

## CHAPTER V.

### ANDREW JOHNSON SIGNS ANOTHER DEATH-WARRANT.

Let us turn from the case made by General Holt, which on a cursory inspection seems so strong, but the seeming strength of which, on a closer scrutiny, dissipates itself among such perplexing questions, and lands us at last in the "enjoined silence" of Stanton, to the first public, authoritative charge made by the ex-President.

It appeared, November 12th, 1873, in the same newspaper which had published General Holt's Vindication, to which it was a reply. For it must be remembered that it was Joseph Holt, for eight years the accused, and not Andrew Johnson, for eight years the accuser, at the bar of rumor, who first threw down his gage in the public arena, defying his secret antagonist to come forth.

The gallant knight chose his own good time; and, at last, surrounded with sponsors, both clerical and martial, with banners flying and a most sonorous peal of trumpets, he burst into the lists, as though he would fain hope by noise and show to over-awe his dreaded adversary into submissive silence.

His thunders availed nothing. His glove had no sooner reached the ground than it was taken up.

Let us hear the plain, straightforward statement of Andrew Johnson. There are no mysteries to unravel, no explanations to explain.

"The findings and sentences of the court were submitted on the 5th of July (he and I being alone), were then and there approved by the Executive, and taken by the Judge-Advocate-General to the War Department, where on the same afternoon the order to carry them into effect was issued. Mr. Speed, doubtless, saw the record, but it must have been in the Department of War, and not in the Executive office."

After thus quietly disposing of Mr. Speed's evidence, he proceeds:--

"The record of the court was submitted to me by Judge Holt in the afternoon of the 5th day of July, 1865. Instead of entering the Executive Mansion in the usual way, he gained admission by the private or family entrance to the Executive office. The examination of the papers took place in the library, and he and I alone were present. The sentences of the court in the cases of Herold, Atzerodt and Payne, were considered in the order named, and then the sentence in the case of Mrs. Surratt. In acting upon her case no recommendation for a commutation of her punishment was mentioned or submitted to me."

He then states that the question of sex was discussed alone; Holt insisting upon carrying out the sentence without discriminating as to sex; that a woman unsexed was worse than a man; that too many females had abetted traitors during the war, and that there was a necessity an example

should be made.

"He was not only in favor of the approval of the sentence but its execution on the earliest practicable day.

"Upon the termination of our consultation, Judge Holt wrote the order approving the sentences of the Court. I affixed my name to it, and, rolling up the papers, he took his leave, carrying the record with him, and departing as he had come through the family or private entrance."

And there we must leave him.

True, he rejoined, in December, in another very long article, contributed to the same newspaper, in which he endeavored to break the force of several points made in Johnson's answer, and dwelt with much insistence on the abstention of the President from making any open charge against him, and on his adversary's present silence with regard to General Mussey's letter. But there is nothing new in the way of testimony, except two sympathizing letters from Generals Ekin and Hunter, respectively; the former of which might be construed by the uncharitable as evidence that General Holt, at the time of the execution, was already forestalling anticipated accusation by defending himself in private to his friends; the latter is a tribute from the grim President of the Military Commission to the Judge-Advocate's tenderness to the prisoners before that body, of which the printed record of the trial affords such striking illustrations.

This lengthy "Refutation," as it was entitled, upon the whole added little, if any, strength to the "Vindication." His accuser, on his side, resting content with his one single explicit public utterance, paid no attention to it.

And when, at the present hour, we calmly survey the relative standing, the position, the character and career of the two combatants, the circumstances surrounding the momentous confidential interview, the silent testimony of the record with the significant twist of the death-warrant, the nature of the accusation, the mysteries enveloping the belated defense, the probable motives actuating each, the thirst for blood which for a time maddened the leading spirits of the War Department, the passivity of Johnson for the few weeks after his sudden and sombre inauguration, and for the same period the wild and reckless predominance of Stanton;--what valid reason exists why we should discredit, or even suspect for a moment, the veracity of the ex-President? Andrew Johnson looms up in history a very different figure from the one discerned by his enemies, both North and South, amid the passions of his epoch. He was no inebriate, as he was stigmatized because of the unfortunate incident at his inauguration as Vice-President. He was no weak, frightened tool, as he appeared to be at the bloody crisis of his accession to the Presidency. He was no apostate from his section, as he was cursed by the South for being at the breaking out of the war. He was no traitor to the North, as he was denounced by the impeachers for the mere endeavor to carry out the reconstruction policy of his lamented predecessor. He was not the garrulous fool, he was called in ridicule when he "swung around the circle." He is now recognized, when his career is reviewed as a whole, as

a man temperate in his habits, firm, self-willed and honest; as a statesman, intelligent though uncultured, sometimes profound and always sincere; and as a union-loving, non-sectional, earnest patriot. His impeachment is looked back upon by the whole country with shame. His impeachers are already, themselves, both impeached and convicted at the bar of history.

