

p.

J O H N S O N A N D T H E A S S A S S I N A T I O N

.....

Chapter 15

Two years after the assassination of Abraham Lincoln, Andrew Johnson, seventeenth President of the United States, the man who had "most profited by it" was tried for "high crimes and misdemeanors" by a committee of the House of Representatives before the United States Senate sitting in its judicial capacity as a court of impeachment, ^{and} presided over by the Chief Justice of the Supreme Court.

Among the seven managers selected by the House to conduct the impeachment was General Benjamin F. Butler, a political soldier during the strife, but now become a congressman from Massachusetts, a bitter and implacable enemy of Johnson. Butler the year before had been chairman of what was commonly called "The Assassination Committee" of the House of Representatives, which had been appointed partly for the purpose of gathering evidence showing complicity on Johnson's part with John Wilkes Booth in his murderous deeds. Had the

Had the United States adverted to the days of the Borgias? Were our rulers to meet quick death by means of the poisoned cup, the knife, or the pistol in the hands of "those who would succeed to their high office?"

It was thought that the very enormity of the crime indicated a widespread conspiracy with adherents both powerful and numerous and the government in building its case for the conspiracy trial had proceeded on that basis. It seemed preposterous that a congenitally half-mad actor and but a half-dozen inconsequential tools had planned and carried out the calamitous deed.—No, this was a "solution altogether too commonplace" for the overheated imaginations of both those directing affairs and the general public as well. Someone higher up must be found.

The day after the assassination at a meeting in Wall Street, General Butler delivered a speech in which he expressed the national cry for vengeance against those who were then thought to be the instigators of the crime. The Rebellion, he said, "with a blind hate which has ever characterized its purpose,

has struck down in cold silence the most forgiving , the most lenient, the most gracious friend that the misguided rebel ever had in this country. If rebellion can do this to the good, the wise, the kind, the beneficent, what does it teach us we ought to do to those who, from high places, incite the assassin's mind and guide the assassin's knife?"

The suggestion that Andrew Johnson had instigated the brutal murder of President Lincoln first came from one of the Southern leaders, Beverly Tucker, in answer to a proclamation dated May 2, 1865, to which Johnson "in a wrathful mood" had affixed his name. This strange document after reciting that, "it appears from evidence in the Bureau of Military Justice, that the atrocious murder of the late President, Abraham Lincoln, and the attempted assassination of the Hon. William H. Seward, Secretary of State, was incited, concerted, and procured by and between Jefferson Davis, late of Richmond, Va., and Jacob Thompson, Clement C. Clay, Beverly Tucker, George N. Sanders, William C. Cleary, and other rebels and traitors against the Government of the United States, harbored in Canada," offered the following rewards:

- "\$100,000 for the arrest of Jefferson Davis.
- "\$ 25,000 for the arrest of Clement C. Clay.
- "\$ 25,000 for the arrest of Jacob Thompson, late of Mississippi.
- "\$ 25,000 for the arrest of Geo. N. Sanders.
- "\$ 25,000 for the arrest of Beverly Tucker.
- "\$ 10,000 for the arrest of Wm. C. Cleary, late clerk of Clement C. Clay.

"The Provost-Marshal-General of the United States is directed to cause a description of said persons, with notices of the above rewards, to be published." (1)

The evidence which linked Davis and Booth together, was not stated in the proclamation, but it was positively alleged in News dispatches that before Booth began to operate decisively and with definite plan in Washington, he was

in Canada, and there was closeted with Thompson, Clay, Tucker, Sanders and others.

The New York Tribune, four days after the proclamation stated that "Booth was after all but the tool of more cunning men than himself." Associated with him were many others. Of the number who actually knew that the plot was murder and who were told the day and hour of the deed, and whose assistance was relied on for the doing of the murderous acts or for immediately assisting the escape of the assassins, we can form no estimate." (2)

The Washington correspondent of The Philadelphia Inquirer made the following statement: "The confession of Herold and the documentary evidence found on Booth's body, fasten beyond cavil, the plot and its full sanction upon Jeff. Davis and his Canada Commissioners." (3)

This proclamation and the accompanying fantastic news comments published before the evidence had been "sifted and scrutinized" and based on what later was found to be hearsay tales and perjured testimony provoked an avalanche of open letters from the accused addressed

"To The People of Canada",
"The People of New York City",
"The Editor New York Tribune",
"The Editor New York Times",
and others.

