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Mary Surratt:

The Unfortunate Story of Her Conviction and Tragic Death

Leah Anderson

On the night of April 14th, 1865, a gunshot was heard in the balcony of Ford's Theatre followed by women screaming. A shadowy figure jumped onto the stage and yelled three now-famous words, "Sic semper tyrannis!" which means, "Ever thus to the tyrants!"¹ He then limped off the stage, jumped on a horse that was being kept for him at the back of the theatre, and rode off into the moonlight with an unidentified companion. A few hours later, a knock was heard on the door of the Surratt boarding house. The police were tracking down John Wilkes Booth and his associate, John Surratt, and they had come to the boarding house because it was the home of John Surratt. An older woman answered the door and told the police that her son, John Surratt, was not at home and she did not know where he was. This woman was Mary Surratt, and she would soon become famous for her alleged role in the assassination plot of Abraham Lincoln. A few days later, the police made their second appearance at the Surratt boarding house, but this time to arrest Mary Surratt herself. They had acquired information that directly tied Mary Surratt to the other conspirators and that placed the boarding house as one of the conspirators' favorite meeting places. Her actual role in the plot was not clear at this time, but it was presumed that she was guilty of housing the conspirators and helping them in their plot. Mary Surratt would become famous as the first woman who was ever convicted by the federal court, and her conviction would leave many people questioning if they had just sent an innocent woman to the gallows.

Discovering the truth about Mary Surratt's involvement proved to be a very complicated matter. There were many variables that needed to be considered in order to

¹ Kate Clifford Larson, *Assassin's Accomplice: Mary Surratt and the Plot to Kill Abraham Lincoln* (New York: Basic Books, 2008), 89-90.

fully understand the situation surrounding the assassination, including Mary Surratt's actual relationship with the other conspirators, whether she was aware of a plot to assassinate the President, and if she was responsible for knowingly running errands for John Wilkes Booth. However, after sifting through many different sources, three main questions emerged that need to be answered in order to understand the court's decision and Mary Surratt's actual role in the assassination plot. First of all, the legality of the trial was questioned when it was made public that the conspirators were going to be tried by a military tribunal. The trial of Mary Surratt introduced new issues that the federal government had never dealt with before. There was much debate over whether her actions justified a trial by a military tribunal instead of the standard civilian court and whether it was even constitutional to try civilians by a military tribunal. A second issue that was addressed in the actual trial was the extent to which Mary Surratt was involved in the assassination plot, and if her involvement merited a guilty sentence. Finally, the time period when this trial took place occurred when it was believed that the woman's place was in the home. With this fact in mind, it is important to consider the possibility that gender roles may have played an important part in sending Mary Surratt to the gallows.

The Civil War marks one of the bloodiest conflicts in American history. Slavery was one of the main issues that influenced the South's decision to secede from the Union. The ongoing addition of territory to the United States proved to be a major problem when it came to the slavery issue. The Wilmot Proviso proposed that any territory acquired in the Mexican-American War should not allow slavery, which elicited much opposition from the slave-holding white Southerners. However, this proposal failed to solve the

slavery issue making the Compromise of 1850 the next attempt by the federal government to resolve this problem. It incorporated numerous provisions, including the infamous practice of popular sovereignty, which allowed the new states the right to decide whether or not they would allow slavery in their state. This angered many Northern abolitionists because they knew the majority of the new states would choose to allow slavery. However, the final straw for many Southerners was the election of Abraham Lincoln as President. Although he was opposed to slavery, he was not a passionate abolitionist. Southerners panicked at his election, leading South Carolina to endorse a proposal of secession, which was quickly embraced by several of the other Southern states. Although slavery was not the main reason why the Southern states decided to secede, the creation of the Emancipation Proclamation made slavery one of the most pronounced issues of the war. Before Lincoln issued the Proclamation, his main goal was to keep the Union together. However, the Emancipation Proclamation made abolishing slavery an explicit goal of the Union war effort and was the first step towards outlawing slavery and granting ex-slaves the same rights as white citizens. The Proclamation infuriated Southerners because it confirmed their fears that the Union's goal was to abolish slavery, which would undermine their way of life in the South. White Southerners heavily relied on the slave population to provide the labor for their plantations, which supported the strong agricultural economy of the South. Therefore, many Southerners began to resent President Lincoln for his role in the Emancipation Proclamation, placing a target directly on his back.

