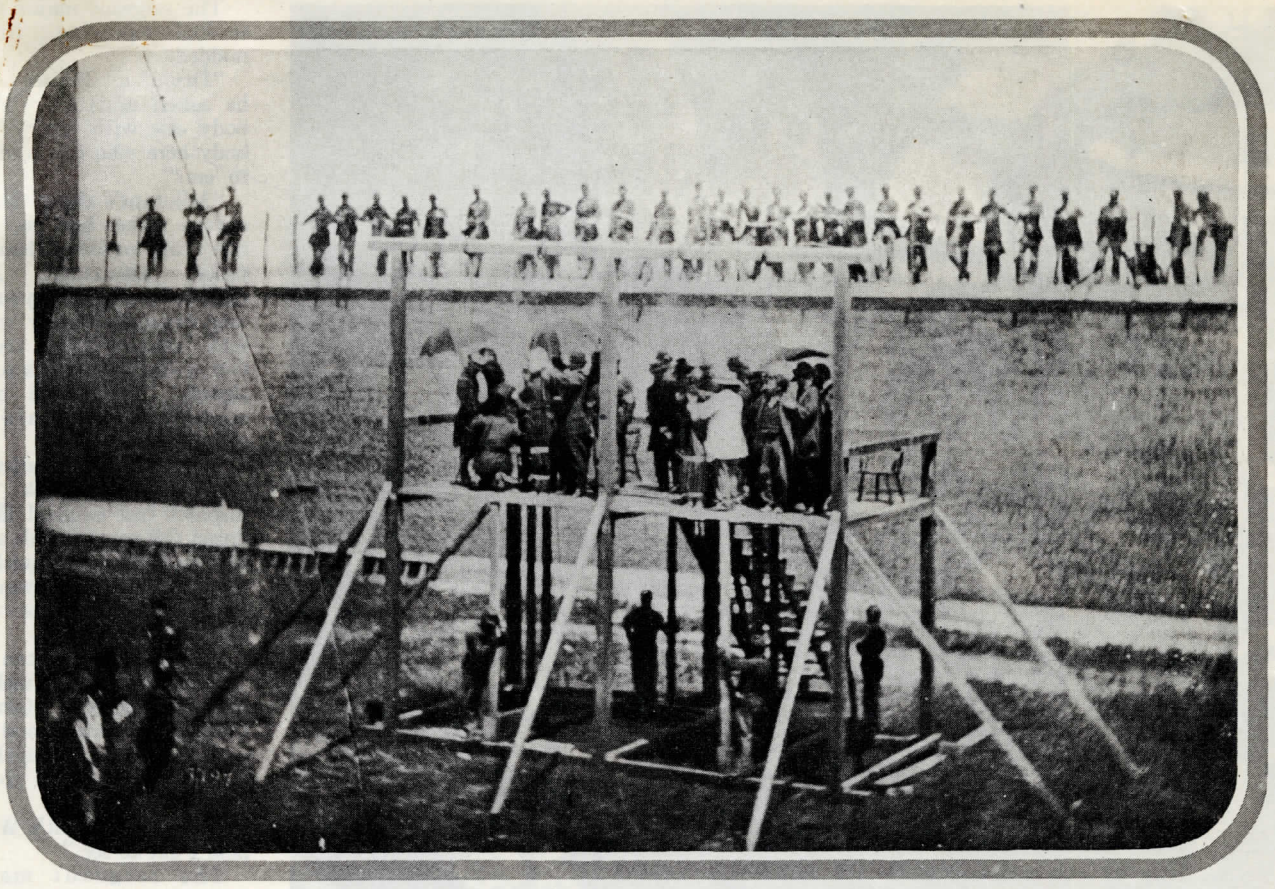


# EXPIATION

## By Marquis James

A RADIANT May sun slanted through the bars of the low-ceilinged room in the old Washington Penitentiary, composing a pattern on the floor. The fragrant spring air of the Potomac neutralized the odor of fresh whitewash that came from the blank bare walls. Behind a long table with a green cloth top sat the court-martial consisting of nine officers of the Army in blue and brass—seven grave-looking men with beards, and two with moustaches.

In front of the court were other tables. At one three army judge advocates were busy with books and papers. About another bent the counsel for the accused with heads together. At a third table were the newspaper men with pencils behind their ears; little of note had happened yet. In one corner of the room was a knot of spectators, whose presence was a mark of privilege.

These groups pretty well filled the calcimined chamber, save for a railed-in platform against the wall opposite the court. On the platform were eight vacant chairs.

A door opened and the room was very still, which accentuated the sound of shuffling feet and the clank of iron without. A civilian entered followed by a soldier. The civilian's wrists were handcuffed together and he stooped as he walked in order to carry the seventy-five pound weight at the end of a two-foot chain that was fastened to his left ankle. He took his place on one of the seats on the platform, where a good look disclosed a mild looking young man about twenty-five years of age, of medium size, rather genteel face and a high forehead. His brown eyes blinked from the unaccustomed brightness of the room, for the bag tied over his head since his arrest had just been removed. This was Booth's schoolmate, Samuel Arnold. He was nervous and fidgeted in his seat.

Arnold was followed by Dr Samuel Mudd, likewise manacled and accompanied by a soldier. Dr. Mudd's beard, his premature baldness and his dignity made him look older than his thirty-two years. He sat down in a chair next to Arnold and a soldier stood between them.

Then came Edward Spangler, the scene shifter at Ford's, a loutish, simple-looking fellow in workingman's clothes. He did not appear greatly worried, or to have much capacity for worry.

Michael O'Laughlin was next—a small man to whom the seventy-five pound weight was an actual burden to carry. He had a bright, alert face and a neat black moustache and goatee, but his dandified attire had lost its air of spruceness. O'Laughlin had surrendered to the authorities in Baltimore. His quick glance jumped about the courtroom as if he were still eager to please.

