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NEW FACTS ABOUT MRS. SURRATT.

CORRESPONDENCE OF JUDGE HOLT AND HON. JAMES SPEED.

THROUGH the courtesy of Judge J. Holt, I have been favored with the following correspondence, which throws fresh light upon a dark page in the History of the Civil War. The execution of Mrs. Surratt has provoked and still continues to provoke great diversity of opinion, and these documents, now first given to the public, are important, not only as contributions to the History of the Times, but involve the interesting question of the rights and duties of a cabinet officer in declining to make known certain facts coming to his knowledge in an unofficial manner.

ALLEN THORNDIKE RICE.

WASHINGTON, *April* 18, 1883.

HON. JAMES SPEED:

DEAR SIR: In compliance with the promise made in our last conversation, I now enclose you two pamphlets, published by me in 1873, in vindication of myself from the charge of having, when presenting the record of Mrs. Surratt's trial to President Johnson, withheld from him a petition signed by five members of the Court, recommending, in consideration of her age and sex, a commutation of her death sentence to imprisonment for life in the Penitentiary, in consequence of which he was led to approve the proceedings and sentence without any knowledge whatever of the existence of this petition. You were a member of his Cabinet, and I have the strongest reasons for believing that this atrocious accusation is known to you to have been false in its every intendment. It originated with President Johnson, and for years was industriously circulated by his unscrupulous abettors, though he himself did not dare make *open* proclamation of it until he felt assured through your letter of 30th March,

1873, that no damaging disclosures were to be apprehended from yourself. It will be gratifying to me if you can spare the time to carefully examine the proofs arrayed in my defense in these pamphlets. They will make it apparent to you that nothing but your own testimony is needed to render my vindication so complete as to silence the most malignant of my traducers. This testimony I asked of you in 1873, and now solicit it again, but not wholly as a personal matter. The question whether a President of the United States—as a craven refuge from accountability for official action—did seek to blacken the reputation of a subordinate officer holding a confidential interview with him, is in no just sense a private question; it is essentially a public one, which concerns the whole country, and one to which the country may well expect you to speak, seeing that you were a member of that President's Cabinet, at the time of this disgraceful transaction. Your unwillingness, thus to speak to it in 1873, seemed to have arisen from an exaggerated estimate of a rule which once prevailed in regard to the inviolability of cabinet counsels and secrets. But whatever may have been, in the remote past, the recognized force of this rule, the frequent and conspicuous disregard of it, during the last two decades, by statesmen of the highest probity and rank, leaves the impression that the rule itself has lived its day and is now practically dead and inoperative. Waiving, however, this view, it is clear to me, that were the rule accepted as now binding, in its utmost rigor, it could have no application to this case. I cannot be misled in supposing that the relations between the President and his Cabinet are relations of honor, and that, therefore, they cannot be held to oblige any member of his Cabinet to protect, by his concealment—and thus become a moral accomplice in it—any criminal or wrongful act into which the President may be drawn, by a guilty ambition or by any other unworthy passion or purpose. In a word, the rule never has been, and never should be so construed as to become a shelter for perfidy or crime. I trust you will concur in this opinion and will yet believe with me, as a corollary from it, that no custom or usage can possibly impose upon you as a *duty* an obligation to stand guard over and shield, by your silence, from exposure, a base falsehood, concocted and propagated by a treacherous Executive, in the hope of escaping from the responsibility of his own official conduct, and to this end destroying the reputation of an officer of the government per-

forming a public service in his presence—a service, certainly not sought by that officer, but exacted from him by the requirements of the position he held. And yet, an interpretation of the rule mentioned, which would now close your lips, must assign you precisely this rôle and no other, and must, at the same time, offer to you for immolation the good name of an innocent man, who never wronged you, but who has been throughout your steadfast friend. Which then will you sacrifice—the falsehood or the friend? Pardon the freedom with which I address you. The issue of this discussion is so vastly important for me—and I venture to think that it is not wholly unimportant for yourself—that plainness of speech seems due to us both.

Can I be mistaken in the ground I occupy? Your associates in the Cabinet—Messrs. Seward and Stanton—condemning the rule by which I have been so long victimized, declared the truth fully to Judge Bingham,* as he has so forcibly set forth in his letter—to which you are referred. I repeat, they declared it not only freely, but unhesitatingly, utterly heedless of the brand which it might burn into the Presidential forehead.