George N. Sanders and Beverly Tucker, two of the accused, in a letter to the Press from Montreal, dated May 4th, denied any acquaintance "with Mr. Booth, or any of those alleged to have been engaged with him". They claimed that they had never seen Booth, or had any knowledge of him and denied that Booth had ever written them or sought an interview. This last was in answer to a story which had appeared in the New York World in which it was stated that after Booth's visit to Montreal the previous autumn, he had corresponded regularly with the rebel agents in Canada.

That day, Tucker also addressed "The People of Canada", with the

suggestion that Johnson's Proclamation was an attempt to "get up a pretext for a difficulty" with Canada "because of its hospitality to himself, Thompson, and the others". (4)

W.C. Cleary, another of the accused, in a much more temperate tone, came out with a letter on May 5th in the Toronto Leader, asserting that he knew nothing of the assassination and furthermore had never been a clerk of Clement C. Clay. On the same day, George N. Sanders and Beverly Tucker issued a manifesto in Montreal, addressed to Andrew Johnson (5) again denying the charges. This was not sufficient for Tucker--for on the same day he sent to the Press a far reaching counter charge.

The feeling of surprise and indignation which this elicited in Washington, can be judged somewhat from the heading it received in The National Intelligencer where it was published.

"Outrageous Assault on the President by Beverly Tucker

A CRAZY PERFORMANCE

President Johnson Charged with Complicity
in the Assassination.

GEO. N. SANDERS' REPLY TO STANTON AND HOLT."

The circular addressed by Tucker "To The People of The United States" after stating that Johnson's proclamation advertised him "to the world as a projector and accomplice in the assassination of President Lincoln", declares that one who "in his public speeches rejoices that he is a plebian and a demagogue, shall not with impunity brand me as a criminal". Tucker then denounces Johnson as "a wicked and wilful libeller" of Jefferson Davis, " a noble and brave gentleman who he is falsely seeking to consign to "an ignominious death".

With the dire threat that Johnson should beware that "in proving him to be a slanderer, we do not drive him an affrighted defender of himself before his own people," Tucker launches into a discussion of the law of evidence that "no man will be adjudged guilty of any crime who cannot be shown to have been in a position likely to be benefited in some way by its commission--while the suspicion

rarely fails to settle upon one of whom the contrary is established." "What object then", asks Tucker "whence the motive for conspiracy for his (Lincoln's) death, when Andrew Johnson was to be his inevitable successor?" He further asks, "What object could I, or any of those named in the proclamation have had in desiring much less in conspiring for the death of Mr. Lincoln?"

"It is true," declares Tucker, "he has prosecuted the war against the State to which I deemed my highest allegiance due, with such unremitting energy and extraordinary success as to destroy our last hopes, but those who know him best claimed for him humane and kindly qualities that 'would have plead like angels against the deep damnation of his taking off.' The surrender of our armies, and the general capitulation that ensued, inspired us with the hope that these properties would be exercised towards an overpowered but honorable foe, and that kindly consideration would impel him to exercise his power in healing the yet fresh bleeding wounds of our country. Indeed, it is known that several of our most eminent public men among them Generals Lee and Johnson, partaking of this confidence, promptly declared that the death of Mr. Lincoln was a great calamity to the South."

"Where, then was the motive?" demands Tucker and continues, "Murder is never committed without a motive, either in interest, revenge, or some kindred quality of the human heart".

In view of Booth's quotation "The ambitious youth who fired the Ephesian dome" Tucker's argument at this point becomes an interesting coincident. He asks, "Did Booth commit this fearful deed with no other motive than that which inspired the youthful Erostratus to fire the Temple of Diana at Ephesus? If so, why did he call up Mr. Johnson eight hours before the time fixed for his fell purpose? Did he call upon him with the design of assassinating him, as has been attempted to be shown by the newspapers in the interest of the Government?"

"Surely none of his acts bear out the inference that he was mad enough to suppose that he could murder Mr. Johnson at two o'clock in the afternoon, and Mr. Lincoln eight hours thereafter in a public theatre. What, then, was the motive

of his call, and how came Booth to address the Vice-President of the United States in words of such familiarity, showing certain acquaintance, if not intimacy with him?

"I do not wish to disturb you, but would be glad to have an interview.

(Signed)

J. WILKES BOOTH' "

Note 6
Ruggles, one of the Confederate officers who accompanied Booth to the Garrett farm April 24, 1865, has stated (6) that Booth told him at the Garrett place on the 25th that he had left the note for the Vice-President on the morning of the assassination at the Kirkwood House "that Andrew Johnson might appear to be implicated."