Except in the case of Dr. Mudd, the parts these four had played in the great conspiracy were obscure to the popular mind. That was something to be brought out at the trial. Vague also was the popular conception of the part borne by George Atzerodt, who followed O'Laughlin to the prisoner's dock, but the impression was that Atzerodt had played a desperate part, and, though small of build, his fierce-looking countenance seemed to justify the worst suspicions. He was more heavily ironed than the others.

The sixth in the line was the gigantic, scowling Payne, with extra fetters on. Everyone had heard of the savage aspect of the assailant of Secretary Seward and a buzz of interest swept the packed room. He crossed his legs and gazed over the heads of the spectators at a patch of landscape visible through a window.

Then came young Herold, the companion of Booth in his flight. There was great interest in him. His round, weak face looked sorely troubled; the muscles of his mouth twitched; and he had neglected to shave.

The last prisoner was Mrs. Surratt, a tall woman in her middle forties and inclined to stoutness. She was dressed plainly in



*demanded: "What is in that package, young man?" Bright, carelessly, making sure that his left hand covered up the bullet hole*

dab on a consolidated morning report form. He was a lean man with a cold, and his shoulders sagged under the clerical troubles of many home-going regiments.

"Well?" he asked.

"Major Rennels."

"Out."

"Out where? I got a message from G. H. Q., verbal orders."

The sergeant major sneezed.

"He's fishing up the river. Go find him if you can. I can't."

"Who's with him?"

The sergeant major shook his head impatiently. "What the hell's it to you?" he demanded, and sneezed again. "Tell me your verbal orders and I'll see he gets 'em."

"Who's with him?" Bright asked, unruffled.

"A feller. Don't remember his name. Some damn Limey."

"Name Whitfield?"

"Yeh."

"He's fishing with the C. O.? Quite a party?"

The sergeant major tried to look reproving. Bright nodded.

"Dryin' up France, eh?" he asked amiably. "Anybody else with 'em? Anybody here who can lead me to 'em?"

"Adjutant's along. Major always makes him go. He don't care for fishin'. Name's Grice. Lieutenant. And nobody can't lead you to 'em because nobody can't find 'em. I been tryin'. Got a stack o' orders to be signed. They'll be back sometime. They always come back."

Bright sat down patiently on the edge of the desk. The dispatch case weighed like a dozen full packs on his arm. But he did not relinquish it.

"Back when?" he wanted to know. "Soon or toot sweet?"

"Whenever Grice can get 'em corralled. Today, mebbe. Mebbe tomorrow. Gimme them verbal orders and I'll see he gets 'em. Anything in 'em about us and Hoboken?"

"No. Besides, it's Whitfield I got to see."

The sergeant major grunted.

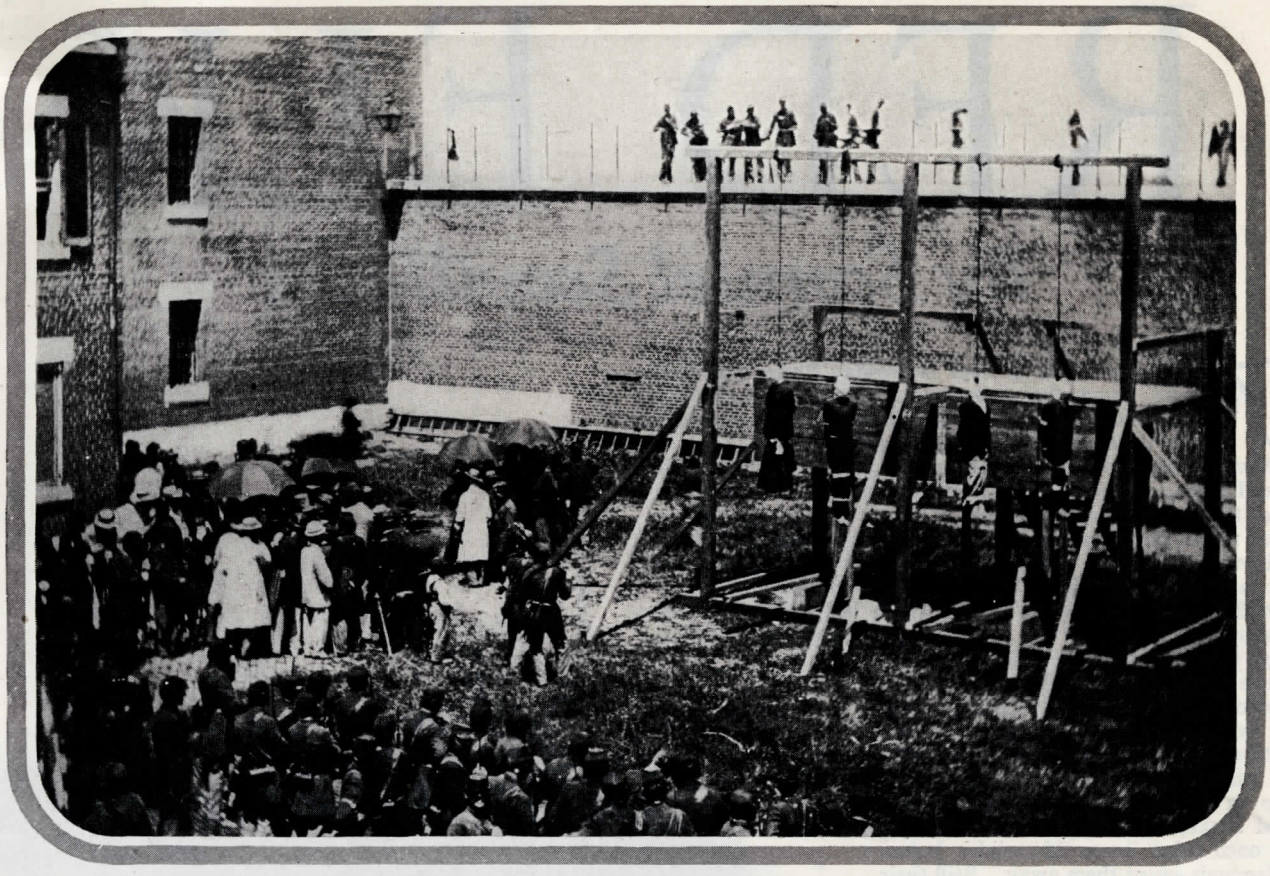
"Well, you'll get an eyeful when you do. Come back after a while. We'll be pourin' 'em into bed soon's they get here." He looked across the room, forgetting Bright, and demanded: "Where's the damn ink eradicator, Pat?"