In sober truth, so unique and perfect a triumph never capped and completed the career of Roman warrior or modern ruler of men, as when, but little more than a year after his reply to General Holt, the ex-President--once again the chosen representative of that State whose rebellious people he had coerced with an iron hand as military governor during the Civil War--took his seat in that body, before which he had been arraigned on the impeachment of the House of Representatives and had escaped conviction by but a single vote.

With the words of Holt's denunciation still fresh in their remembrance, the citizens of Washington loaded the desk of the retributive Senator with flowers; and, when he advanced, amidst so many colleagues who had condemned him as judges, to take the oath of office, and again when, a few days later, his voice, which had before been heard pleading for the imperiled Union, was from the same place once more heard pleading for the imperiled Constitution, the crowded galleries and corridors gave him a conquering hero's welcome.

When in the following summer he died, his body was followed to its grave in the mountains by what it is hardly an exaggeration to call the whole

people of his State. When Congress reassembled, the Senate and the House clothed themselves with crape. One of his former judges, who had voted him guilty of high crimes and misdemeanors (Morton, of Indiana), thus spoke of him in the Senate:

"In every position in life he showed himself to be a man of ability and courage, and I believe it proper to say of Andrew Johnson that his honesty has never been suspected; that the smell of corruption was never upon his garments."

The same Senator related that when Johnson, as the newly appointed Military Governor, arrived at Nashville "he was threatened with assassination on the streets and in the public assemblies, but he went on the streets; he defied those dangers; he went into public assemblies, and on one occasion went into a public meeting, drew his pistol, laid it on the desk before him, and said: 'I have been told that I should be assassinated if I came here. If that is to be done then it is the first business in order, and let that be attended to.' No attempt having been made he said: 'I conclude the danger has passed by;' and then proceeded to make his speech."

Again the Senator said: "After I had voted for his impeachment, and met him accidentally, he wore the same kindly smile as before, and offered me his hand. I thought that showed nobility of soul. There were not many men who could have done that."

The man, of whom two such incidents could be truthfully related, could

never have invented so foul a charge against an innocent subordinate.

A Senator from a neighboring State, (McCreery), on the same mournful occasion said of him:

"When he went to Greeneville he was a stranger, and a tailor's "kit," his thimbles and his needles, were probably the sum-total of his earthly possessions; at his death, the hills and the valleys and the mountains and the rivers, sent forth their thousands to testify to the general grief at the irreparable loss.

"I honor him for that manly courage which sustained him on every occasion, and which never quailed in presence of opposition, no matter how imposing. I honor him for that independence of soul which had no scorn for the lowly, and no cringing adulation for the exalted. I honor him for that sterling integrity which was beyond the reach of temptation, and which, at the close of his public service, left no blot, no stain upon his escutcheon. I honor him for that magnanimity which after the war cloud had passed, and the elements had settled, would have brought every citizen under the radiant arch of the bow of peace and pardon."

Another Senator (Paddock, of Nebraska) gave utterance to the following unchallenged statement:

"I believe, sir, notwithstanding the fact that a painful chapter relating to the official acts of Andrew Johnson was made in this very

chamber, that no Senator here present will refuse to-day to join me in the declaration that he was essentially an honest man; aye, sir, a patriot in the fullest sense of the term."

Yet another (Bogy, of Missouri), said:

"His last election to a seat on this floor as Senator was the work of his own hands, brought about by his own indomitable will and pluck, the reward of a long and terrible contest, continuing for seven years, unsuccessful for a time, and appearing to all the world besides himself as utterly hopeless; nevertheless, finally he was triumphant. From what I have learned from those who are familiar with this, his last contest, he exhibited more openly his true and peculiar nature, than at any other period of his life--which was to fight with all his might and all his ability, asking no quarter and granting none; and although like bloody Richard now and then unhorsed, still to fight and never surrender, until victory perched upon his banner."

Senator Bayard said: "Friend or foe alike must admit his steady, unshaken love of country; his constant industry; his simple integrity and honesty; his courage of conviction, that never faltered."

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Truly, the solemn word of a man, of whom such things can be said, is no light thing,--to be thrust aside by windy abuse or vociferous denial.



Now, what conceivable motive had such a man, seated in the chair of the Chief Magistracy of this republic, surrounded by Cabinet officers who had been the advisers of his predecessor, to invent, in the first place, so horrible a story as that a friendly subordinate officer had deliberately, in a case of life and death, suppressed so vital a document? For it is contradictory of historical fact, that he never openly made the charge until the year 1873.

