

SITTING OF THE COURT-MARTIAL AT WASHINGTON. INTERIOR VIEW OF THE COURT CHAMBER.

0. THE CONSPIRACY TRIAL - Story Preface
1. ASSASSINATION PLOTS
2. WARNINGS AND OMENS
3. DREAMS OF DEATH
4. TO KIDNAP A PRESIDENT
5. THE WORST
6. WHERE WERE THE BODYGUARDS?
7. NO HOPE
8. A FOILED PLOT
9. MULTIPLE FUNERALS
10. BOOTH'S CAPTURE AND DEATH
- 11. THE CONSPIRACY TRIAL**
12. EXECUTION
13. THE REST OF THE STORY
14. THE LAST WORD

Although the Lincoln-conspiracy-trial defendants were not members of the military, they were tried in a court-martial proceeding (where the burden of proof was more relaxed than in a civilian trial court). The court martial took place in Washington City (as America's capital was then-known).

Conspiracy charges were brought against several people; four were convicted and sentenced to death. All were tried by a military court, including Mary Surratt whose guilt has long been doubted. Commission members who found her guilty were split on whether she should get the death penalty.

The defense vigorously argued that military tribunals should not be used for U.S. civilians, but Attorney General James Speed disagreed. Would a non-military trial, affording defendants the protections required by the U.S. Constitution, have produced a different result?

One can reasonably ask the question a different way: In how many American criminal trials does a split decision, involving the death penalty, result in execution of the defendant? On the other hand, some of the best lawyers in the country found the process to be completely fair.

The trial of John Surratt provides another perspective. Concerned he would be implicated in a murder plot, not merely a kidnapping plan, Surratt had fled the country. When he was apprehended in Egypt, and returned to the U.S. to stand trial, he faced a jury of his peers.

After 170 witnesses testified during the summer of 1867, a civilian jury reached an 8-4 "not guilty" verdict. Thereafter, he married and spent most of his life as a teacher.

Mary Surratt, his less-fortunate mother - who always maintained her innocence - was condemned to be "hanged by the neck until she be dead." The same fate awaited Lewis Payne (whose real name was Lewis Thornton Powell), David Herold and George Atzerodt.

Execution pictures, taken by Alexander Gardner and maintained by the U.S. National Archives and Library of Congress, depict the gruesome event.

See [Alignments to State and Common Core standards for this story online at:](http://www.awesomestories.com/asset/AcademicAlignment/THE-CONSPIRACY-TRIAL-Assassination-of-Abraham-Lincoln)

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See [Learning Tasks for this story online at:](http://www.awesomestories.com/asset/AcademicActivities/THE-CONSPIRACY-TRIAL-Assassination-of-Abraham-Lincoln)

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Questions 2 Ponder

When Is a Rush to Prosecute a Rush to Judgment?

In today's America, the law requires that criminal defendants receive a "speedy trial." Even under those circumstances, prosecutors take many months to prepare their case. Do you think the conspiracy trial, involving President Lincoln's death, was a "rush to judgment?" Why, or why not?

Was it appropriate to try the "Lincoln Conspirators" in a military court when none of the defendants were in the military? Why, or why not?

What would be some of the reasons why the government used a military court of justice instead of a civilian court?

If jurors were split on whether Mary Surratt should be executed, how could it ever be that a death sentence was actually carried out?

Media Stream



Military Commission for the Lincoln Conspiracy Trial

In a move which is still debated, the government decided to try the alleged "Lincoln Co-Conspirators" in a military court of law.

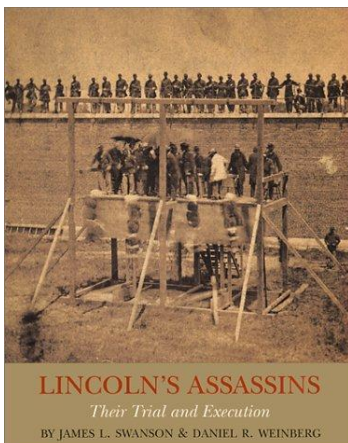
This image, which is maintained at the New York Public Library's Digital Gallery, depicts the men of the "Military Commission" who tried the defendants.

Click on the image for a better view.

Image online via the New York Public Library's Digital Gallery 813694.

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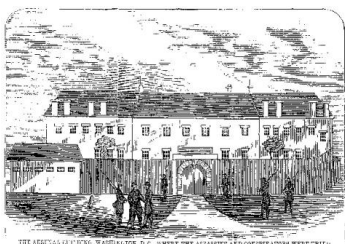


Lincoln's Assassins - by James L. Swanson

Book-cover image, online courtesy Amazon.com

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Military Court - Lincoln Conspiracy Trial

Image online, courtesy Library of Congress.

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THE CONSPIRACY TRIAL

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