Bright turned to the door. He sought to hold the dispatch case so the sergeant major would not see the bullet hole. "Be back later," he promised, and frowning at the case, passed out into the garden. He felt more then ever like an errand boy. Why the devil should a little bunch of papers like this stir up so much trouble? A good scout Bathhurst had been if he knew anything about men. He flung the bag angrily into the seat of the car.

He'd be rid of it soon, thank God! And in the meantime . . . again he consulted his map . . . it was only three kilos on the Route du Finistère to Domfront . . . he might run up there and get the latest report from St. Denis's secretary. He could ask his way at the gendarmerie in Circé.

He parked in front of the stone police barracks in the Place de la République and climbed three steep steps to its narrow, inhospitable door. Within men were talking excitedly. Stone walls and floor set up discordant echoes. An old man in blue uniform faced Bright as he entered; a younger, who wore shabby gray civilian clothes that were wrinkled across the shoulders, with the left sleeve tucked empty into the coat pocket, stood with his back to the door. This much Bright saw before he caught the first words of the civilian, begun in staccato French and finished in a cough. The voice had a familiar ring to it. Bright looked sharply.

"I swear it is another assassin. What honest man would prowl at night about the house?" It was *(Continued on page 67)*



*The execution of the Lincoln conspirators. On opposite page: Adjusting the nooses around the necks of Mary E. Surratt, Lewis Payne, David Herold and George Atzerodt. The day was hot—it was July 7, 1865—and the prisoners enjoyed the amenity of sunshades during their final seconds on earth. Above: The trap was sprung at 1.20½ p. m. The bodies were cut down at 1:55*

black, with an old-fashioned brooch at her throat. Mary Surratt had never been beautiful, but as a girl she had been undeniably attractive, because she was still attractive under the least favorable of circumstances. Her chestnut hair was parted in the middle and combed close to her head. Steady blue eyes looked from a countenance which, though pale and tense, faced an unfriendly world with a quality of composure that came from the well-springs of character—and every eye turned on Mary Surratt that morning appreciated as much. Mrs. Surratt was not ironed but was attended by a soldier like the others.

The prisoners stood while the charge against them was read. Severally and jointly they were accused of "maliciously, unlawfully, and traitorously . . . combining, confederating and conspiring together with one John H. Surratt, John Wilkes Booth, Jefferson Davis, George N. Sanders, Beverly Tucker, Jacob Thompson, William C. Cleary, Clement C. Clay, George Harper, George Young and others unknown to kill and murder . . . Abraham Lincoln, . . . Andrew Johnson, . . . William H. Seward, . . . and Ulysses S. Grant; and in pursuance of . . . said . . . conspiracy . . . unlawfully and traitorously murdering the said Abraham Lincoln, . . . and traitorously assaulting with intent to kill and murder the said William H. Seward, . . . and lying in wait with intent to . . . kill and murder the said Andrew Johnson and the said Ulysses S. Grant."

To this each prisoner pleaded not guilty, and the court adjourned to reconvene on the following day—May 11, 1865—at ten in the morning.

Thus swiftly had the wheels of justice turned. Fifteen days following the death of Booth and the capture of Herold eight prisoners had been winnowed from the shoal of suspects and brought to trial, while the search for others, and in particular those named in the formal charge, went forward. The scope and speed of these preparations attested the tremendous industry of Edwin M. Stanton, the Secretary of War. With brimming eyes but a clear mind in which burned the bright blue flame of revenge, he had stood by the bedside of his dying chief dictating the orders that formulated the pursuit of the conspirators and sought to expose the nethermost depths of their iniquity.

From the first Stanton had believed it to be a Confederate plot. The conclusion suited the forces of his busy mind. Mr. Stanton had been very bitter against the rebels and had shown his bitterness in speech and deed. During the feverish small hours of the morning of April 15th, the first evidence that incontestably linked John Wilkes Booth with the deed simultaneously supported the theory of Confederate complicity. This was the letter of Sam Arnold's advising Booth to "go slow" and take matters up with Richmond. Stanton accepted this as proof. He told La Fayette C. Baker, Chief of the Secret Service, to uncover the facts. Baker was another man of enormous energy. He was something of a legend. With Stanton's complete confidence and power practically unlimited, no secret was deemed immune from his mysterious agents, who were everywhere. Almost instantly, it seemed, Baker reported to Stanton that everything was proved. From Canada, from Richmond and elsewhere Baker's men brought evidence involving the Confederate President and his personal agents in the murder of Abraham Lincoln. It was asserted that John H. Surratt had been in Washington on the night of the murder, and not in Canada, as his friends would have the authorities believe.

This beginning seemed auspicious, but Mr. Stanton met obstacles to his passionate efforts to uncover the guilt of the criminals. John Surratt had not been caught, though he was hunted throughout the Northern States and Canada, and Surratt was represented by Baker's evidence to rank next to Booth as the moving spirit of the plot. They had his mother, but the evidence against her was incomplete. Under pressure John Lloyd, tenant of the Surratt property at Surrattsville, somewhat strengthened the net of circumstantial proof against his landlady, but pressure on other prisoners produced no such encouraging results.

