleven pages of references, it is also exhaustively researched. In addition to presenting a complete and accurate record of the assassination and the trial of the conspirators, it dismantles the claims of a conspiracy involving Stanton and shat-

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ters any claim that Booth did not die at the Garrett farm. It sets out a helpful description and explanation of the trial of the conspirators, as well as the procedures employed, and provides a good biographical sketch of Booth. Kauffman establishes clearly, and Steers concurs, that Booth was not—even temporarily—insane.

To the extent that Michael Kauffman presents a unique interpretation, it is his claim that Booth intentionally incriminated his colleagues to intimidate them into either silence or active support. Knowing that they were legally vulnerable, they would refrain from undermining his plans. He asserts that “several people were in a position to figure out what was going on, and Booth needed a strategy for neutralizing potential witnesses before they had a chance to hurt him. . . . Booth did all he could to create and preserve the evidence that would intertwine their [fellow conspirators’] fates with his own. This, more than anything else, ensured the survival of his conspiracy when the odds favored exposure” (172–73). In fact, Booth, says Kauffman, was so calculating that he even took into consideration legal rules of evidence, which at that time prohibited a defendant from testifying. He writes: “The rule was as well known in 1865 . . . and John Wilkes Booth had relied heavily on it to protect himself from eventual exposure. He knew that anything he said could someday be brought into court by a third party, and anyone incriminated by his words would probably be excluded from responding. . . . He used it on conspirators, witnesses, and anyone else he didn’t trust. This, more than anything else, allowed Booth to organize a plot in the most paranoid of times” (359–60).

There is no evidence for this claim. Nowhere is there an acknowledgment by Booth that he knew about the evidentiary rule preventing testimony from incriminated persons. The prohibition was against criminal defendants offering testimony for themselves or against others. If the government chose not to charge a person, he could freely testify. More fundamentally, there was never any threat by anyone to tattle. No threats were necessary. Booth’s colleagues were avid supporters of the Confederacy. If they were willing to participate in a plot to abduct Lincoln, how could they be any more incriminated? Booth had a manipulative and effective way with people. They liked to help him. There was no need to intimidate or extort. Even when he tried to challenge and intimidate, Booth was rebuffed. Samuel Arnold, one of the conspirators and the one most overtly manipulated by Booth, openly refused to help him at the end. Booth’s most vulnerable connection was Louis Weichmann, a government employee; yet there is nothing to indicate intentional incrimination (except a rather contrived claim that John Surratt—not Booth—tricked him into signing a Baltimore hotel register).
The truth is that the conspirators, almost all Marylanders, were sympathetic to the Confederacy. In fact, as Kauffman does in such a perceptive way, one can simply look at the Maryland political climate to get an inkling of the pervasive and intense quality of the pro-Confederate partisanship. As Kauffman notes: “In many ways, Maryland was the key to the assassination. . . . It [martial law, military presence] made opposition to Abraham Lincoln as strong there as it was in any state below it. This atmosphere nurtured the Lincoln conspiracy” (81). As to the connections in southern Maryland he also observes: “Without these associations, Booth’s conspiracy would never have been feasible” (116). It was the passionate hatred of the Lincoln administration and the equally passionate support for the Confederacy—and Booth’s charm and power over people—that held this group together.

There are a couple of instances of Kauffman handling evidence in a puzzling manner. Kauffman accepts Dr. Mudd’s claim that he did not recognize Booth when he appeared at his house early Saturday morning, April 15, to request medical assistance for his broken leg. Kauffman notes that Mudd “had not seen Booth since the previous November or December, four or five months before” (231). But Kauffman describes a social encounter between Mudd and Booth at church in Bryantown, Maryland, on December 17 (he rejects the conclusion of Steers that the December 17 meeting was actually the second meeting between the two) and a rather extensive conversation between them on December 23 in Washington, less than four months before April 15.

