Judge for Yourself

Famous American Trials for Readers Theatre

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Contents

Introduction

People are fascinated with our judicial system. From fictional television series such as "Law and Order" and "The Practice" to daytime shows such as "Judge Judy" to televised trials of people accused of a variety of crimes, viewers can't seem to get enough of trials. Famous trials from the past—from the Scopes Monkey trial to Al Capone's trial—are equally captivating, providing a glimpse into history. *Judge for Yourself: Famous American Trials for Readers Theatre* includes ten scripts representing nine trials and one hearing that had significant impact or far-reaching implications. For example, many students may be aware that Susan B. Anthony was a famous suffragette, but few may be aware that she was on trial for trying to vote. Students may be familiar with the controversy surrounding the teaching of evolution in school, but will many know that the town leaders of Dayton, Tennessee actively decided to seek out this court case to foster tourism in their town?

Reading these trials is just the beginning of the opportunities for drawing parallels to recent or current events. Readers may note a disturbing parallel between the Leopold and Loeb case, in which a fourteen-year-old boy is marked for a random death, and drive-by shootings. The trial of Al Capone for income tax evasion will undoubtedly remind students of corporate executives or famous celebrities who have been investigated for insider stock trading. After reading the trial about Lizzie Borden, readers may speculate as to whether both she and O. J. Simpson got away with murder.

Librarians and teachers will find that using these scripts of landmark trials provides the ideal opportunity to enhance the history, social studies, humanities, or English program in a lively fashion.

HOW THE TRIALS WERE CHOSEN

When researching this book, it was challenging to decide which trials to include. Some trials, such as the Scopes Monkey trial and the trial prompted by Susan B. Anthony's attempt to vote, were obvious choices because of their landmark decisions. Other trials, such as Lizzie Borden's and Al Capone's, were chosen because of the compelling—and admittedly scandalous—stories behind each trial. The trial in which Ossian Sweet and his relatives were charged with murder may be less familiar, however, the issue of racial integration and defense of one's home and neighborhood against threat—or change—continues to be of interest. Although other trials were important historically, some were not included because of the complexity of the trial, the extensive testimony, or because the trial's relevance would be less obvious without a rich background in the history and culture of the time period.

DEVELOPING THE TRIALS

The books used for background information are listed with each trial. In addition original transcripts of most of these trials were consulted, and they proved to be an invaluable source of information. Complete transcripts for most of these and other trials can be found at http://www.law.umkc.edu/faculty/projects/ftrials/ftrials.htm. In some cases, such as the trial of the eight White Sox team members, characters begin telling the story long before the trial. These conversations may be based on a variety of sources such as newspaper articles and trial transcripts. In other cases, the conversations, such as those between Eliot Ness and his mother, Emma Ness, in the script about Al Capone, though based on research about the characters, are more imaginative.

Just as they do today, important trials could last weeks, producing hundreds of pages of testimony. Therefore it was necessary to review the testimony to determine what might be included to provide an interesting case. Whenever possible, a balance of key points from both the prosecution and the defense were included so that the script could be stopped when the jury would be deliberating the verdict, allowing students or the audience to wrestle with the judgment. It should be noted that some trials, such as the trial of Bruno Richard Hauptmann for the kidnapping and murder of Charles A. Lindbergh, Jr., seem to unfold in a one-sided fashion. In this case, many books have been written containing theories about the truth, with many emphasizing that the popularity and celebrity status of Charles A. Lindbergh put tremendous pressure on the police to find the murderer. For this script, the story unfolds through trial testimony. Students may want to read about other theories of what might have happened the night the baby disappeared and debate whether Hauptmann was unjustly convicted and executed.

Although every effort was made to maintain the tone of each character, it was usually necessary to condense much of the testimony into manageable segments. Some significant portions of famous opening statements and summations are included verbatim, especially important excerpts from famous attorneys such as Clarence Darrow. In the case of the trial of Lizzie Borden, representative testimony was pieced together from a variety of secondary sources.

USING READERS THEATRE

Readers theatre can be compared to radio plays. Rather than on a dramatic, memorized presentation, the emphasis is on an effective reading of the script. Reading orally develops strong reading skills, and listening to scripts promotes active listening for people in the audience. In addition, the scripts provide educators with an opportunity for preparing a special program, for introducing a new area of study, or for a diversion from the regular curriculum.