In this connection the prisoner Wiechmann became an object of especial attention. He was a member of the Surratt household and shared a bed with John. This placed a War Department clerk in an equivocal situation, which other considerations failed to redeem. Wiechmann's eagerness to demonstrate that Surratt was in Canada when Mr. Baker was positive that he had been in Washington at the time of the murder; *(Continued on page 56)*

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# *Expiation*

*(Continued from page 19)*

the personally conducted wild-goose chase after Atzerodt and the ridiculous misidentification of the garments of Payne—these circumstances were damaging. The fact that sometime before the crime Wiechmann had confided his suspicions of Booth and Surratt to an office mate, but had gone no further, did not balance the score.

The officials bore down upon this prisoner very severely, and at length conducted him before Secretary Stanton. Mr. Stanton was a hard man for a culprit—or for any subordinate—to face. The Union generals had found him so, including Grant, who called his superior a blusterer. What Grant took for bluster most men assumed to be the evidences of an extraordinarily forceful personality, and so it appeared to Louis Wiechmann. Mr. Stanton subjected the clerk to an examination that lasted for two hours. Wiechmann was led from the Secretary's presence a cringing wreck, but he clung to his story. Pressure was not relaxed, and a few days later, given the choice of amplifying his admissions or facing a court martial, Wiechmann pieced out the story that sent Mary Surratt to the dock.

After the pleas of the eight prisoners had been heard the introduction of evidence began. The first testimony was by Baker's men, who claimed to have proof of the complicity of Jefferson Davis and the Confederate agents named in the charge. This had been previously announced to the press, and the North accepted their guilt as a fact. All that Baker's men were required to make plausible was something that nearly everyone already believed, and in this they were given great latitude. There was no cross-examination and they were permitted to introduce testimony which ordinarily would not be entertained even by a military court. Still they failed. Their evidence was inconclusive, and the court turned its attention to the prisoners at the bar.

With them the case was different. Payne had no defense and attempted none, although a lawyer who had volunteered his services went through certain formalities. Herold might as well have attempted no defense. Atzerodt was little better off. That he made no attempt on the life of Vice-President Johnson because he had lost his nerve amounted to little in the way of mitigation; Atzerodt knew of Booth's intention to kill Lincoln in time to have forestalled it. At no time was there a doubt as to the penalty these three would pay.

The cases against Dr. Mudd and Ned Spangler were not so clear, and the prisoners were skillfully defended by General Thomas Ewing, a brother-in-law of General Sherman. The evidence against Mudd established that he had sympathized with the South during the war. Booth had seen Mudd on his tours of Southern Maryland while working on details of the abduction plot, and it seemed possible that Mudd may have known of this plot. Mudd admitted setting Booth's leg. Such was the evidence against Mudd, and the court was lenient in the admission of evidence for the prosecution and strict in its rulings governing the admission of evidence for the defense. General Lew Wallace, a member of the court, reprimanded one of the defending counsel for endeavoring to impeach the testimony of a government witness—an elementary right in ordinary courts of law.

The evidence in Mudd's favor was this. Mudd had repudiated his Southern preferences some months before the crime and at the last election had supported the Union ticket. His meetings with Booth and his acquaintance with Surratt were not shown to be connected with the crime. Mudd denied that he had recognized Booth when he set his leg. Nothing was proved to the contrary. On hearing of the assassination, Mudd had notified the authorities of his suspicions of Booth and Herold, though not as promptly by some eighteen hours as he could have done.

Ned Spangler was a shiftless but amiable character of low intelligence. For years he had done odd jobs for Booth, and thought it a kind of honor. He had cared for the horses Booth acquired for the abduction plot. While decorating the Presidential box at Ford's on the afternoon before the murder he was reported to have said, "Damn the President and General Grant." When Booth leaped to the stage after the deed and made his escape through the stage door, Spangler yelled to another scene shifter, "Don't say which way he went!"

The defense of Arnold and O'Laughlin was that they had not seen Booth for nearly a month before the crime and did not know that it was contemplated. As for the abduction plot—that was not what they were on trial for. Arnold had written Booth withdrawing from that enterprise, but the letter held out the hope that if Booth would change his dramatic tactics and consult with the Confederate authorities in Richmond he might come back in. Arnold was in Old Point Comfort, Virginia, clerking in a Union Army canteen on the night of the crime and was arrested there some days later. O'Laughlin was in Washington on the night of the murder. He said he had come from Baltimore to see the celebration of the surrender of Lee. His time was fully accounted for by witnesses of unquestioned loyalty. He did not see Booth, although he tried to find him for a friendly visit.

The Government contended that the murder conspiracy and the kidnapping conspiracy constituted the same offense, notwithstanding the fact that no mention of abduction appeared in the comprehensive charge. The defense was unable to introduce satisfactory evidence that the abduction plan was abandoned,

the participants to it had dispersed and the assassination conspiracy was thereafter erected on a new basis. Booth's notebook would have established this, but Secretary Stanton did not turn Booth's notebook over to the court. He submitted everything else that was found on Booth's body, however, and many things that were found in his trunk.

The cases for and against these prisoners were interrupted from time to time by the introduction of additional evidence against Jefferson Davis and associates. But proof of their complicity remained elusive.

The first witness against Mrs. Surratt was Louis Wiechmann. He testified that Booth had come to the Surratt house the first time in January of 1865 in the company of John Surratt, and thereafter was frequently at the house. He always asked for John, and, if John was absent, for his mother. Wiechmann had observed Booth and Mrs. Surratt in private conversation several times, but without hearing what passed between them. Herold had visited the Surratt home once, and Atzerodt once, staying all night. The witness had never seen Arnold or O'Laughlin. The witness described Payne's stay at the Surratt residence, and told of finding Payne and John Surratt in the attic examining knives and guns. He told of returning home unexpectedly on the day of the attempted kidnapping of the President to find Mrs. Surratt weeping. This seemed significant to him, as Mrs. Surratt had never wept before when John was gone on his missions as a Confederate courier, although the witness avoided an admission of his knowledge that his roommate was a rebel agent. Wiechmann described the two trips to Surrattsville with the prisoner, the last one being on the day of the murder. He said that on both occasions Mrs. Surratt had held conversations with Lloyd, her tenant, which he did not overhear. There was an appearance of furtiveness about the conversations, the witness said.