The North's victory in the war fueled these anti-Lincoln feelings even further, especially from one man who would go down in history as the one who shot President

Abraham Lincoln. John Wilkes Booth was the son of the world-famous British actor Junius Brutus Booth. He decided to follow his father's footsteps onto the stage, and soon became a very well known actor as well. He was a whole-hearted supporter of the Southern cause, and the numerous, consecutive defeats of the Confederate army began to turn gears in his head, leading him to hatch a plot that he hoped would save his beloved South. As Southern defeat became more imminent, Booth became more agitated. "Booth had dreamed of vanquishing Northern victories through [a] clandestine operation of his own, but now, with the South collapsing, his opportunity to strike a blow against the North was disappearing. Convinced that the South's path to defeat could only be halted by a dramatic course of action, Booth became preoccupied with bringing the war to the steps of the White House."² With these thoughts in mind, Booth hatched a plot to assassinate the President that would forever change the course of Mary Surratt's life.

Most of the historical literature written about Mary Surratt focused on the short period of her life surrounding the events leading up to the assassination. Historians write about her numerous interactions with Booth, including the many private conversations they shared. Historians also write about her son, John H. Surratt, and how his friendship with Booth got him mixed up in the assassination plot and dragged Mary Surratt into it as well. Most historians only focus on the most important testimonies that were presented at the trial, namely the testimonies of Louis Weichmann and John Lloyd. The historical literature seems to condemn Mary Surratt as having a prominent role in the assassination of President Lincoln, and many historians argue that she deserved to be hung. However, there is much more to her story than simply her relationships with the other conspirators

² Larson, 4.

and the evidence presented at her trial. The opinions of the general population towards her character and her sex should also be taken into consideration. This trial was very unusual because she was the first woman to ever be convicted by the federal government. This paper differs from previous historical literature because it takes time to examine the legitimacy of the trial, considering whether or not it was actually legal for the conspirators to be tried before a military tribunal. It also takes into consideration the role of women at this time and questions whether or not the fact that Mary Surratt was a woman had any influence on the court's decision.

Probably the most controversial issue of Mary Surratt's trial was the question of its legality. Much debate arose over this issue because of a prior Supreme Court case, entitled *Ex Parte Milligan*. This case was named for Lambdin Milligan, who was charged with plotting to steal weapons and free confederate soldiers from prisoner-of-war camps. A military court sentenced Milligan and four other men to death, but they appealed for their release under the Constitution's right of Habeas Corpus. President Lincoln was concerned with the possibility of Southern sympathizers undermining the war effort in the North. In order to counteract this threat, he issued a number of orders that put several civilian areas in the North under military control and Martial Law. This allowed the military to arrest and try civilians that they believed to be a threat. However, the Constitution clearly grants Habeas Corpus to the accused, which allows civilians the right to go to court and have a judge determine whether their trial is legal. In the *Milligan* case, the court had to determine if Lincoln's actions were legal. The court did not issue their decision until a year after the Civil War ended. The Supreme Court voted unanimously that President Lincoln had gone too far. The court argued that Indiana, the state where the

men were arrested, was not under attack and that Milligan was not involved with the Confederate army, nor was he a prisoner of war. They also claimed that he was arrested at home, not while he was on a military operation; and more importantly, the courts in Indiana were operating normally during the war. Finally, the Supreme Court maintained that he could have been charged with treason, giving him the opportunity to be tried in the courts, where he would have had the constitutional right to a fair trial by jury.³ The court reasoned, "It is the birthright of every American citizen when charged with crime, to be tried and punished according to law.... By the protection of the law human rights are secured; withdraw that protection, and they are at the mercy of wicked rulers, or the clamor of an excited people."⁴ They argued Lincoln had overstepped his rights as President when he approved the establishment of military law and that the five men had been wrongly convicted on the basis that their trial was illegal and their rights were ignored. Therefore, the men were released and never sentenced by a civilian court.