In fact, Kauffman accepts the rather incredible coincidence as to how Booth met John Surratt for the first time: Booth ran into Mudd on the street in Washington and asked Mudd how he could meet Surratt. Dr. Mudd said that he did not know. Booth had never seen Surratt. Just as Booth and Mudd were standing there talking about him, who should appear—and be recognized by Booth who had never seen him before—but John Surratt! (155). This is not believable. The truth is probably as remembered by Weichmann, who was accompanying John Surratt at the time. He testified at the trial that Dr. Mudd introduced Booth to them, and that they, including Mudd, went to Booth’s hotel room. Weichmann testified that Booth and Mudd left him alone to talk privately in the hall for “fifteen or twenty minutes” before returning. The three men (all except Weichmann) continued their conversation while drawing lines on the back of an envelope.5

In light of this exposure to Booth, it is not credible that Dr. Mudd, even in the pre-dawn of April 15, while examining and treating some-

5. T. B. Peterson and Brothers, _The Trial of the Assassins and Conspirators at Washington City, D.C., in May and June, 1865_ (Philadelphia: T. B. Peterson & Brothers, 1865), 24.
one in his home, did not recognize Booth, a famous actor, a particularly handsome man, and a man with whom he had had an extended conversation less than four months earlier. Even with a false beard, and certainly in the ensuing hours of daylight, Booth would have been recognizable. The suspicion that Mudd was not telling the truth is corroborated by his claim that he left these strangers in his home with his wife and children, went to town for supplies, learned of the assassination and even Booth’s involvement, but said nothing. Later, he started to realize that it was indeed Booth at his house. When he returned home, he told his wife, but because of her fears of being left there alone again if he should return to town to tell the authorities, he waited until the next day. Even at that point, he provided the information only through his cousin. The most dramatic news in Dr. Mudd’s entire life was breaking around his own home and, even after realizing who Booth was, he delayed going to authorities. Steers has it right: These are the actions of a man who knowingly treated and sheltered Booth. The Weichmann version of the December 23 meeting in Washington implies even more, namely, that Mudd was aware of the conspiracy. The meeting in Washington is important. Not only does it constitute the clearest basis for concluding that Dr. Mudd had to recognize Booth in the early morning hours of April 15, but it provides a credible explanation for how Booth met John Surratt. That link was critical to the plot.

Another item handled in a puzzling way is the reference to the testimony at the conspiracy trial of Henry Von Steinacker. A purported Confederate veteran, he actually made the case that Steers has tried to make—that Confederate government officials were involved in the efforts to kill Lincoln. Kauffman acknowledges the importance of the testimony: “It was his testimony more than any other that connected those officials [Confederate officers] to the assassin and, through him, to the prisoners on the dock” (343). And a bombshell it was. According to trial accounts, Von Steinacker testified that he had been present personally with Booth in Virginia in 1863 when Booth talked openly with Confederate army officers about a Confederate strategy of murder and mayhem. They said that it was Confederate policy “to lay Northern cities in ashes, and, finally to get after the members of the Cabinet and kill the President.”6 Steers, who tries to make the case of Confederate complicity in the Booth scheme, does not cite this testimony. Kauffman cites it, acknowledges its importance, but nowhere notes that it was fraudulent. He observes that other witnesses called by the

6. Ibid., 42.
government to testify about Confederate government involvement were perjurers (the main one was later convicted of perjury when he repeated his testimony before a congressional committee.) The reference to the testimony of Von Steinacker should have been omitted as perjured evidence or a clarification offered to reflect the rebuttals by General Johnston (the Confederate general in command of the forces to which Von Steinacker claimed to have been connected) and other members of that Confederate force. They refute the charges and denied having even seen Booth.

Notwithstanding these relatively minor concerns, this is a wonderful book. The way Kauffman moves within the same time block from Lincoln’s deathbed to Booth’s flight to the simultaneous actions at the Seward home, gives the reader a full picture of what is going on at all times. His narration of the events surrounding the planning to kidnap Lincoln, and later to murder him, the flight of Booth and the pursuit, the investigation, and the trial are told clearly and coherently. His biographical sketch of Booth is not only helpful but makes a convincing case that he was no madman. It will stand as the best book on the assassination for years to come.

Steers has become the pre-eminent researcher on the assassination. His Blood on the Moon is a fine book. It is somewhat polemical in that the author anticipates the arguments that surely will be made to his assertions and takes them on. This makes for a less coherent reading than American Brutus, but it is particularly interesting to the reader who is aware of the controversies to which he responds. Also the product of painstaking research and the poring over of thousands of pages of archival materials, this book has forty pages of endnotes and dozens of sources. Steers makes a devastating attack on the claims of Eisenschiml and others that Stanton was involved in the conspiracy to kidnap Lincoln and managed a cover up, and that Booth escaped to live for many years after the assassination. He also repeats his severe indictment of Dr. Mudd as developed fully in His Name Is Still Mudd. Steers may overreach as to Dr. Mudd, but his interpretation of the evidence of Mudd’s role is more satisfying than Kauffman’s. Steers makes a compelling case that Dr. Mudd had been sufficiently exposed to Booth before April 15, 1865, and that he must have recognized him and knowingly assisted him.