The next witness for the prosecution was John M. Lloyd. Lloyd told of a visit to Surrattsville by Herold and John Surratt to stow away carbines after the failure of the kidnapping. He said that on her first visit Mrs. Surratt had inquired about these "shooting irons," adding they would be needed soon. On the second visit Lloyd said that Mrs. Surratt asked that the guns be ready as they would be called for that night. At the same time she handed him a parcel which Lloyd found to contain Booth's field glasses which the assassin picked up during his flight.

Government witnesses related the dramatic story of Payne's return to her house and of Mrs. Surratt's failure to identify him; also that a search of the premises had disclosed a small lithograph of Robert E. Lee, one of General Beauregard and a tintype of Booth. A point was made of the fact that when told that she was under arrest Mrs. Surratt did not ask why she was being detained.

This completed the Government's case against *(Continued on page 58)*


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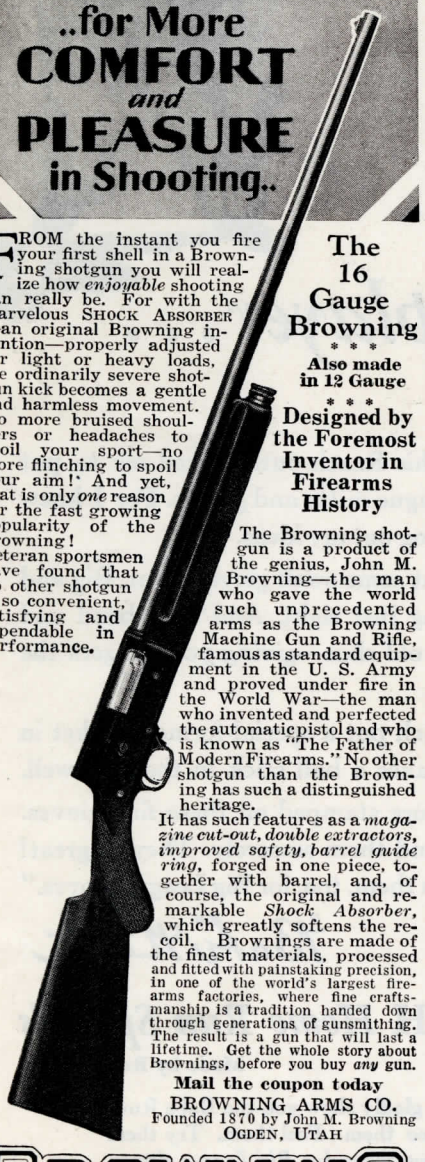

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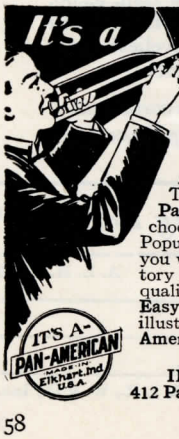

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# *Expiation*

*(Continued from page 57)*

Mary E. Surratt. The defense sought to divest it of value as evidence by the cross-examination of the prosecution's witnesses and by fresh testimony.

Wiechmann was cross-examined by United States Senator Reverdy Johnson, Maryland's most distinguished lawyer. Mr. Johnson joined Mrs. Surratt's counsel after the start of the trial, having become convinced of the prisoner's innocence during a conversation with her in her cell. His appearance caused a commotion among the members of the court. On vaguely expressed grounds, General Harris challenged his right to appear, implying that during the war Mr. Johnson had not supported the Union as loyally as he should have done. The language of General Harris was intemperate and discourteous. Mr. Johnson replied with some spirit that he was eligible to appear before the United States Supreme Court and challenged the intimation that he had been unfaithful to his oath as a senator or to his obligations as a citizen. He was permitted to appear before the court, but the hostility of several members remained undisguised. Under Mr. Johnson's cross-examination Wiechmann admitted that Mrs. Surratt was a hospitable, generous and devout woman. On Sundays Wiechmann usually accompanied her to mass. He admitted that he had heard no word of any conversation between her and Booth or Lloyd. By cross-examination of Wiechmann and by the direct testimony of several other witnesses, it was established that Mrs. Surratt's visits to Surrattsville were in response to urgent summonses to attend to private legal business.

On cross-examination Lloyd confessed that he was drunk when he talked to Mrs. Surratt during her last trip to Surrattsville. Others testified that Lloyd was so drunk as to be irresponsible. Additional witnesses were found to her conversations in question. They had not heard what was said, but they swore that the conversations appeared to be of a casual nature.

The defense produced several witnesses who had seen nothing suspicious in Booth's visits to the Surratt house. The defense brought out that likenesses of Grant and of Sherman also were in the house and that the daguerrotype of Booth had been purchased at a gallery by Miss Anna Surratt, the prisoner's daughter. Character witnesses testified to Mrs. Surratt's good reputation and to her kindnesses to Union soldiers.

While the defense of Mrs. Surratt was under way Wiechmann, who had been released from prison, met a friend named Lewis J. Carland. In a sworn statement Carland later related what happened. Wiechmann, he said, declared himself to be miserable on account of his testimony against Mrs. Surratt and said that he was going to confess to relieve his conscience. The two young men walked to the rooms of a mutual acquaintance, John P. Brophy, a young college student. Wiechmann asked Brophy what effect his testimony had had. Brophy was indignant. He accused Wiechmann of trying to hang an innocent woman, and Wiechmann admitted his belief in Mrs. Surratt's innocence, but said that he had been forced to give his testimony by threats of hanging. He said that the Government agents told him he had been talking in his sleep and that if he did not make a clean breast of it there would be no hope for him. "And I did not want to be hanged," said Wiechmann.