Allow me to add, that we are now, each of us, far advanced in years, so that whatever is to be done for my relief should be done quickly. While, however, it is sadly apparent that I can remain here but a little while longer, I have not been able to bring myself to the belief, that you will suffer the closing hours of my life to be darkened by a consciousness that this cloud, or even a shred of it, is still hanging over me—a cloud which can be dissipated at once and forever, by a single word spoken by yourself in defense of the truth and in rebuke of a calumny, the merciless cruelty of which none can better understand than yourself. I make this final appeal to your honor as a man to do me the simple justice which under the same circumstances I would render to you at once promptly and joyfully.

Very sincerely yours,

J. HOLT.

*This praise was certainly due to Mr. Seward, but not, in strictness, to Mr. Stanton, since on making the communication to Judge Bingham, he endeavored, and successfully, to prevent him from giving it publicity. The fear of Andrew Johnson's resentment, added to a determination on his part to leave my reputation—then under fire from his silence—to its fate, sufficiently explains his otherwise inexplicable conduct.

LAW OFFICE OF JAMES SPEED.

Office of Thomas and John Speed,
Attorneys at Law, 511 West Green Street.
LOUISVILLE, Ky., *April* 25, 1883.

GENERAL JOE HOLT, Washington, D. C.:

MY DEAR SIR: I received your letter Saturday last. Soon after the receipt I lost my spectacles, which are peculiar, and did not find them till this morning. I will read the papers at my earliest leisure, being now much absorbed in two cases, and after reading them will write to you. I will preserve them carefully.

Most truly your friend,
JAMES SPEED.

WASHINGTON, *June* 21, 1883.

GEN. JAMES SPEED:

MY DEAR SIR: It isjust two months to-day—as evidenced by your receipt transmitted to me by the postal authorities—since my letter of the 18th of April reached your hands, and yet I am still without reply. In view of our past relations and of the spirit and purpose of my communication, I could not have supposed this result possible. It would be needless to express, as I feel it, the bitterness of the disappointment which this treatment of my appeal to you has occasioned me. Suffice it to say, that if I know my own heart, under no conceivable circumstances could I be induced to manifest such profound indifference to any declared wish of yours, affecting either your reputation or any other of your cherished interests. As you have doubtless arrived at a conclusion on the question submitted for your consideration, I have to request that, at your earliest convenience, you will be so good as to re-enclose to me in a registered envelope the pamphlets which accompanied my letter, and which were sent by your desire for your examination.

Sincerely yours,
J. HOLT.

LOUISVILLE, *June* 21,* 1883.

HON. JOE HOLT, Washington, D. C.:

DEAR SIR: I found your letter of the 21st on my table Monday morning, and read it with concern and surprise. You say, considering our past relations, that you know of no conceivable

* This date, through an oversight, is evidently incorrect. The *Postmark* is 27th June, which is no doubt the true date of the letter.

circumstance that would induce you to manifest such profound indifference to my wishes or interest as I have done to yours. To this sharp rebuke I have only to state facts. (Here follows a reference to the circumstances which, he alleges, had prevented him from writing, but being personal and private in their character, they are omitted.)

This sorrow came upon me, too, when busily engaged in preparing two as important cases as I ever had, in each of which I am chiefly relied upon. One of them is now on trial, and I will be exclusively occupied on it for many days to come. Since I saw you I have often thought of you and my promise, but under the circumstances felt that I could neither do you or myself justice. I can only repeat my promise to take up the matter as soon as I can. What I may do or say I cannot tell; I will do all that my sense of right and honor will permit.

I am, sir, as ever, your sincere friend,

JAMES SPEED.

WASHINGTON, *October* 22, 1883.

HON. JAMES SPEED:

DEAR SIR: It is just *six* months from to-day, since my letter of the 22d April last reached your hands, and yet I am still without any reply to it whatever. This prolonged silence on your part declares, as emphatically as words could do, that it is not your purpose to give me the information which I asked of you in terms which, though rendered earnest by the importance of the subject to me, were entirely respectful.

I have now only to request that, at your earliest convenience, you will be so good as to return to me, in a registered envelope, the two pamphlets, sent to you at your suggestion, for examination. I have no other copies, and am the more anxious to possess myself of them again, because I shall probably have occasion to use them before a great while.