George Atzerodt claimed in his confession that as late as eight o'clock on the night of the assassination he was still supposed to kill Johnson. (7)

Further continues?
"These are words of strange and mysterious import, and are not to be lightly set aside in so great a matter as unmeaning and insignificant. Is it doubted that if Mr. Johnson were a private citizen, instead of the Chief Magistrate of the United States, seeking to despoil honorable men of their characters, and to visit upon them the ignominious death of the gallows, that he would have been among the first brought to the bar of that immaculate substitution of the indefeasible right of trial by jury, the Military Bureau of Justice?"

"Is there one, of all that multitude of prisoners of both sexes, the refinement of whose tortures are made the theme of glowing recital in the Northern journals—who could hope to escape conviction, with such a communication upon that very memorable day, from the confessed assassin himself? Is it impossible that Booth may have met Mr. Johnson in that lower circle they were both known to frequent, and thus have formed an intimacy which a common vice begets? Andrew Johnson, let it be born in mind, has been noted for many years past as an almost frenzied aspirant for the Presidency.

"All the arts and appliances which the fruitful brain of the unscrupulous demagogue could invent and employ have been exhausted to attain the goal of his audacious ambition. After a struggle of years—and not until the States of the South, including his own, had separated themselves from all political connection with the

North--did he reach the position of second civil officer of that Government. Then the prize so long dazzling his vision, seemed within his grasp. Like Ludovico, he touched his brow in anticipation of the encircling diadem."

After further delineating upon Johnson's shortcomings and the "mysterious and concealed manner " in which the judicial examinations were "conducted for the avowed purpose of ascertaining all the particulars" of the dreadful tragedy, Tucker says, "And this, it is true, is but hypothesis, and yet when you support it by the fact that Andrew Johnson is the only solitary individual, of the thirty-five millions of souls comprised in that land, who could possibly realize any interest or benefit from the perpetration of this deed, and that Booth was not captured alive, as he unquestionably could have been, we must educe some one more plausible, ere we wholly reject this: Dead men tell no tales, and the wantonly hushed voice of this unhappy man, leaves behind his bloody tragedy a fearful mystery."

"Ah!" exclaimed the thousands of friends of the accused Southern leaders when Tucker's diabolically clever reply sped over the country, "It's a possibility, what more logical?" The fanatical state of mind prevailing made possibilities more than probabilities and while later events showed the absurdness of Tucker's incredible accusations, they were nevertheless, not forgotten and turned up at a later period to suggest a suspicion of the complicity of Andrew Johnson.

Jacob Thompson waited until May 10th to add his denial to the series of addresses. In an open letter "To The Editor of the New York Tribune" he defied "the evidence of the Bureau of Military Justice" to prove any connection between him and the assassination and branded the proof "whatever it is" as "a tissue of falsehoods". He repeats Tucker's claim that on the basis of motive there was not half the grounds to suspect him as there was to suspect Johnson. He continues, however, with the explanation.

"I do not say that this creates a suspicion in my mind of the complicity of President Johnson, but, it should teach him a lesson of moderation and charity to all those suspected".

Thompson then claimed that he would be glad to give himself up if assured

of a fair trial.

In November¹⁸⁶⁵ following the conspiracy trial the government became satisfied that a case could not be made against the Southern leaders and the rewards offered for the arrest of Thompson, Sanders and Cleary were revoked. (8)

Beverly Tucker in a letter to Jefferson Davis July 1st, 1867, tells of the reception his answer to President Johnson's proclamation received, he says, "It was variously criticised at the time. Many thought it too severe and sweeping, and some of these were of our Southern friends. Many again, and much the larger portion approved, and in some instances extravagantly (I confess) complimented it - while almost every one thought I was flinging back the charge upon Andrew Johnson himself. I did not, nor do I yet, think this inference is entirely just. I honestly suspected him, as soon as I read the proclamation, so perfectly absurd and farfetched was that document. I had then many things to justify that suspicion.

✓ What I intended however was only to draw the lead very fine on him, in showing that by all the rules of testimony - circumstantial testimony, I mean - suspicion of complicity, in the assassination, attached much more strongly to him, than to any one of the parties named in his proclamation, and certainly much more so, than to me, who not only had never dreamed, in my worst seasons of hatred to our enemies, of such a recourse to remove old Abraham out of the way, but who, it so happened actually had never so much as heard the names of J. Wilkes Booth, Surratts or any of the parties, then on trial, and afterwards convicted (?) and executed.