Carland advised Wiechmann to make an affidavit of his statements, but Wiechmann did not do so. Brophy, however, reduced them to writing and visited the defense counsel, offering to take the stand and swear to Wiechmann's admissions. With a feeling that they had overthrown the Government's case, Mrs. Surratt's attorneys asked permission to call Brophy as a witness. The judge advocates objected and the court sustained them. Brophy was not permitted to testify. He wrote an account of the matter for the *National Intelligencer*, but the newspaper declined to publish it.

The trial dragged on through May and through June. The introduction of evidence against Davis and his colleagues was renewed several times. Witnesses went far afield, but their testimony missed the point. This spectacular phase of the promised revelations quietly faded from the proceeding and interest centered upon Mrs. Surratt. At the beginning her complicity had been taken for granted. But when the trial closed on its fifty-third day, something akin to doubt had begun to surmount the grief-stricken rage of the North.

On June 29th the court met with the judge advocates who had conducted the prosecution, to render its verdict. Over Herold, Atzerodt and Payne there was no debate. They were found guilty and sentenced to be hanged. O'Laughlin was next on the list. Assent of the six members necessary to inflict the death penalty was wanting, and O'Laughlin was sentenced to life imprisonment. The simple Spangler was found guilty as accessory after the fact and given six years' imprisonment. Arnold—guilty and a life sentence. Then came Mrs. Surratt. The court adjudged her guilty. At least six of the nine members voted for death, but to the record was appended a petition to the President to commute her sentence to life imprisonment. The petition was signed by five members, or a majority, of the court. It was now six in the evening of a long, hard, hot day, and the court deferred sentence on Dr. Mudd until the morrow, when he was given life imprisonment.

The first four days of July were a period of suspense. The verdicts and sentences could not be made public until reviewed by the President, who was ill. On July 5th Judge Advocate General

Holt carried findings to Mr. Johnson, together with a digest containing the salient features, with one exception, of the various cases; there was no hint of the petition for clemency.

The Judge Advocate General left the White House with the sentences approved and the date of execution set for July 7th between the hours of 10 a. m. and 2 p. m., or less than forty-eight hours. More than twenty-four of these hours elapsed before the public or the defense counsel was aware of what had taken place. At 5 p. m. on July 6th John W. Clampitt, one of Mrs. Surratt's attorneys, was startled by a newsboy's cry in the street, "Execution of Mrs. Surratt!" It was only the signing of the death-warrant, but Mr. Clampitt was so shocked that he hardly knew what to do. With some of his colleagues he hastened to the White House, but two senators and a file of soldiers guarded the stairway to the President's study. Senator King of New York said it was useless to try to see the Executive, but Mrs. Stephen A. Douglas, the widow of the statesman from Illinois, thrust aside the bayonets of the soldiers and gained the presence of Mr. Johnson. Her plea for a delay of the execution was useless.

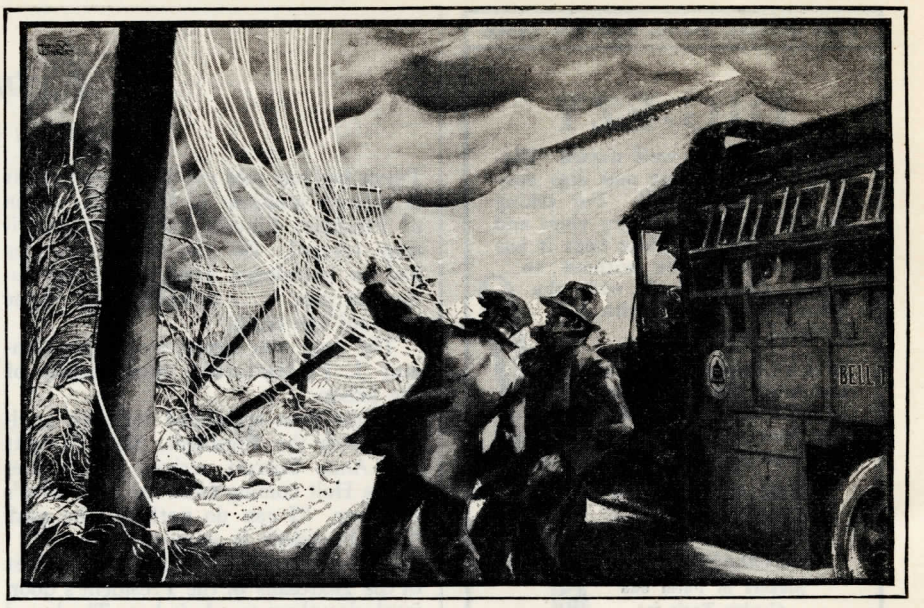
Joined by Miss Anna Surratt, almost hysterical with grief, the lawyers called on Judge Advocate General Holt. The girl fell on her knees as the attorneys entreated the prosecutor to intercede for three more days of life for her mother. Judge Holt promised to do so and made an appointment for Clampitt and Miss Surratt to meet the President on the following morning.

At eleven o'clock that night Mr. Clampitt sent a telegram to Reverdy Johnson in Baltimore. Because of the attitude of the court Senator Johnson had virtually withdrawn from the case, believing his advocacy harmed rather than helped his client. Mr. Johnson suggested a writ of habeas corpus to transfer Mrs. Surratt from the custody of the military to the civil courts. The papers were prepared and as a church clock tolled two the attorneys pulled the bell at the home of Justice Andrew Wylie of the District of Columbia Supreme Court.

The justice received them in his night clothes, took the papers and retired to another room. Presently he returned. "Gentlemen," he said, "my mind is made up. I am about to perform an act which before tomorrow's sun goes down may consign me to the old Capitol Prison." With that he signed the writ. At four o'clock Mr. Clampitt placed in the hands of the United States marshal an order directing him to obtain from General Hancock, the military commandant of the district, the person of Mary Surratt.

When day dawned General Hancock was at the White House to report the unexpected turn of affairs. Thither also hastened Secretary of War Stanton and Judge Advocate General Holt. While they conferred with the President, a soldier from the penitentiary arrived with a message.