Very respectfully yours,

J. HOLT.

LOUISVILLE, Ky., *October* 25, 1883.

HON. JOSEPH HOLT, Washington, D. C.:

DEAR SIR: Your letter of the 22d reached me yesterday A. M., and I would have answered it yesterday, but the son who writes for me was necessarily absent all day.

Herewith you will find the paper you desire.

I assure you, my dear sir, that nothing outside of my own family troubles has ever given me as much concern and anxiety as the matter about which you desire me to speak. After very mature and deliberate consideration, I have come to the conclusion that I cannot say more than I have said. My friend, the Rev. E. P. Humphrey, called upon me upon the subject at the instance of Bishop Kavinaugh. He informed me that he (Bishop K.) thought that I had seen in President Johnson's hands a written recommendation from you to the President to commute the sentence of Mrs. Surratt to imprisonment for life. How Bishop K. got such a notion I cannot divine. Certain it is, that I never saw such a document either in the President's hands or at any other place.*

Deeply regretting that I cannot comply with your wishes,

I am, most truly your friend,

JAMES SPEED.

WASHINGTON, *December* 19, 1883.

HON. JAMES SPEED:

DEAR SIR: After the lapse of six months I received your reply to my communication to you of the 18th of April last. You state, "After very mature and deliberate consideration, I have come to the conclusion that I cannot say more than I have said," referring thus to your letter to me of the 30th March, 1873, in which, speaking of the record of the trial of the assassins of the President, you used this language:

"After the finding of the Military Commission that tried the assassins of Mr. Lincoln, and before their execution, I saw the record of the case in the President's office, and attached to it was a paper, signed by some of the members of the Commission, recommending that the sentence against Mrs. Surratt be commuted to imprisonment for life; and, according to my memory, the recommendation was made because of her sex."

* The good Bishop had entirely misconceived the matter. I never presented or claimed to have presented any petition of clemency in the case of Mrs. Surratt, *on my own account*. The petition I did present was that signed by five members of the Military Commission which tried the assassins of the President, and *this* General Speed saw attached to the record of trial in the President's office, and knows well that it was considered by him.

"I do not feel at liberty to speak of what was said at Cabinet meetings. In this, I know, I differ from other gentlemen, but feel constrained to follow my own sense of propriety."

I could but infer from the closing words that the information sought at your hands, and now again desired by me, had come to you as a member of the President's Cabinet, and that treating it as confidential you did not feel warranted in disclosing it, and it was upon this understanding of your position that I discussed the question in my letter to you of the 18th of April. Since then, however, I have learned that, although you gained the information while a member of the Cabinet, it was not strictly in your capacity as such, but that at the moment I laid before the President the record of the trial, with the recommendation for clemency on behalf of Mrs. Surratt, you chanced to be so situated as to be assured by the evidence of your own senses that such petition or recommendation was by me then presented to the President, and was the subject of conversation between him and myself. In the absence of any declaration by you on the subject, I cannot, of course, assert with certainty, whether your knowledge of my action reached you in this manner or not; nor do I deem it important to inquire. It is the fact that you have the information, and not the mode of its acquisition, which constitutes the basis of my claim upon you. That you have complete knowledge that I submitted to the President the recommendation in favor of Mrs. Surratt referred to, has not been controverted by you in any way, nor have you insisted that you hold this knowledge under any actual pledge not to reveal it. On the contrary, in the course of our conversation last spring, you suggested that you should write me a letter, giving me the information desired, but not to be used until after my death. Wishing, naturally enough, that the light of my vindication should fall upon the pathway of my life, and not be reserved for my grave, I did not encourage this view, but said—and I think truly—that a letter thus strangely withheld from the public would not, when it appeared, be credited.

I cannot but deplore that you found nothing in my elaborately prepared letter of the 18th April worthy of answer or comment. You make no allusion to any of the considerations pressed upon your attention. You offer no reason for the resolution heretofore taken and now so inflexibly adhered to. It seems to me that it was due to the extraordinary ground you occupy that you should

have frankly explained yourself, in order that I might be enabled to judge intelligently of the influence under which you are acting. A resolution which persists in being dumb, which cannot be importuned to explanation or speech, which will neither reason nor be reasoned with, is not one suggestive of conscious strength, but rather of conscious weakness and indefensibility.