The decision in the Milligan case caused great debate about whether or not the military trial of the Lincoln conspirators was legal. President Johnson sought the counsel of United States Attorney General James Speed for advice on how to proceed with the trial. Speed suggested that the conspirators be tried by a military tribunal because he "was convinced that the actions of the conspirators was indeed a wartime act, that the conspiracy to kidnap, then kill President Lincoln was organized and executed to advance the Confederate cause, and was not a personal vendetta against Lincoln, but against the

³ "Key Supreme Court Cases: Ex Parte Milligan," Division for Public Education: American Bar Association, Accessed October 12, 2013, http://www.americanbar.org/groups/public_education/initiatives_awards/students_in_action/milligan.html.

⁴ "Ex Parte Milligan."

whole administration.”⁵ The cause and specification of the conspirators attests to the fact that they were arrested on the basis of being enemies of the state. It indicated they were “engaged in armed rebellion against the United States of America” with their purpose “being, unlawfully, maliciously, and traitorously to kill and murder Abraham Lincoln,” as well as Andrew Johnson, Ulysses S. Grant, and William H. Seward, and “to aid in the subversion and overthrow of the Constitution and laws of the said United States.”⁶ Speed also argued that according to General Order 100, issued during the Civil War, the conspirators violated the “laws of war by acting as belligerents for the Confederacy.”⁷ Upon these bases, President Johnson felt that it was legal for the conspirators to be tried by a military court. Speed reinforced his beliefs after the conclusion of the trial by further reasoning that the military tribunal could provide a more rational sentence and would be less likely to be persuaded by emotions that might, in turn, influence a civilian court’s decision.

Scholars have also debated the legality of this trial ever since its conclusion in 1865. Those who support Speed’s recommendation for a military tribunal contend that even though Lee had surrendered before Lincoln was murdered, the war was not considered over for many of the Confederates. Small-scale conflicts were still being fought throughout the South for several more months and “Washington was still under de facto military control.”⁸ On the other hand, those who argued that it was illegal for the conspirators to be tried by a military tribunal based their arguments on the Constitution

⁵ Larson, 137.

⁶ Edward Steers Jr., *The Trial: The Assassination of President Lincoln and the Trial of the Conspirators* (Lexington: The University Press of Kentucky, 2012), 19.

⁷ Larson, 138.

⁸ Larson, 138.

and past court cases. “According to the Constitution, civilians could be tried by a military court only when civil courts were not in session. Civil courts had been functioning in the District of Columbia, without interruption, during and since the end of the war.”⁹

However, United States Attorney General James Speed argued that the conspirators had acted as enemies of the state and disobeyed the laws of war, therefore taking away their right to be tried by a civilian court. His argument should have been challenged on the grounds that the Civil War had never been officially declared a war by either side.

Speed’s declaration proved to be disastrous for the conspirators because “defendants in civil courts are considered innocent until proven guilty. Being tried by a military court placed the accused in the position of being presumed guilty and therefore called upon to prove their own innocence.”¹⁰

Furthermore, the prosecution was given a month to prepare their case, whereas the defense lawyers did not receive their assignments until the start of the trial. Also, it was rarely allowed for defendants to talk to their lawyers outside of the courtroom, making it nearly impossible for the defense to form a case. One of Mary Surratt’s attorneys, Reverdy Johnson, presented his arguments for the illegitimacy of the military trial and they were published in the *Washington Evening Star*. He brings up several different points to support his argument. First of all, he mentions the rights that are guaranteed by the Constitution. He states,

The one code (the civil) embraces all citizens, whether soldiers or not; the other (the military) has no jurisdiction over any citizen as such. The provisions of the Constitution clearly maintain the same doctrine. The Executive has no authority to declare war, to raise and support armies, to

⁹ Elizabeth Steger Trindal, *Mary Surratt: An American Tragedy* (Gretna: Pelican, 1996), 150.

¹⁰ Trindal, 151.

provide and maintain a navy; or to make rules for the government and regulation of either force. These powers are exclusively in Congress. The army cannot be raised or have law for its government and regulation except as Congress shall provide.¹¹

Johnson argued that the powers to grant military jurisdiction and military law to a specific area were in the hands of Congress alone, and therefore could not be exercised by the President. Even though it was argued that the assassination was an act of war, it was not legal for the conspirators to be tried by a military court that was appointed by order of the President. It was the role of Congress to vote on whether or not the conspirators could be legally tried by a military court.