"I still think Johnson should be called to the witness stand in Surratt's trial, in which case, I believe, sincerely, that acquaintance with Booth, if not intimacy, would be proved. These do not necessarily involve guilt, but if I were in his place, and were innocent, (As I now think it probable he is) I would insist on being summoned. (9)

In one of the Booth myths to be discussed in a succeeding chapter, the accusation is made that Booth assassinated Lincoln in order that "Andrew Johnson,

a Southern man, a resident of the State of Tennessee, should be made President of the United States, to serve the interests of the South."

For pure assinity and incredibility this charge cannot be surpassed for it is evident from Andrew Johnson's record before the assassination that the South could derive no advantage from Lincoln's death and Johnson's substitution.

"Of all men in public life," says James Ford Rhodes (10) "It is difficult to conceive of one so ill-fitted for this delicate work of reconstruction as was Andrew Johnson. Born in the midst of degrading influences (at Raleigh, N.C. 1808) brought up in the nursery of the poor white class, he had no chance for breeding, none for book education, none for that half-conscious betterment which comes from association with cultivated and morally excellent people."

Apprenticed to a tailor at the age of ten, at sixteen, Johnson became a journeyman and at eighteen moved to Greenville, a small town in the eastern part of Tennessee, where at twenty he began political life as a working man's candidate for alderman, "in opposition to the aristocracy based on the ownership of slaves." He finally became Governor of Tennessee and after serving two terms was sent in 1857 to the United States Senate. He was looked down upon by the aristocratic Southern senators on account of "his plebeian extraction" and because "he boasted he had labored with his hands".

In a Senate speech on secession, March 2, 1861, he had declared that if "he were President he would have the Southern leaders arrested and tried for treason, and if convicted, executed". From that time on he was tremendously popular in the North but in the South he was execrated. In 1862 he was appointed military governor of Tennessee, where he discharged his duties with courage, boldness and efficiency. It was during this time that he began to drink to excess. (11)

That Andrew Johnson was one of the Northern leaders most hated by the Confederate is shown by the plots formed to murder him while he was military governor of Tennessee from 1862 to 1864. When he, as the newly appointed Military Governor, first arrived at Nashville "he was threatened with assassination on the streets and in the public assemblies, but he went on the streets; he defied those dangers; he went into public assemblies, and on one occasion went into a public meeting, drew his pistol, laid it on the desk before him, and said: "I have been told that I should be assassinated if I came here. If that is to be done then it is the first business in order, and let that be attended to." No attempt having been made he said: 'I conclude the danger has passed by; and then proceeded to make his speech.'^(11/2) During that time he boldly proclaimed that "conscious treason should be punished and traitors should be

hung". Upon arriving in Nashville March 12, 1862, he deposed the city council and sent the clergy of the city to the penitentiary for refusing to take the oath of allegiance. He always spoke of war as "this unholy and nefarious rebellion". (12)

In a "moment of sentimental enthusiasm" at the National Union Convention of June, 1864, Andrew Johnson was nominated to the vice-presidency - and then by the appalling calamity of Lincoln's assassination, he reached the highest office in the land.

Johnson on his acceptance of the nomination for the vice-presidency, July 2nd, 1864, said, "We must bring traitors to the punishment due their crime and by force of arms crush out and subdue the last vestige of rebel authority in every state". (13) *Several plots were formed in Tennessee to murder him*
and One effect of the Beall episode and interesting in view of these later attempts to link Andrew Johnson's name with Booth in the assassination was an attempt to capture Vice-President-elect Andrew Johnson, February 24, 1865, at the Louisville Hotel, Louisville, Kentucky, where he was a guest. (14) The plan conceived by two Confederate officers Col. Robert M. Martin, who had distinguished himself in General Morgan's Cavalry, and Lieutenant John W. Headley, was to kidnap Johnson at the Hotel that evening and attempt to exchange him for Beall or this failing, take him to Richmond as a prisoner of war. This it was thought would result at least in a general exchange of prisoners.

The plan which was to be executed at 7 p.m. was frustrated by the fact that Johnson left unexpectedly on a 5 o'clock boat. Referring to this Headley says, "this was an hour and night of bitter disappointment. The opportunity had been ours, perhaps to perform a service which might have affected the destiny of our country".