You say that the matter about which I have asked you to speak, has given you "much concern and anxiety." I am glad to hear this. Your heart would be obdurate indeed, if you did not feel "concern and anxiety" at finding yourself so placed, as to be obliged, in your own judgment, to become, in the interests of treachery and calumny, an instrument for blasting the reputation of a man who never wronged you, and whom you know to be innocent. How your well trained intellect could have been so far deluded—for I cannot believe that you have felt any unfriendliness towards me—as to allow you to accept such a rôle, passes my comprehension. Your enactment of this rôle, in despite of all entreaty to be just, strikes me as a sad departure from the whole tenor of your past life. The tenor of that life, so devoted to the advocacy of the right, and so scornful of the meanness of oppression of all kinds, justified me in anticipating from you a declaration both of resentment, and of shame, at the attempt of a President—of whose Cabinet you had been a member—to destroy by perfidy a subordinate officer who had been obliged to hold a confidential interview with him, and when to this is added the further fact, that it has been proposed and expected to consummate this monstrous wickedness through your connivance, I should not have been surprised at any, even the most vehement, utterance of your indignation.

Your forbearance towards Andrew Johnson, of whose dishonorable conduct you have been so well advised, is a great mystery to me. With the stench of his baseness in your nostrils you have been all tenderness for him, while for me, his contemplated victim, you have been and are as implacable as fate. You seem, even at some hazard to your own character, resolved to shield his from the brand which should rest upon it. When in your letter of March 30, you alleged that you had seen in the President's office the record of the trial of the assassins, with the recommendation in favor of Mrs. Surratt attached to it, Andrew Johnson answered, under his own signature and with emphasis, that you were "mistaken." Now

this word, had it been applied to an opinion expressed by you, or to information you had received from others, might have conveyed no offense; but when applied, as it was, to what you claimed to have seen with your own eyes, and which you could not possibly have confounded with anything else, it necessarily impeached, not merely the accuracy of your statement, but *its integrity* as well. Yet you have suffered the question of veracity, thus raised, to pass into history, unchallenged and unresponded to. I marvel at this and conjecture in vain the reason of so tame a submission to such insolent mendacity.

Your silence, under this defiant action of Andrew Johnson, was a grievous blunder. Certainly he had at least no known claim upon you, which could have required of you the enormous self-sacrifice of preferring the safety of his reputation to that of your own.

My relations to the information you possess are such as to give me an interest, and I may well add a property in it, which, I say it with respect, cannot be honorably ignored. It is of no value to you, but it is the armor of my character and life, and it borders upon a crime to despoil me of it. You hold it simply as a sacred trust for whom it most concerns, and you can no more rightfully deprive me of it than you could rightfully deprive me of any other treasure of mine which might by accident fall into your hands. Suppose you should happen to overhear villains plotting a murder or a burglary, could you, in your conscience, withhold information thus acquired from their intended victim or from the officers of public justice? The case before you is a stronger one than that. True, the plot, the hideous deformity of which your testimony would lay bare, was not against life or dwelling, but it was against, what every well ordered head and heart must regard as yet more precious, the character of an innocent man and grossly traduced public officer. You do greatly err, if you think such an offender can be sheltered by you from exposure and condemnation without becoming yourself soiled by such contact with him, and without tasting, sooner or later, the fruit of the tree you have planted. In despite of all human vigilance and human devices, the poisoned chalice still, under the guidance of God, often returns to plague the inventor. I wish you a better fortune than this—even the fortune of being yet willing to do unto others as you would have them do unto you.

There are duties which we owe to each other, not only as friends, or citizens of the same country, but as members of the same human family. It is one of these duties, which seems wholly disregarded, when by your inexorable silence you give such aid and comfort to my calumniator as to become—whatever may be your wishes—in effect, morally his accomplice. In this I cannot realize that you respond either to the demands or the inspirations of your past noble career. As you must of course believe that there is some sentiment of honor, some principle of morality or justice which will excuse the treatment received from you in this matter, I deeply regret that you have not thought proper to name it.