Regardless of whether it was legal or not, many other factors contributed to the verdict of Mary Surratt's trial. First and foremost, it is important to consider what the conspirators' plot actually entailed. Booth's original plan involved kidnapping the President on his trip back to Washington from one of his many outings to the Soldiers' home. "Booth's daring plan was to kidnap the President and ransom his return in exchange for the release of Confederate prisoners of war. He had been carefully hatching this risky scheme since the fall of 1864, creating a network of supporters and assistants, and waiting for the perfect moment to execute the crime."¹² Booth believed that using the ransom to pay for Confederate prisoners would somehow revive the diminishing and wearied Confederate army. He had been formulating his plans for several months, but it had constantly been met with delays and costly problems. Booth finally saw his window of opportunity to reactivate his original plan when he learned the President was going to

¹¹ W. D. Wallach, "The Conspiracy Trials," *The Evening Star*, June 19, 1865, accessed October 21, 2013, <http://chroniclingamerica.loc.gov/lccn/sn83045462/1865-06-19/ed-1/seq-2.pdf>

¹² Larson, 4.

attend a benefit performance at a hospital near the Soldiers' home. On March seventeenth, Booth got his men into a position where they could intercept the President's carriage on his way home. Mary Surratt's son, John, was a very skilled rider, and so Booth appointed him as the lead rider so that he could chase down the President's carriage and take over the reigns. The other conspirators took up positions along the President's route in order to aid in the kidnapping. They waited for the President along his assumed route for several hours, but his carriage was never spotted. Booth had seen this as the last available opportunity to kidnap the President, but it had failed.¹³

Booth knew that he needed to do something to help the floundering Confederacy, but his plans continued to be thwarted. Finally, he decided that assassinating President Lincoln was the only remaining hope of the Confederacy. Furthermore, he also decided that in order to be completely successful, Secretary of State William Henry Seward, General Ulysses S. Grant, and Vice President Andrew Johnson also needed to be disposed of. He believed that with the deaths of these important men, the federal government would be left in disarray and their deaths would prohibit the immediate appointment of a new president.¹⁴ On the night of April 14th, Booth decided to carry out his plan. He arrived at Ford's Theatre and made his way up the stairs to the balcony where the President was enjoying the production of *Our American Cousin*. There, he shot President Lincoln point-blank in the back of the head.

Booth had gone to great lengths to recruit the best men for his conspiracy plot. He especially took a liking to John H. Surratt because of his extensive knowledge of the surrounding countryside and his position as a courier for the Confederate army. John

¹³ Larson, 65.

¹⁴ Larson, 82.

Surratt essentially became Booth's right-hand man. On the night of the assassination, John Surratt was not in Washington; he was in New York on a mission for the Confederate Secretary of State.¹⁵ Booth also recruited the help of several of his former acquaintances, including Edward Spangler, who was employed as a stagehand at Ford's Theatre. Authorities arrested and charged Spangler with "aiding and abetting Booth's escape from Ford's Theatre" but President Johnson eventually pardoned him and granted his release.¹⁶ Another recruit, Samuel Arnold, first met Booth while they were both attending a boarding school for boys, but it was not until several years later that Booth asked him to be a part of his plot to kidnap the President. Arnold was first introduced to Michael O'Laughlin, one of Booth's boyhood friends, at a meeting of the conspirators. After the failed attempt to capture the President, Arnold declared that his involvement was finished, but O'Laughlin convinced Arnold to at least meet Booth in Washington and settle their disagreements. After the assassination, Arnold and O'Laughlin were arrested because of the public knowledge of their long-lasting connection with Booth. The two men were found guilty and sentenced to life in prison with hard labor.¹⁷

John H. Surratt recruited George Atzerodt to aid in the original plan to capture President Lincoln. After that plot failed, Booth then gave him the responsibility to kill Vice President Andrew Johnson, but he was unable to carry out this part of the plan. He fled to Maryland, but was arrested several days later. He was found guilty by the military court and sentenced to death by hanging.¹⁸ Lewis Thornton Powell was assigned the task of killing Secretary of State William H. Seward, who he stabbed multiple times, but

¹⁵ Steers, LX-LXI.

¹⁶ Steers, L-LI.

¹⁷ Steers, LXXXVIII-XC, XCV.

¹⁸ Steers, LXVII.