"The prisoner *(Continued on page 60)*

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ALL was well on the telephone front on April 27, 1928. Suddenly, out of a spring sky, rain began to fall over central Pennsylvania. As night came on this turned into a furious storm of sleet, snow and wind. Inside of 48 hours, 3700 telephone poles were down. Seven thousand miles of wire tangled wreckage. Thirty-nine exchanges isolated. Eleven thousand telephones silent.

Repair crews were instantly mobilized and sent to the scene. From Philadelphia 47 crews came. Other parts of Pennsylvania sent 13. New Jersey, 6. New York, 4. Ohio, 6. Maryland and West Virginia, 12. In record time, 1000 men were stringing insulated wire and temporary cables along the highways, on fences and on the ground.

Within 72 hours the isolated exchanges were connected and the 11,000 telephones back in service. Then, while the temporary construction carried on, neighboring Bell System warehouses poured out all needed equipment, new poles were set, new crossarms placed and new wire and cable run.

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# *Expiation*

*(Continued from page 59)*

Payne has just told me that Mrs. Surratt is entirely innocent of the assassination of President Lincoln, or of any knowledge thereof. He also states that she had no knowledge whatever of the abduction plot. . . . I believe that Payne has told the truth."

The note was signed by Major General J. F. Hartranft, commandant of the prison.

At the hour appointed for their audience with the President, Mr. Clampitt and Anna Surratt arrived. They met Judge Holt coming from the Executive's chamber. "I can do nothing," he said. "The President is immovable."

Miss Anna threw herself at the feet of the guardians of the President's door, imploring them to admit her. The broad hallway of the White House was filled with distinguished persons, not a few of whom turned their heads. Secretary of Treasury McCulloch said this sobbing girl—"an amiable and accomplished young lady"—was "the most pitiable object that I ever beheld." She asked for a respite of three days, and for the promised interview with the President. Interview and respite were refused. John Brophy was one of a number of other callers also turned away.

Mr. Johnson was closeted with Judge Holt and "two eminent statesmen" who have not been formally identified, but the accepted presumption is that Mr. Stanton was one of them. Judge Holt said that they counseled the President that clemency for Mrs. Surratt "would amount to an invitation to assassins hereafter to employ women as their instruments."

The writ of habeas corpus was returnable before Justice Wylie at ten o'clock, the hour set for the execution. The justice was in his chambers, but the writ was not returned. A crowd stood about the penitentiary, where a high brick wall patroled by soldiers concealed the scaffold. Those who found points of vantage on the roofs of surrounding buildings and the tall masts of ships in the river could obtain a view. The scaffold was empty. General Hartranft was taking advantage of the latitude permitted by the death warrant to delay the execution.

At eleven-thirty General Hancock, accompanied by the Attorney General, appeared before Judge Wylie. Mrs. Surratt was not with them. They reported that the President had suspended the writ of habeas corpus.

A clatter of hoofs sounded on Pennsylvania Avenue. A squadron of cavalry under General Hancock's orders formed a line stretching from the White House to the penitentiary, miles away, in readiness to transmit by signal a notice of a reprieve. The day was stifling hot, and the horses pawed the cobblestones. One hour, two hours, they stood there. At one o'clock General Hartranft put his machinery in motion. The legal hour for the conclusion of the execution was two.

Anna was with her mother at the parting. Herold was surrounded by his seven sisters. A miserable slattern who had been his mistress clung to Atzerodt. Payne stood alone, with a slight curl of scorn on his lip. He had slept soundly all night.

It was a walk of fifty feet from the penitentiary building to the steps of the scaffold in the yard. Mrs. Surratt went first, on the arms of two soldiers, followed by two priests of the Catholic Church, and a man who held an umbrella above her head.

Before the scaffold was aligned a company of veteran infantry. In front of the soldiers stood a knot of officials and newspaper men under umbrellas. Four graves were nearby. More soldiers looked down from the top of the wall. At the gallows steps Mrs. Surratt hesitated. "Holy Father, can I not tell these people before I die that I am innocent?" The sacrament of extreme unction had been administered. "No, my child," Father Walter said, "the world and all that is in it has receded forever. It would do no good and might disturb the serenity of your last moments."

Payne stepped forward next, ironed hand and foot. His step was light and steady, for the great chains on his limbs were nothing to his enormous strength. "His face might have been likened to that of a builder of castles in the air," wrote the New York *Herald* correspondent, adding that the spectators were unable to suppress a visible show of "admiration" for one who could face death like that. This quality of sheer and absolute courage had struck all who came in contact with Payne as one of the remarkable features of the dreadful episode. By orders, Payne's confinement had been more rigorous than that of the others. At no time had he complained or asked a favor of his jailors. To their questions, some frankly sympathetic, he returned brief but always courteous answers; the scowl on his countenance did not go very deep. He had shown no remorse for his act, no sense of degradation at his fate, no bravado. His one regret, he said, was that he should have unwittingly been a party to the conviction of Mrs. Surratt. He mounted the gallows stairs with more composure than the military attendants and with a little gesture of politeness bowed his tall head to the noose. It seemed incredible.

Herold walked with slight help, though transfixed by fear. Atzerodt gibbered on the point of collapse and was half carried.

At 1.20½ o'clock General Hartranft dropped his sword and the trap fell. The bodies were cut down at five minutes of two.

JOHN H. SURRATT read of his mother's death in a newspaper in Canada. After wandering about Europe he enlisted in the Papal army under the name of Watson. Several times he had been recognized, but Washington showed

a singular disinclination to take him in custody. It was finally done, however, and in 1867 he was brought home for trial.