On the very last night of his life Lincoln had a short interview with Johnson as to future action towards the South. "The Vice-President urged harsher and more vengeful measures than Lincoln would agree to". (15)

The manner in which Johnson after becoming President, "spoke persistently of the crime of the Southern leaders, the due punishment of which was death, tended to

inflame Northern sentiment, already bitter enough in the lamenting of Lincoln's assassination. 'Treason must be made odious' and 'traitors must be punished and impoverished' was the burden of his tirades and his private talk was more vindictive, and indeed it is said almost bloodthirsty". (16)

According to the wife of Jefferson Davis, there was a deep-seated animosity on the part of Johnson toward Davis existing since a debate in the House in 1846 "when Johnson interpreting some remarks of Davis' as invidious to tailors with a possible reference to himself, resented the innuendo and speaking with scorn of our 'illegitimate, swaggering, bastard, scrub aristocracy' entered on an encomium of tailors and mechanics in general." (17)

When Davis was captured by General Wilson and informed of the proclamation charging him with complicity in the assassination, he expressed bitterness towards Johnson with the declaration that "there was one man in the United States who knew that proclamation to be false" and that was Andrew Johnson, "for he at least knew that I preferred Lincoln to himself." (18)

Johnson declared of Davis, after his capture, "He was the head devil among the traitors and he ought to be hung". (19)

We are not interested here in delving deeply into the many reasons leading up to the impeachment trial of Andrew Johnson except as they touch on this matter of Lincoln's assassination which did not at any time enter the formal charges. In order to understand the impeachment proceedings, though, it may be well to briefly review the political history of the period.

A fight developed between Johnson and Congress over Reconstruction Policies beginning with Johnson's vetoing the first Freedman's Bureau bill, February 19th, 1866, and somewhat later the Civil Rights bill. During the summer of 1866, both Congress and Johnson, now at sword's points appealed to the country. Congress won in the elections and Johnson that fall faced a more radical group than had existed the previous year and the gap rapidly widened until there grew up in both Houses considerable talk of impeachment.

The situation is aptly summed up by Thurlow Weed, who said, "President Johnson did not inherit the temper or tact of his predecessor". In Weed's Memoirs the statement is made that "The influences which had first sought to dictate to Mr. Lincoln and then to defeat his renomination engaged in an effort to teach Johnson his duty toward the South, that had Mr. Lincoln lived, he would have parried such interference; but Johnson's fiery disposition made him, when criticised, belligerent and aggressive, and thus, at last, Johnson was led into an irreconcilable quarrel, not only with its radical element, but with the entire Republican party."

(20)

enemies in Congress and on August 5, 1867, the President decided to get rid of him and wrote a note asking for his resignation, but when Congress re-assembled, the Senate refused to sanction the removal. The Committee, now five to four, recommended impeachment but when it came to a vote of the House, it lost.

So far the controversy was a draw, but becoming involved in a quarrel with General Grant over the Stanton dismissal, Johnson lost his head, removed Stanton a second time and forced the issue beyond reason. This offered the Congressional Radicals the opportunity to again bring impeachment to a vote, which was won this time (February 24, 1868,) by a large majority.

~~Eleven articles of Impeachment were passed by the House. The first eight dealt with the attempted removal of Stanton, the ninth alleged that Johnson had declared null and void an act of Congress with reference to army matters. The tenth claimed that Johnson in his public utterances had attempted to bring Congress into general contempt, and the eleventh charged that Johnson had declared that the~~

~~thirty-ninth Congress was unconstitutional.~~

Seven Congressmen were selected as Managers to conduct the proceedings. Among them were George S. Boutwell of Ohio and Benjamin F. Butler of Massachusetts, who with James M. Ashley of Ohio, the representative who had introduced the original impeachment resolution, made a formidable triumverate that had been active during the previous year in accusing Johnson of implication with Booth in the assassination. Ashley had openly proclaimed his belief in the grave charge. On March 7, 1867, in the House of Representatives this Congressman spoke of Johnson as "the man who came into the Presidency through the door of assassination", and alluded to the effect which Tucker's charges against Johnson had made as the "dark suspicion which crept over the minds of men as to his complicity in the assassination plot", and "the mysterious connection between death and treachery which this case presents".

While no one of any brains and sanity even believed in the possibility of the preposterous insinuation that Johnson had instigated or was implicated in the murder of Lincoln, least of all these three Congressmen, the suggestion which had been planted two years before by Tucker, merely awaited the enmity of the Congressional Radicals to fertilize it again into rapid growth. While these men had brains enough to understand the absurdity of the charge, they also were wise enough and unprincipled enough to countenance it, if by so doing, they could break the President.