Preparing the Scripts

Preread any trial before using it in the classroom, keeping the maturity of your students in mind. The trial of David C. Stephenson was included because of the role of the Ku Klux

Klan in the United States at that time. Although this trial deals with Stephenson's brutal rape of a young woman as tactfully as possible, some teachers or students may find the topic uncomfortable. In spite of the adaptations of the testimony, the language of some characters in these scripts may seem stilted or wordy, and students can be encouraged to paraphrase. In some scripts, the attorneys have long passages and students should rehearse carefully these lines in particular.

Once scripts are chosen for reading, make enough copies for all of the characters, plus an extra set or two for your use and a replacement copy. To help readers keep their place, have participants use highlighter markers to designate their character's role within the copy. For example, someone reading the role of Narrator 1 could highlight his or her lines in blue, with another character highlighting his or her lines in yellow.

Photocopied scripts will last longer if you use a three-hole punch (or copy them on pre-punched paper) and place them in inexpensive folders. The folders can be color-coordinated with the internal highlighting for each character's part. The title of the play can be printed on the outside of the folder, and scripts can be stored easily for the next reading. This preparation of the scripts is a good project for a student aide or volunteer parent. It takes a minimum of initial attention and needs to be repeated only when a folder is lost.

Getting Started

For the first experience with a readers theatre script, consider choosing a short story or a script with many characters to involve more readers. Gather the readers informally. Next, introduce the script and explain that readers theatre does not mean memorizing a play and acting it out, but rather reading a script aloud, perhaps with a few props and actions. Select volunteers to do the initial reading, allowing them an opportunity to review silently their parts before reading aloud. Be sure that the students who will be part of the jury or audience do not have an opportunity to hear the verdict prior to making their judgment. (If they are already familiar with the trial and outcome, encourage the students to consider justifying an alternative verdict in performance.) Discuss definitions or pronunciations of challenging words as necessary. While these readers are preparing to read their script, another group can brainstorm ideas for props or staging, if appropriate.

Before reading the first script, decide whether to choose parts after the reading or to introduce additional scripts to involve more participants. If readers are reading scripts based on several trials, a readers theatre workshop could be held, with each student belonging to a group that prepares a script for presentation. A readers theatre festival could be planned for a special day when several short scripts are presented consecutively, with brief intermissions between each reading.

Once the participants have read the scripts and become familiar with the new vocabulary, determine which readers will read the various parts. Some parts are considerably more demanding than others, and readers should be encouraged to volunteer for roles that will be comfortable. Once they are familiar with readers theatre, readers should try a reading that is more challenging. Reading scripts is especially useful for remedial reading students. The adaptation is often written in simpler language with little description, giving readers an easier version of the story. Reading orally also serves to improve silent reading skills. However, it is equally important that the readers enjoy the literature.

Presentation Suggestions

In readers theatre, readers traditionally stand—or sit on stools, chairs, or the floor—in a formal presentation style. The narrators may stand with the scripts placed on music stands or lecterns slightly off to one or both sides. The readers may hold their scripts in black or colored folders.

Presentation suggestions often indicate having the characters placed with the prosecution or the defense. The judge might sit on a high stool above other characters. Minor characters could leave the stage after their reading. For a long script with many main characters, the characters could sit informally on a variety of chairs. The scripts include a few suggestions for positioning readers, but participants should be encouraged to create interesting arrangements.

In many of the scripts in this collection, there are few female roles. Remind students that they are acting and that it is appropriate for a female to read a male part. Encourage the students to recast the attorneys' roles as women.

Props

Traditional readers theatre has few props, if any. However, simple costuming effects, such as clothes of the period, plus a few props on stage will lend interest to the presentation. Readers should be encouraged to decide how much to add to their reading. For some readers, the use of props or actions may be distracting, and the emphasis should remain on the reading rather than on an overly complicated presentation.

Delivery Suggestions

It is important to discuss with the readers ways to enliven the scripts orally as they read. During their first experiences with presenting a script, readers are often tempted to keep their heads buried in the script, making sure they don't miss a line. However, readers can and should learn the material well enough to look up from the script during the presentation. Readers can also learn to use onstage focus—to look at each other during the presentation. This is most logical for characters that are interacting with each other. The use of offstage focus—the presenters look directly into the eyes of the audience—is more logical for the narrator of characters who are uninvolved with onstage characters. Alternatively, have readers who do not interact with each other focus on a prearranged offstage location, such as the classroom clock, during delivery. Simple actions, such as gestures or turning, can also be incorporated into readers theatre.