Meantime, a hearing before a committee of the House of Representatives had revealed the existence of Booth's notebook, which Stanton had suppressed. This caused a flurry. The bearing of the notebook upon the trial of Mrs. Surratt was plain to all who recalled or should consult the record, but the subject slept until John A. Bingham, special assistant to Judge Advocate Holt during the trial, and now a member of the House, saw fit to direct a shaft of satire at a colleague, Representative Ben F. Butler of Massachusetts. Butler had been a Union general, an advocate of firm measures against the South and a champion of military courts for the trial of civilians. To say the least, the point of Mr. Bingham's ridicule was not well taken, but few were prepared for the retort it drew from Butler.

"The gentleman has had the bad taste to attack me for the reason that I could do no more injury to the enemies of my country. I did all I could, but the only victim of that gentleman's prowess that I know of was an innocent woman hung upon the scaffold, one Mrs. Surratt."

Reverberations of this sensation brought to the ears of President Johnson the report that a petition for clemency formed a part of the record of the case against the condemned woman. The proceedings of the trial were in print, with a War Department certification of their accuracy. But the bulky volume contained no reference to a petition for commutation. The President sent for the original papers. Among these he found the petition, and returning to his private secretary dictated the following communication to the War Minister of Abraham Lincoln:

August 1, 1867.

Sir: Public considerations of a high character constrain me to say that your resignation as Secretary of War will be accepted.

Very respectfully yours,

ANDREW JOHNSON.

To the Honorable Edwin M. Stanton, etc.

Seven days thereafter the trial of John Harrison Surratt terminated in a disagreement of the jury, which stood eight to four for acquittal. The prisoner was released without a second trial.

THUS the narrative of a crime of murder so foul and so futile that it seemed as if a grief-blinded world took undiscriminating revenge on everybody. The assassin had struck down not only a man, but also the qualities that his life embodied—the milk of human kindness, rationality, justice amid a tempest of the passions. The Judge Advocate General claimed that President Johnson had seen the clemency petition when he approved the sentences. The President said he had not seen it, and the evidence is with his contention. Yet Mr. Johnson suffered from the arrows of remorse because he had suspended the writ of habeas corpus; and in the impeachment proceedings *(Continued on page 62)*


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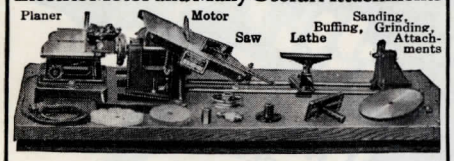


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# *Expiation*

*(Continued from page 61)*

brought against him he suffered from insinuations, principally the spurious coinage of La Fayette Baker, the baseness of which have no parallel in our annals. The crime that elevated Andrew Johnson to the Presidency also destroyed him, as it destroyed others. The two United States Senators who guarded the President's door against those who approached it on errands of mercy killed themselves within a year. The Chief of the Secret Service left public life shorn of character. Hardly anyone escaped.

Michael O'Laughlin died in prison on the barren island of Dry Tortugas, off Florida. Mudd was pardoned in 1868, although he would not have been had Mr. Johnson been able to avail himself of the accumulation of sixty years of evidence which indicates that the surgeon had recognized Booth when he set his leg. Spangler and Arnold were released from Dry Tortugas in 1869. And so closed, with an act of mercy, the record of the mad murderer's deed and all that came in its train.

# *The Unfinished Battle*

*(Continued from page 29)*

They may be found, for example, in the Annual Report of the Director of the United States Veterans Bureau for the year 1928, a book of 123 pages which may be obtained for fifteen cents from the Superintendent of Documents, United States Government Printing Office, Washington, D. C.

Now it is obvious that the Government operations for which I have given data and those which I have not mentioned specifically involve a vast amount of what is customarily called red tape. The American Legion since it came into existence has carried on as its principal activity the work of assisting service men and their dependents to obtain from the Government, through the Veterans Bureau and the agencies which existed before the Bureau was established, the rights and benefits awaiting them. The American Legion has undertaken to fill the role of best friend of the disabled man, to act as his representative in many of his dealings with the Bureau. The American Legion has mastered the intricacies of government operation and tries to help in the simplest and most direct ways the average service man who would be bewildered if he were to attempt, unaided, to obtain from the Government that to which he is entitled by the laws. Without assistance, the claimant would find puzzling not only the complicated legal verbiage of the statutes but also the equally complicated rules and regulations which the Veterans Bureau has had to establish.

It should be understood, first of all, that The American Legion is the godfather of practically all the laws affecting the interests of World War service men. It assumed that role through necessity immediately after it was organized in the spring of 1919 and it has been the godfather of service men's legislation ever since. It sought the confidence of Congress at the beginning by the moderation and justice of what it advocated for the disabled and I hope and feel that it has continued to hold that confidence. It is not overstating the case to say that Congress is grateful to the Legion for having ascertained through its day-by-day experience what needed to be done, step by step, as the Government proceeded to discharge its obligation to World War service men, and it is certainly not overstating the case to say that the Legion and those of its officers who appear before the Congress at its behest are grateful indeed to the members of both the branches of that great legislative body for their attention to our presentations and their generous responses when we have been found to be right.

In the absence of a large, all-inclusive body of World War service men—such as the Legion—Congress might have been confused by the demands of large numbers of groups representing conflicting interests and probably would have enacted compromise measures which would have satisfied none.

Every Legionnaire may justly take pride in the unique relation existing between The American Legion and Congress. He should recall that it was The American Legion which presented the plan that resulted in the formation of the Veterans Bureau after two years of governmental chaos in which the United States Public Health Service, the Bureau of War Risk Insurance and the Federal Board for Vocational Training each worked independently and frequently at cross purposes. It was The American Legion which pressed insistently until Congress abandoned the utilizing of makeshift hospitals and authorized a comprehensive program of hospital construction, the wisdom of which has since been more than demonstrated. It was The American Legion which presented the logical, workable plan for adjusted compensation when such a plan was needed to satisfy the overwhelming demand for some such legislation that had spontaneously developed among all service men in the difficult years immediately after the war. It was The American Legion which helped to form the World War Veterans Act of 1924, an act which simplified the Government's administration of its operations for service men