The previous July, Butler had introduced in the House a resolution providing for a special committee to investigate "all the facts and circumstances, connected with the assassination of the late lamented President." This special group of Congressmen called "the Assassination Committee" referred to in the beginning of this chapter, was headed by Butler himself, and had a life of many months but was not able to gather enough evidence ^{ever} to make a report, ~~even~~. ^{and the Committee} It was automatically discharged by the termination of the Impeachment Trial.

Let us examine the "evidence" such as it was, on which they at first supposed a criminal case might be made against Johnson.

The chief expert witness for the prosecution at the Conspiracy Trial had

been Sanford Conover, a spy who was sent to Canada to gather evidence against Jefferson Davis, Thompson, Tucker and the others mentioned in the proclamation of May 2, 1865. He and witnesses he obtained, testified to anything and everything against the Southern leaders that they thought would please the prosecution, ^{who} According to Conover's testimony ~~they~~ were all guilty of complicity in the assassination, the attempt to burn New York, November 25, 1864, the importation of yellow fever germs into the North and various other criminal offenses. (21)

In April 1866, when the Judiciary Committee of the House started an enquiry into the Conover claims, this witness re-swore to the truth of his former testimony when it was read to him. However, the witnesses he had procured for the Conspiracy Trial when brought before the Committee told how Conover had bought their testimony and had paid for their signatures to false depositions, which he previously had prepared. (22) Conover was arrested but escaped from his guard. In November of that year (23) he was re-captured and confessed to the charges that he had suborned the witnesses and perjured his own testimony. For this he was sentenced to ten years imprisonment in the Albany Penitentiary. He then offered to purchase liberty from Johnson's enemies in Congress by saying that ^{if freed} he could "lay his hands on witnesses and documents to prove that previous to President Lincoln's murder Johnson and Booth had corresponded with each other, that, at the second inauguration, it was arranged that Booth should kill Lincoln, an arrangement which accounted for the Vice-President's strange conduct on that occasion, that Booth paid several visits to Johnson at the Kirkwood, the concealment of weapons in that hotel being a mere blind to cause it to appear that the Vice-President was an intended victim; that Booth boasted in his flight of having made Andy Johnson President and if he went back on him he would have him "hung higher than Hamen".(24)

Congressman Ashley visited Conover a number of times in jail and arranged a delay ^{for the carrying out of his sentence} so that he would be kept in the Washington D.C. jail instead of being sent on to Albany. As a result of these interviews, Ashley talked rather promiscuously about the terrible things he would prove through Conover, but when called before the

impeachment committee to explain why he had not produced Conover's incriminating evidence, Ashley acknowledged that Conover's claims could not be substantiated. Conover then was left in prison where he belonged.

It was reported in the New York papers that the Judiciary Committee also "sent down to Nashville a confidential person to ascertain the relation that existed between J. Wilkes Booth and President Johnson when both were in Nashville during the latter part of the war. After interrogating many prominent men of both parties, nothing further was discovered than that Booth and the then military governor of Tennessee had no connection with each other whatever". (25)

The second matter which was construed as casting suspicion on Johnson was the freedom of John Surratt.

Up to the time of the capture and trial of Surratt, there existed the belief that he had been in Washington on the night of the assassination and had had a direct connection with it. The laxity with which the government pursued him, after the Conspiracy Trial, was enough to suggest to these radicals that Johnson did not want him brought back through fear that he would testify to complicity on the part of the Vice-President himself in the crime.

The "evidence" on this point, however, also implicated Secretaries Seward *and intended victims,* and Stanton, as much as Johnson and showed the absurdity of attempting to use it against the President. (26)