Seward was able to deflect the knife before being fatally wounded. After this failed attempt, Payne made his way back to Mary Surratt's house. Upon his arrival, the detectives who had arrived to take Mary Surratt into custody also confronted him. He was arrested and found guilty, and sentenced to death by hanging.¹⁹ Dr. Samuel A. Mudd was tried with the other conspirators, but his only crime was that he treated Booth's broken leg, which had been injured when Booth jumped onto the stage at Ford's Theatre. Booth and his accomplice, David Herold, stayed at Mudd's home to rest for several hours before continuing their escape from the authorities. Detectives believed that Mudd had lied about not recognizing Booth in his original confession. He was tried with the other conspirators and sentenced to life in prison.²⁰ Herold, who was responsible for guiding Powell to Secretary of State William H. Seward's home, left after the commotion inside scared him off, and met Booth on his way out of town. They stopped at the home of John Lloyd where they retrieved their hidden supplies, and then proceeded to the home of Dr. Mudd. They continued on their escape route, but were caught by authorities in Virginia. The two were trapped in a barn with no hope of escape, so Herold gave himself up to the pursuers and was immediately taken into custody. He was convicted and sentenced to hang.

The trial of Mary Surratt and the other conspirators lasted for three long months. The Prosecution tried to establish her guilt by connecting her directly with the assassination plot. The Prosecution called many individual witnesses to testify against Mary Surratt, but the two most damning testimonies were that of Louis J. Weichmann and John Lloyd. Weichmann was a close friend of the Surratt family. He and her son,

¹⁹ Steers, LXXII-LXXIII.

²⁰ Steers, LXXIX-LXXXI, LXXXVI.

John H. Surratt, had attended seminary together, but both had dropped out a year after the outbreak of war. He also became a frequent boarder at the Surratt's, where he observed the comings and goings of many of the conspirators and the often-secret meetings that Mary Surratt, or her son John, had with Booth. The fact that he witnessed these multiple incidents at the Surratt house made him one of the prime witnesses for the Prosecution. He was able to cite multiple instances where Mary Surratt met with Booth in private, causing him to be suspicious of their conversations. Weichmann and Lloyd's testimonies alluded to the fact that Mary Surratt did at least have knowledge of the plot to kill Abraham Lincoln, which was cause in itself for conviction.

John Lloyd was called to the witness stand first. He "testified regarding the escape effort of John Wilkes Booth and David Herold. In his testimony, Lloyd outlined the hiding of two carbines and other supplies at the tavern in March of 1865 by John Surratt, David Herold, and fellow conspirator George Atzerodt."²¹ In his testimony, Lloyd stated, "Some five or six weeks before the assassination of the President, John H. Surratt, David E. Herold, and G. A. Atzerodt came to my house...John Surratt then called me into the front parlor, and on the sofa were two carbines, with ammunition; also a rope from sixteen to twenty feet in length, and a monkey-wrench. Surratt asked me to take care of these things, and to conceal the carbines."²² After this interaction with Lloyd, Mary Surratt came to the tavern on two different occasions, the first being on April 11th when she had asked Lloyd to have the "shooting irons" ready, and the second being on April 14th when she had brought him a package containing Booth's field glasses and asked him again to have the weapons ready. In his actual testimony, Lloyd stated, "She told me to

²¹ Steers, LIV.

²² Steers, 85.

have those shooting-irons ready that night, there would be some parties who would call for them. She gave me something wrapped in a piece of paper, which I took up [the] stairs, and found to be a field-glass. She told me to get two bottles of whisky ready, and that these things were to be called for that night.”²³ This testimony was very damaging for Mary Surratt because it seemed to prove that she did have knowledge of the impending assassination and that it was her role to prepare the items that the men would need for their escape.

Weichmann was called to the stand after Lloyd and he reinforced what Lloyd had said about Mary Surratt’s two visits to the tavern. Though he confirmed their conversation regarding the shooting irons and the package, he did not appear to have been included in the actual conversation. Mary Surratt had asked Weichmann to accompany her on both of the trips to the tavern, and on the first trip she asked him to visit Booth at his hotel to request the use of his carriage. Regarding their first trip to Surrattsville, Weichmann testified, “Mrs. Surratt stated that she went there for the purpose of seeing Mr. Nothe, who owed her some money.”²⁴ When he was being cross-examined by Mary Surratt’s lawyer Reverdy Johnson, he said the same thing: “At Mrs. Surratt’s desire, Captain Gwynne returned with us to Lloyd’s. When we arrived there, Mr. Nott said that Mr. Nothe was in the parlor. They went in and transacted their business; but I did not go in, and did not see Mr. Nothe.”²⁵ According to Weichmann’s testimony, Mary Surratt had gone to Surrattsville for the purpose of settling a debt with

²³ Steers, 85-86.