Steers endorses the conclusions of the authors of Come Retribution, who contend that “high-ranking Confederate officials supported John Wilkes Booth in a conspiracy aimed at capturing Lincoln, a conspiracy

that evolved into a plan to create chaos by assassinating President Lincoln, Vice President Johnson, and Secretary of State Seward” (3).\(^8\)

While Steers is convinced by that research, supplemented by his own, that the case is made, he repeats the frank acknowledgment of the *Come Retribution* authors that “their evidence is largely circumstantial . . . ” (5).

Steers is clear in his assertion of connections between Booth and the Confederate government: “Booth also benefited greatly from the Confederate leadership in Richmond. Whether he was an agent of that leadership or simply a beneficiary can be debated. But in putting together his plans to strike at Lincoln, Booth was aided by key members of the Confederate underground at every step. After capture turned to assassination, that same Confederate apparatus used all of its resources to help Booth in his attempt to escape” (7).

The circumstantial case of Confederate involvement consists primarily of examples of the savagery of the war and the purported contacts between Booth and the Canadian agents of the Confederacy. He concludes that the increasing brutality of the war makes it more credible that kidnapping or killing the enemy’s leader was acceptable.

Steers makes a strong argument that the violence and wanton destruction of the war ratcheted up over time. Both sides became more bitter and more brutal. He concludes that enmity evolved to the acceptance of assassination as a legitimate component of “black flag” warfare: “As the war progressed both sides began to adopt actions that, at a personal and governmental level, fell under the concept of black flag warfare. By the winter of 1864, the burdens of a cruel war began to bear heavily on both sides. As the weeks turned into months with no clear resolution in sight on either side, strategies began to change. Targeting the respective heads of state was no longer outside the boundary of accepted warfare. By the end of 1863 it seems clear that Jefferson Davis and Abraham Lincoln were viewed as legitimate military targets, as evidenced by the events that took place in the first part of 1864” (42).

One of those events in 1864 was the Dahlgren raid. After a failed attempted raid on Richmond, documents found on Union officer Ulric Dahlgren’s body indicated an intention to burn the city and kill Jefferson Davis and his cabinet. The arguments are not convincing that this represented official policy of the Union and led in turn to Con-

federate adoption of the same policies as to Lincoln and his cabinet. Union commander General George Mead, in response to Robert E. Lee, gave his word that the policy of burning Richmond and killing Davis was not official policy. Steers says that “Lincoln’s knowledge of the raid and his approval seem likely” (45–46, emphasis added). There is no evidence to prove that conclusion. Even Lincoln’s telegram to General Joseph Hooker before the raid, which acknowledges the claim that Richmond was so lightly defended that a previous raid would have permitted them to burn Richmond and bring back Davis, is not to be taken literally. There is nothing to indicate that Lincoln actually wanted Davis. He didn’t want him at the end of the war. What would he do with him? Davis, unlike Lincoln, was not the personification of the enemy. Seizing or killing him would not likely have had the same effect on the Confederacy that Lincoln’s abduction or death would have had on the Union. The reference to grabbing Davis simply dramatized the apparent ease of getting into Richmond. It was not a direction to burn Richmond or to seize Davis.

The claim of the deliberate attempt by Confederate agents to spread yellow fever reflects adversely on those involved, but is not attributable to Davis or his administration. Testimony was presented at the conspiracy trial that a Confederate agent in Canada initiated serious—but ineffectual—efforts to infect the population of the Union and even the president with yellow fever. Steers links the actions directly to Davis. Again, evidence is circumstantial and underwhelming. Since these were Confederate agents, it is argued, he must have known what they were doing. Further, a letter near the end of 1864 to Davis from another agent in Canada, the Reverend Stewart alluded to a plan to spread smallpox and noted that public money had gone to the perpetrator. Steers concludes that since Davis had to know of the matter after receiving Stewart’s letter, and yet the trunks of infected clothing were not destroyed, Davis must have approved of the actions (54). In fact, there is nothing to indicate what Davis thought or did about the matter. There is no reason to think that his moral sensitivities were less lofty than those of the Reverend Stewart, who said in his letter: “It cannot be our policy to employ wicked men to destroy the persons & property of private citizens, by inhumane & cruel acts” (53). While suspicious and certainly constituting circumstantial evidence of the claim that Davis condoned the actions, it fails to establish Davis’s culpability. It is totally inconsistent with his character and usual behavior.