In the spring of 1867 when Thurlow Weed, founder of the Albany Journal and a Republican leader of the period, assumed editorial control of the New York "Commercial Advertiser", he said in his introductory article with reference to the criticism for the long evasion of arrest on the part of John Surratt: "The distempered and prejudiced mind and action of Congress cannot, perhaps, be better illustrated than by reference to the fact that a member of the committee charged with the inquiry whether the government had made proper efforts for the arrest of Surratt reported, in substance, that the committee had no evidence that the government had been remiss, yet "its suspicions remain." And when this injustice was pointed out, Mr. Boutwell, with

me of the evidence

whom the investigation originated, replied that, although there were no facts to justify his supposition, the Secretary of War, the Secretary of State, and the President, "might have been remiss." Now it has been judicially established that in the conspiracy which resulted in the assassination of President Lincoln, and which all but accomplished the assassination of the Secretary and Assistant Secretary of State, including the Vice-President and Secretary of War, Lincoln, Johnson, Seward and Stanton, were marked for attack. In numbers and desperation this conspiracy was formidable enough to accomplish its purpose. And yet Congress arraigned the very persons whom Surratt and his associates intended to murder--one of whom almost miraculously survives--and in the absence of testimony, and in the last hour of the session, endeavors to create the impression that the persons whom Surratt intended to murder "might have been remiss" in pursuing and arresting him! All this, too in face of the fact that the government did pursue and arrest him, and that he was imprisoned almost within hearing of members of Congress who thus shamefully disregard truth, justice and humanity....." (27)

There is no doubt that both Johnson and Stanton, and others of the Conspiracy trial prosecution, were not anxious to bring Surratt back to Washington for trial. They did not care to again arouse the criticisms which had become very bitter against them for the execution of Mary Surratt, the mother.

Then there was the matter of Booth's diary which the prosecution had not put into the evidence at the Conspiracy Trial. There had been no point to gain in doing so as it did not incriminate any of those being tried. This however was a mistake for it was soon whispered that it did incriminate Jefferson Davis and other Southern leaders and then when they were not prosecuted for the crime, it was surmised that it also implicated Johnson. However, Johnson's enemies at first forgot that it was Stanton--now Johnson's enemy--who was responsible for not using the diary.

Had Booth's own statement as given in his diary been put into evidence at the Conspiracy Trial, the door would not have been left open for just such doubts,

just such accusations, just such innuendoes as were made by Congressmen Butler, Ashley and Boutwell. The diary was fully put into the evidence during the impeachment investigation and the Johnson opponents found no ground there to sustain their charges either against him or the Southern leaders. John Surratt was brought back, tried and released and still there was nothing learned that would incriminate these parties.

The fear, however, that Surratt's case would tend to re-open what had become known as the "Judicial Murder of Mrs. Surratt", were fully realized and Johnson; Stanton; Holt, the Conspiracy Trial Judge; and Bingham, the Chief Prosecutor, were subjected to a criticism which has not materially lessened to this day.

During his campaign for Congress in 1866, General Benjamin F. Butler had had nothing but constant vituperation and abuse for Johnson. In his speech prosecuting Johnson at the Impeachment Trial, Butler to whom the management of the trial had fallen, filled the air "with epithets" and "the dome shook with invective". (28)

That Butler would go to any lengths to win his point is shown by his actions in May 1868, when the impeachment of Johnson was voted down. The managers led by Butler deciding that there had been "improper or corrupt means used to influence the determination of the Senate" asked for and obtained authority to make an investigation. Butler "ransacked the telegraph offices and seized private telegrams; in an underhand way he obtained possession of private letters, innocent letters which however were made to bear a sinister interpretation in a light undreamed of when they were written; he employed spies to visit the rooms of Johnson's defense consul and search the waste baskets in the hope of finding some clue, and he forced officers of banks to disclose the accounts of their customers, but he found nothing.

He had fully employed ^{all} his diabolical cunning in his efforts to obtain proof of Johnson's complicity in the assassination, and had there been a shred of evidence he not only would have found it, but would have used it against the President.

President.

General Butler in his autobiography published in 1892, was, in fairness, compelled to say, "Johnson had been suspected by many people of being concerned in the plans of Booth against the life of Lincoln or at least cognizant of them. A committee--not the board of managers--of which I was the head, felt it their duty to make a secret investigation of that matter, and we did our duty in that regard most thoroughly. Speaking for myself I think I ought to say that there was no reliable evidence at all to convince a prudent and responsible man that there was any ground for the suspicions entertained against Johnson." (29)

Curiously enough, Andrew Johnson, according to ~~a~~ S.W. Small in The Atlanta Constitution, ^{29/2} (~~Sunday July 30, 1893~~) believed that his enemies Butler, Boutwell, Ashley and others were the instigators of the assassination. The writer of the article in which this claim is made, states that he was employed by Andrew Johnson in 1872-3 while the latter was a candidate for Congress, to go over the documentary details of the assassination and prepare answers to the charges made by the opposing candidate who had insinuated that the ex-President might be guilty of complicity and charging him directly ^{guilty of} with the judicial murder of Mrs. Surratt. *in the death of Jim C. Blair*

"Wild and improbable as it may seem to state it now," this writer says, "yet the truth is that Andrew Johnson came to firmly believe that the assassination conspiracy was really suggested and engineered unknown to Booth, Payne, Herold Atzerodt, Mrs. Surratt and others, by the congressional cabal that afterwards held control of that body, formulated the despicable legislation of that epoch, sought his impeachment after having failed to compass his death and finally engineered Grant into the presidency that their schemes of usurpation, tyranny and plunder might be approved and fully exploited."