This may be true of the period from about the time of the execution up to the disclosures of the John H. Surratt trial in 1867. But our review of the incidents of that trial, which General Holt in his refutation seemed to have totally forgotten, proves, beyond the possibility of controversy, that the President then first thought himself driven to inspect the record to ascertain the existence of such a paper, and then first, after the discovery that there was in fact a recommendation, at once, and at all times afterwards, openly asserted that he had not seen it or read it. Every one around him knew that he so said. Stanton, his great enemy, Seward, his great friend, knew it. Bingham, at the very beginning when Stanton forbade him to refute it; Bingham, when Butler pierced his shield in the House of Representatives, and Bingham, when at the bar of the Senate as manager of the impeachment he belabored his old-time Commander-in-Chief, knew it; Holt, when he delivered his contradiction through Judge Pierrepoint to the Surratt jury, and when he felt the shadows darkening over his head because of the "inexplicable conduct" of the great War Minister in "perpetuating the pitiless outrage," knew it, and recognized the President of the United States as the responsible author of the tremendous accusation.

If Holt is to be credited, the President must have known that four at least of his confidential advisers stood ready to shatter the baseless calumny. What conceivable motive, we ask again, to invent such a story--so easy of refutation, so ruinous to himself, if refuted?

The necessity to make some reply to this pressing question seems to have driven both General Holt himself and his defenders into the maintenance of the most absurd, antagonistic and untenable positions.

Holt's theory on this subject in his "Refutation" is even ingenious in its absurdity. He would have us believe that when Johnson originally fabricated the calumny, "he had not yet broken with the Republican party, and was, doubtless, in his heart at least, a candidate for reëlection," of course by that party. If this is true, then the "fabrication" was made before the fall of 1865, for by that time the President was in full swing of opposition to the men who had elected him Vice-President. During this brief transitory period, according to Holt, Johnson discovered that the hostility of the Catholics (especially, as may be inferred, those of the Republican party), on account of his signature to the death-warrant of Mrs. Surratt, would blast this otherwise felicitous prospect. Accordingly, to abate this uncomfortable hostility, this Republican candidate concocted the vile slander and set it secretly and anonymously circulating among his friends and followers;--even his greed for reëlection being not strong enough to give full effect to his cowardly policy by openly clearing his own skirts. Could the fatuity of folly farther go? The dream of Andrew Johnson as a Republican candidate for President had ceased to be possible

even before the execution of Mrs. Surratt. The Catholics who could be conciliated by any such story might be numbered on Johnson's fingers. And the undisguised signature to the death-warrant could be obliterated by no plea of abatement which the petitioner dared not avow.

On the other hand, the other suggestion put forward, if not by Holt himself; by several of his defenders, viz.: that the President propagated the lie "to curry favor with the South in the hope to be elected to the Presidency," has the one merit of being in direct antagonism to the foregoing theory, but nevertheless is yet more flimsy and preposterous. At the time he invented the story, if invention it was, (as Holt appears to have perceived), the road to the Presidency was to curry favor with the North and not with the down-trodden South. And after Johnson had escaped conviction and removal by but one vote, and had retired from office execrated by the North and distrusted even yet by the South, the chance of the Presidency for such a character as he was popularly considered then--especially by truckling to the discredited South--could only look fair in the imagination of a lunatic.

No Southern man has seriously thought of being, or has been seriously thought of as, a candidate for President of either political party since the termination of the war, let alone the one Southerner reputed to have been false alternately to both parties and both sections.

Besides, Andrew Johnson never apologized for his appointment of the Military Commission, for his approval of its judgment, or for his signature to the death-warrant. He pardoned Dr. Mudd on the very eve of

the Impeachment Trial. And he pardoned the two remaining prisoners just before he went out of office. And he may, therefore, be held to have thus signified his reawakened reverence for constitutional rights as expounded in the Milligan decision.

But in no other way did he ever acknowledge that in taking the life of Mary E. Surratt he had done wrong. On the contrary, he defended his action in his answer of 1873, and he justified his denial of the habeas corpus, which the ex-Judge-Advocate had the exquisite affrontery to cast up against him. That a President in his situation could cherish aspirations--or hope--of reelection, based on such a phantom foundation as the whining plea that he would have commuted the unlawful sentence of a woman, hung by his command, to imprisonment for life, had he been permitted to see the petition of five of her judges;--such an imputation can only be made by men mad enough to believe him to have been the accomplice of Booth and Atzerodt.

Finally, let us sternly put the question:--What right has Holt to ask us, on the word of himself and his associates, to reject the testimony of Andrew Johnson, who at the best was their accomplice or their tool? He, and his associates, demanded the life of Atzerodt for barely imagining the death of so precious a Vice-President. He, and his associates, hounded the woman to the scaffold, welcoming with delight the stories of spies, informers, personal enemies, false friends, against her, and meeting with contumely and violence the least scrap of testimony in her favor. He suppressed the "Diary." Why may he not have been bad enough to suppress the recommendation? Two of the same band of woman-stranglers kept back

from the President the petition for mercy, which wailed out from the lips of the stricken daughter. Why should he not have kept back the timorous suggestion of five officers, who were so soft-hearted as to "discriminate" as to sex? His fate will be--and therein equal and exact justice will be done him--to go down through the ages, stealing away, in the dusk of the evening, from the private entrance of the White House, bearing the fatal missive--the last feeble hope of the trembling widow crushed in his furtive hand.