In describing the efforts of Confederate Captain Thomas Conrad to kidnap Lincoln, Steers explains that there is no document to tie the
venture to Davis or to his Secretary of State, Judah Benjamin, and that “Conrad was careful not to write anything in his memoirs that directly connected Davis or Benjamin to his plot to capture Lincoln” (56). Yet, he concludes: “it is simply not creditable [sic] to believe that Conrad would undertake a daring mission on his own responsibility without Davis’s full knowledge and approval” (56). There is another explanation for the absence of documentation: Davis was not involved!

Similarly, Steers reads too much into Booth’s Confederate connections in Canada. While he received a letter of introduction from a Confederate agent to Dr. McQueen in southern Maryland (not an insignificant contribution), there is little evidence of additional official collaboration. Booth surely would have boasted in his journal or to his co-conspirators that he was carrying out a mission at the request and direction of “his country.” His co-conspirators did not acknowledge any Confederate government connections. To the contrary, Samuel Arnold said: “The Richmond authorities, as far as I know, knew nothing of the conspiracy.” Louis Weichmann, the government’s major witness noted in his account, published long after his death: “At first it was believed that the leaders of the Southern Confederacy had instigated the deed . . . but as time rolled on, it became evident that there was no warrant for such suspicion, and it is a fact to be mentioned to the credit of our American name, and to the glory of our American manhood, that the Confederate Government and the Southern people were in no way mixed up in it.”

John Surratt, a key player in the conspiracy to kidnap Lincoln, was explicit and emphatic in denying any role by the Confederate government: “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.”

10. Ibid., 8.
11. Ibid., 433.
It is certainly true, as asserted by Steers, that assistance from the Confederate underground was critical to Booth. The actions of southern Maryland partisans should not, however, be attributed to the Confederate government. There is no evidence that the people of southern Maryland were under any official direction or orders when they supported Booth or any other Confederate sympathizer who needed their help. Support was given through the informal structures of partisans, not the official network of a government apparatus.

While Steers does not make a compelling case for Confederate government involvement, he certainly makes the case for the guilt of all the accused conspirators, especially Dr. Mudd, whose family and supporters have tried to the present day to clear his name. Through Mudd, Booth gained access to John Surratt, then to the Surratt boardinghouse, several other collaborators, and the valuable southern Maryland partisan network and knowledge of the escape route.

Steers masterfully handles the description of the assassination activities, the flight, and the trial. He leaves no room to question the role of Secretary of War Stanton, who acted aggressively and dictatorially but in the interest of the Union and always out of loyalty to Lincoln. Stanton’s results were actually pretty impressive. Far from creating intentional gaps and escape aids as claimed by his critics, he quickly sent out orders and set up an investigation that had five of the nine conspirators in jail within three days of the event; the death of Booth, and the arrests of Herold and Atzerodt followed soon thereafter.

The trial of the conspirators can certainly be fairly criticized. The military court’s procedures strike the modern reader as unfair (the judge advocate general not only prosecuted the case but was the legal advisor to the court and remained with the court during its deliberations!). It was controversial to use a military court at all since the civilian courts were open and functional. To be fair, one must remember that this was a time of war. Martial law still prevailed in some quarters, and striking down the commander in chief in wartime appeared to be an act of war. At this point there was no certainty that Confederates were not involved or that more attacks might not be planned. By delivering swift, harsh justice, Stanton probably wanted to discourage any possible similar acts by other desperate partisans. Steers makes a convincing argument for the correctness of the decision to use a military court and the fundamental fairness of the procedures in the context of the times.

Steers has done a superior job researching and analyzing the evidence. While comments have been made here that his case is not convincing as to the Confederate government’s involvement, he and the
authors of *Come Retribution* have legitimately pursued some intriguing and suspicious circumstances and information. Unlike some who have developed other iconoclastic theses in this field, they have neither fabricated evidence nor taken information out of context. Those of us with Southern roots, repelled as we are at the assassination of Lincoln, have a strong hope that Davis and his colleagues did not countenance or support either the kidnapping or the murder of President Lincoln. But if proved, it will be the most significant contribution to the assassination story since the 1865 trial. It will shatter “orthodoxy.” If that case is eventually conclusively made, it will probably be done by Edward Steers Jr.