It is a matter of quite general knowledge that Andrew Johnson escaped impeachment by one vote, it may not be known, however, that two years later he was defeated for the United States Senate in the Tennessee Legislature by but one vote and that on March 4, 1875, just six years from the day when he retired as president,

as an United States Senator, "Andrew Johnson reappeared on the floor of the Senate and was greeted by a spontaneous outburst of applause from the crowds assembled in gallery and corridor to do him honor."

Many of those who voted to impeach him were still in the Senate and George Boutwell who had displayed so much energy to prove him guilty of Lincoln's murder was now a fellow Senator.

As Senator Andrew Johnson went back to his desk, which his admirers had covered with flowers, his colleagues flocked around him with congratulations - among them some of those very Senators who had voted him guilty of "high crimes and misdemeanors" while as Vice-President of the United States he discharged "the powers and duties of the office of President." (30)

JOHNSON AND THE ASSASSINATION

Notes

847-867
931-945

- (1) New York Tribune, May 4, 1865. → See also O.R. Series II Vol VIII pp 976-8 for evidence Judge Holt thought the war dept. had for accusing Davis, Thompson and others
- (2) New York Tribune, May 6, 1865.
- (3) New York Tribune, May 6, 1865.
- (4) New York Tribune, May 8, 1865. { when Clay heard of the charge against him and the reward for his arrest, he surrendered voluntarily - O.R. Series I Vol 49 part II p 733
- (5) New York Tribune, May 6, 1865.
- (6) The Century, January 1890.
- (7) See Note #30, Chapter 5.
- (8) *O.R. Series II Vol VIII p 899 Imp. Ser. pp 448+550*
~~Life of Dr. Mudd, by his Daughter, Chapter XII.~~
- (9) Jefferson Davis, His Letters, Papers and Speeches, Collected and Edited by Dunbar Roland, Mississippi Department of Archives and History, 1923. Vol. VII, P. 117-119.
- (10) *Re-odes*
Vol. VI, P.2.
- (11) ~~NOTE~~: I have taken this brief sketch of Johnson's life from "History of United States" by James Ford Rhodes, Vol. VI, P 2-5.
- (11¹/₂) From speech of Senator Morton of Indiana in Senate, autumn after the
- (12) Andrew Johnson, by Lillian Foster, 1866, P.25.
- (13) Andrew Johnson, by Lillian Foster, P. 186, 188.
- (14) Headley 24th, P.402-410.
- (15) Lincoln's Last Day - by John W. Starr, Jr., P.40-41.
- (16) Rhodes, Vol. VI, P.6.
- (17) Memoirs of Jefferson Davis by his Wife, Vol. 1, P.243.
- (18) Confederate Government, Vol. 11, P.683, 684, 703.
- (19) Rhodes, Vol. VI, P.166.
- (20) The Life of Thurlow Weed. Vol. 11, Memoirs, P.450.
- (21) C.T. P.28-37.
- (22) Ass'n De Witt, P.171.
- (23) Ass'n De Witt, P.173.
- (24) De Witt, C.T. P.175.
- (25) New York Herald dispatches, 1866. Lincoln Scrap Book, P.58.

death of Johnson. - "The Judicial Murder of Mary E. Surratt" by David Miller De Witt p 241)

- (26) See Boutwell's Report - Congressional Documents, Globe 2nd Session, 39th Congress, P.5, 12, 1753-4.
- (27) The Life of Thurlow Weed, Vol. 11, Memoirs, P.455.
- (28) Rhodes, Vol. VI, P.231.
- (29) Autobiography and Personal Reminiscences of Major-General Benj. F. Butler
Published by A.M. Thayer & Co., Boston 1892, P.930.
- 29 1/2 (Sunday July 30, 1893)
- (30) Impeachment of Andrew Johnson by De Witt, P.623-24.