²⁴ Steers, 113.

²⁵ Steers, 116.

one of her tenants. There was no mention of the shooting irons in this portion of his testimony.

Regarding the second trip to the tavern, Weichmann stated, “Mrs. Surratt’s second visit to Surrattsville was on the afternoon of the 14th of April. She rapped at my room-door on that afternoon, and told me she had received a letter from Mr. Charles Calvert in regard to that money that Mr. Nothe owed her, and that she was again compelled to go to Surrattsville, and asked me to take her down.”²⁶ Mr. Nothe apparently still owed her money. During the visit, Mary Surratt had gone into Mr. Lloyd’s house while Weichmann waited outside, making it impossible for him to testify about the things that were said inside because he was not present. Therefore, to his knowledge, there was no mention of the articles that the four conspirators had dropped off at Mr. Lloyd’s previously, and Mrs. Surratt had not mentioned anything about certain individuals coming by that night to pick up those articles. However, Weichmann’s testimony confirmed “Lloyd’s testimony that Lloyd and Mrs. Surratt had engaged in conversation on both occasions. More importantly, Weichmann pointed out that Booth visited with Mrs. Surratt at the boardinghouse just prior to her departure for Surrattsville on the 14th. He confirmed that the package she carried to the tavern had been entrusted to her by Booth.”²⁷ His testimony verified Lloyd’s previous testimony, and it also seemed to confirm that Mary Surratt had been a messenger for the conspirators.

The final nail in Mary Surratt’s coffin happened three days after the assassination of the President when one of the conspirators, Lewis Powell, showed up at the boarding house late at night. Coincidentally, he arrived just as she was being arrested. After his

²⁶ Steers, 116.

²⁷ Steers, LV.

failed attempt to kill Secretary Seward, he had become lost and had eventually found his way to Mary Surratt's house. He was disguised as a laborer, and when asked what his business was, he told the officers that he had come to dig a ditch outside of Mary Surratt's house. Mary Surratt was asked if she recognized the man at the door, but she replied that she did not. During the trial, the government detectives told the court how she had denied ever seeing Powell. "The prosecution was able to show, however, that Powell had been at the boardinghouse on previous occasions, albeit portraying a preacher."²⁸ The Prosecution was trying to prove that Mary Surratt had lied about not recognizing Powell. He had boarded with her several times before, so she should have been able to recognize him. However, the Defense argued that Mary Surratt had very poor eyesight and that it was late at night, making it possible that she really did not recognize him because she could not see very well and the lighting was poor.

((((Not sure this is even needed. Just seems to repeat stuff you've already hashed over...)))

Mary Surratt lived during a period when women were not considered to hold an equal status with men. They were thought of purely in the context of the home, to raise the children and oversee the details of the household. However, with the emergence of the Civil War, a new breed of women also appeared. These women participated in nontraditional and unladylike behavior such as "spying, soldiering, and participating in politics, wearing pants and disguises, and holding, and voicing, unpopular views," which "challenged mid-nineteenth-century gender conventions. Criminal activity by women tested those boundaries as well. Female rebel spies, couriers, and espionage agents posed

²⁸ Steers, LV.

a dilemma for Union soldiers and federal officials charged with tracking them down, stopping their work, and arresting and punishing them.”²⁹ Although Mary Surratt did not play a direct role in the Civil War, many would argue that her role in Lincoln’s assassination plot would qualify as criminal activity. However, there were also those who argued that her sentence of death by hanging was “judicial murder,” which “firmly tested Victorian-era notions of gender norms; most were ultimately unwilling to accept that a woman like Mary Surratt could have participated in the achievement of such a horrific crime.”³⁰ In his testimony, Weichmann spoke of the goodness of her character. He stated, “During the whole time I have known her, her character, as far as I could judge, was exemplary and lady-like in every particular; and her conduct, in a religious and moral sense, altogether exemplary.”³¹ Weichmann seemed to believe that Mary Surratt was of the highest breed of character and that participating in an assassination was wholly out of character for her. This description of Mary Surratt does not seem to be compatible with explanations of common criminals. In an article that was published in the *Daily National Republican*, Weichmann again affirmed Mary Surratt’s character and expressed difficulty believing that a woman of high stature would be involved in such a bloody plot. He continued by claiming that she “is much to be blamed. She should have exercised a woman’s influence and a mother’s love, and then she could have prevented all. But no, she was too infatuated. She loved the South too much. None can regret her untimely end more than I, yet none can detest her crimes more than I do.”³² Weichmann believed, as

²⁹ Larson, xviii.