I am not only a firm but a joyful believer in the ultimate triumph of the truth and in the retribution which awaits those who—throwing down the gauntlet to God—so wickedly war upon it. When Mr. Stanton, under the influence of the relations existing between them, made known to Judge Bingham, in answer to his inquiry, that the recommendation in favor of Mrs. Surratt was before the President and considered by him, he enjoined upon the Judge *silence* in reference to the communication, and when the Judge for the purpose of refuting the calumnies then being circulated by Johnson's emissaries, wished to give publicity to the communication, Mr. Stanton advised him not to do so, but "to rely on the final judgment of the people"—thus *committing my reputation to the arbitrament of a tribunal from which the proofs of my innocence were to be carefully excluded.* It was a deliberate and merciless sacrifice of me, so far as he could accomplish it. While he lived, this enforced silence was scrupulously observed, and he doubtless felt assured that this cloud—the darkening folds of which he had thus helped to stretch over me—would continue and would blacken my name to the end of my days. It was not, however, in the allotments of Providence, that his life should be lengthened out to perpetuate so pitiless an outrage. Hence, in due time, a power, mightier than even the "great War Secretary," appeared upon the scene, and so, after the Secretary had, amid the world's funeral pomp, gone down into his sepulchre, the truth came up out of the grave to which he had consigned it, and being thus resurrected and openly announced by Judge Bingham, I was saved from the ruin with which I had been threatened and to which your silence might otherwise

have devoted me. But you may say that no such calamity for me has been intended; still it must not be forgotten that the law—whose wisdom we have both been taught to believe in—maintains, and justly, that all men—and especially men of your rare intelligence—must be held to intend the natural consequences of their actions. On this necessarily implied intent, rests their responsibility. In view of the spirit of the course pursued by you towards me, as manifested by your evident determination to guard my traducer from deserved disgrace, heedless of all possible consequences to myself, I cannot but give hearty and continued thanks, that my reputation—though at one time so much imperiled—has never been wholly at your mercy.

When Andrew Johnson read your letter of the 30th of March, he interpreted and accepted it as a guaranty that you would reveal nothing to his prejudice in connection with his accusation against myself, and he lived thereafter, strengthened and gladdened by the sense of security with which your words had inspired him, and now that he has died and "gone to his own place," if the spirits of the departed are permitted to have cognizance of the affairs of the world they have left, he is doubtless, in this very hour, rejoicing with exceeding great joy, that his guilty secret is still so faithfully kept for him by his ex-Attorney-General.

The supreme importance for me, of the appeal made to you, will, I trust, satisfactorily explain the directness of my language, which, though an earnest, has been intended to be a perfectly respectful expression of my painful sense of the wrong which I am suffering.

Very sincerely yours,

J. HOLT.

LOUISVILLE, *December* 26, 1883.

DEAR SIR: I had hoped that my letter of October 25, 1883, would be regarded by you as a finality, and put an end to all correspondence between us upon the subject thereof.

If it is an evidence of conscious weakness for me to determine for myself what I, as a gentleman, should or should not do, I freely acknowledge myself amenable to the charge. If it be an evidence of conscious weakness for me not to enter into a fruitless debate with you as to the propriety of my conduct, I also confess myself guilty.

When Andrew Johnson was alive I wrote to you that I would speak if he would give his consent, which letter you published.* Mr. Johnson failed or refused to give his consent. Now he being dead, it would be wrong for me to speak.

Very respectfully,

JAMES SPEED.

* This presents an extraordinary lapse of memory on the part of General Speed. Upon referring to the letter, of which he speaks—and which was published, in its entirety, in a pamphlet that he had in his possession at the time of writing—it will be seen that he made no allusion whatever to any willingness to speak provided Andrew Johnson would give his consent. Had he done so, I should at once have made an open appeal to Johnson to declare his consent; but he did nothing of the kind. Neither in this nor in any other letter did he make any such proposal, directly or indirectly, or give the slightest intimation in that direction. If, however, the rôle of suppressing the truth, which he had voluntarily assumed, had been at all irksome to him, or if he had felt the least inclination to shield my reputation from a loathsome calumny, he would himself have taken the initiative and demanded of Johnson a release from the imaginary obligation to silence, which he insists had closed his lips. In view of the fact that he utterly failed to do this and sought no relief of any kind from this obligation, there will be scarcely two opinions as to the real animus which controlled him then and has controlled him since.