³⁰ Larson, xviii.

³¹ Steers, 115.

³² Louis Weichmann, "The Female Conspirator: Important Statement of Lewis J. Weichmann in the Case of Mary E. Surratt," *Daily National Republican*, July 17, 1865,

was common at the time, that Mary Surratt should have used her influence as a woman, and a mother, to stop the assassination plot. He condemns her because she let her love for the South get in the way of her duties as a mother, and a woman.

Views toward women began to change after the conclusion of the Civil War because of the growth of industry and the increasing trend of female wage earners. “Between 1865 and 1900, women’s labor, the terms of appropriate womanhood within which women lived, and their scope for public action all expanded.”³³ More and more women were beginning to infiltrate the ranks of the wage earners, creating differing attitudes towards this emerging trend. Some members of the public came to accept this development as the new norm, but other members of society protested that a woman’s place was still in the home. Consequently, “industrial growth accelerated tremendously after the defeat of the slave system and the northern victory in the Civil War... The growth of the female labor force was an important part of this development, although it flew in the face of the still-strong presumption that women belonged exclusively in their homes.”³⁴ Therefore, new attitudes towards wage-earning women emerged, creating tension among those who believed in the right of women to work and those who did not. “Wage-earning women were therefore criticized if they worked out of choice or pitied if they worked out of need. In either case, they seemed to be trespassing where they did not

accessed October 21, 2013, <http://chroniclingamerica.loc.gov/lccn/sn86053570/1865-07-17/ed-1/seq-1.pdf>.

³³ Ellen Carol Dubois and Lynn Dumen, *Through Women’s Eyes: An American History with Documents* (Boston: Bedford/St. Martin’s, 2012), 321.

³⁴ Dubois and Dumen, 333.

belong: in the wage labor force.”³⁵ In the public’s eyes, women working outside of the home were wrong, no matter what occupation they chose.

Mary Surratt’s case was even more complicated because she was a widow. “During the antebellum period, widowhood often resulted in great uncertainty and turmoil for dependent family members.”³⁶ The death of her husband left Mary Surratt with the responsibility to provide some sort of revenue to support herself and her children, pay off her husband’s debts, and make payments to keep her house and tavern. Also during this time period, “Most married women were forbidden to own property, and often with the death of a husband the assets were transferred to the children directly or put in trust to be claimed when they reached the age of majority.”³⁷ In her case, Mary Surratt’s assets would be transferred to the possession of her son John, but he had no interest in his father’s property because he was often away on errands for the Confederacy. Therefore, in order to stay on top of her debts, Mary Surratt opened her house to boarders as a way to earn money. Despite this source of income, she still faced some financial trouble, which is why she was so eager to collect her money from Mr. Nothe.

There was also great debate about whether Mary Surratt should have just been sentenced to life in prison rather than hung at the gallows, considering her age and gender. In fact, five of the nine commissioners on the military jury “petitioned the President to show mercy because of her sex and age. At forty-two, Mary was viewed as an old woman, in spite of the fact that she was vibrant and healthy when she was arrested.

³⁵ Dubois and Dumen, 338.

³⁶ Larson, 27.

³⁷ Larson, 27.

Nearly twenty years older than her fellow conspirators, she bore a striking contrast to the young and brash men who carried out Booth's designs."³⁸ Many others were appalled that the jury had sentenced her to be hung with the other male conspirators. In fact, Weichmann wrote in his article, "Sensational paragraphs are being scattered throughout the country, ridiculing our own times, accusing us of a want of deference and respect to the female sex, and recalling us to the days of knight-errantry, when woman was respected 'in court, and camp, and tourney, and banquet hall.'"³⁹ It is evident that the people believed Mary Surratt did not deserve to be hung at the gallows like any male criminal, regardless if she was guilty or not. They argued that because she was a female, she should have been given a more lenient sentence.

The conditions at the prison also spoke of the differences between how the two genders were treated. Mrs. Surratt was held in Carroll Prison, which was where all the female prisoners were held. "Carroll Prison was a filthy place, but, in general, women prisoners were treated better than the men...But women's cells were less crowded and somewhat better equipped than those for men...Mrs. Surratt's treatment contrasted with that of Arnold, Payne, Atzerodt and O'Laughlin who were roughly handled aboard the ironclads."⁴⁰ It is evident that the treatment that Mary Surratt received while she was in prison differed from the treatment given to the other male prisoners. The most reliable account of prison life during Mary Surratt's incarceration is a diary of a fellow prisoner, Virginia Lomax, who was being held at the Old Capitol Prison at the same time that Mary Surratt was kept there. She was a well-to-do rebel sympathizer who was arrested on

³⁸ Larson, xix.

³⁹ Weichmann.

⁴⁰ Roy Z. Chamlee Jr., *Lincoln's Assassins: A Complete Account of Their Capture, Trial, and Punishment* (Jefferson: McFarland, 1990), 97.

the general suspicion that she was involved in the plot to kill President Lincoln. She was also thought to be a Confederate spy. She “later published an account of her experiences in the prison, writing indignantly about the woman’s treatment there. For a middle-class woman of some means, the living conditions were deplorable and unacceptable. Lomax complained often.”⁴¹ Even though “Mary Surratt’s treatment was harsh, [...] it was no worse than that given other political prisoners in the Old Penitentiary at the time. And she fared better than the male prisoners held in connection with the assassination, for she was never hooded as they were.”⁴² The fact that Mary Surratt was a woman saved her from being kept under harsher conditions at the prison. It seems that the government took into consideration the fact she was a woman, despite being a suspect in the murder case, and therefore placed her in a section of the prison that was nicer than the part occupied by the men.

Even though women were viewed differently than men at this time, there is no real evidence to support the fact that gender roles had an influence on the jury when they made their decision to convict Mary Surratt. There is also no evidence to prove that the public, or the jury, viewed Mary Surratt in a negative light simply because she was a woman. Also, the information about the conditions in the prison reveals that the men and women were treated differently. However, it seems that Mary Surratt received better treatment than the other male conspirators, disproving any previous ideas that her ill-treatment was a result of her being a woman. Therefore, it is appropriate to conclude that gender roles during that time did not have any significant influence on Mary Surratt’s

⁴¹ Larson, 123.

⁴² Guy W. Moore, *The Case of Mrs. Surratt: Her Controversial Trial and Execution for Conspiracy in the Lincoln Assassination* (Norman: University of Oklahoma Press, 1954), 23-24.

sentence, and her conviction was purely a result of the evidence presented during the trial.

Mary Surratt's life was cut short when she was convicted for assisting in the assassination plot of President Abraham Lincoln. When I began my research, I did not believe that her harsh sentence was justified. I had developed my own preconceived ideas about what I thought her actual role in the plot was, believing that she was simply in the wrong place at the wrong time, and that she was primarily guilty of association because her son, John Surratt, was Booth's right-hand man. However, after conducting my research, I realized that this was not the case and there were actually more underlying issues involved. Therefore, I first examined whether or not the military trial was legal. It was important to establish this fact because if the trial was not legal, then the fact that the trial was conducted as a military tribunal means that the conspirators were given an unfair trial and therefore convicted illegally. My research revealed that the trial was indeed illegal. Secondly, after examining the testimonies and evidence presented in the trial, I came to the conclusion that Mary Surratt did have some sort of knowledge about the plot, making her a conspirator. Even though she was not directly involved in the plans to kill President Lincoln, Secretary of State Seward, General Grant, or Vice President Johnson, she still aided the conspirators by preparing the items they would need for their escape and acted as their courier. Finally, I originally believed that gender roles might have had at least some influence on the jury regarding their sentence of Mary Surratt. However, these preconceptions were negated because there was no evidence that proved the jury held any negative opinions of Mary Surratt based on her gender. The trial of Mary Surratt turned out not to shed significant light on the issue of gender during this volatile time in

our nation's history, but rather revealed the extent to which those loyal to what they consider a noble cause will go to see it accomplished—and the inevitable consequences of that choice.

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