Generally the audience should be able to see the readers' facial expressions during the reading. Upon occasion, it might seem logical for a character, such as an attorney, to move across the stage, facing another character while reading. In this event, the characters should be turned enough so that the audience can see the reader's face.

The Next Steps

Once readers have enjoyed the reading process involved in preparing and presenting readers theatre, students may want to conduct further research. More information, such as

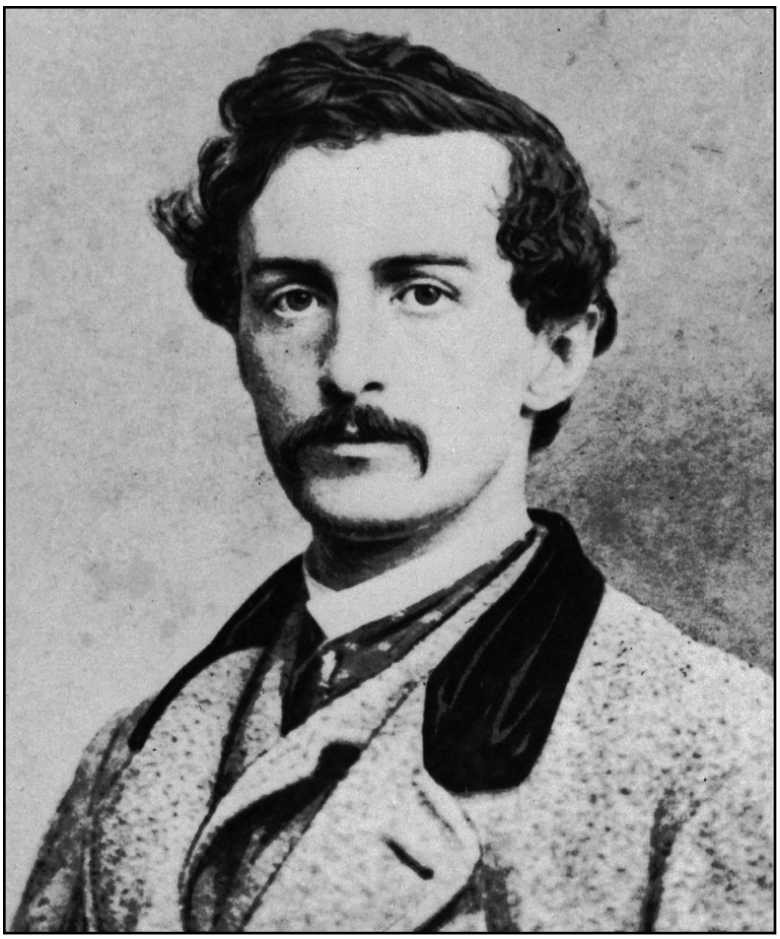
photographs, artifacts, and additional trial transcripts, can be found on the Internet. Consider having students write scenes using other testimony or evidence. Students can rewrite closing arguments in an attempt to strengthen a prosecution or a defense. Students can prepare an appeal, write a script that details the jury's deliberations, or prepare arguments for the sentencing hearing.

To practice summarization skills, students can develop mock television or radio reports of the proceedings, write newspaper trial accounts or editorials, or write profiles of various characters. Students can hone their research and oral skills by debating topics such as the death penalty. Finally, challenge students to create their own scripts. Students can review http://www.law.umkc.edu/faculty/projects/ftrials/ftrials.htm for other trial possibilities. Encourage writers to choose trials with compelling stories and to explore how they can weave in the story through fictional characters. Remember that the primary purpose of using readers theatre is to enhance the curriculum. Curtain's up!

1

A Deadly Secret

The Lincoln Assassination Conspiracy Trial



John Wilkes Booth, assassin of President Abraham Lincoln. AP Photo/Sun Classic Pictures, Inc.

INTRODUCTION

After the assassination of President Abraham Lincoln on April 14, 1865, the government moved quickly to track down various alleged conspirators. John Wilkes Booth, the assassin, vowed to die before being captured. Indeed, he was shot and killed on April 26 at Garrett's farm in Virginia, where he was hiding. But did Booth act alone, or was he part of a conspiracy? Seven men and one woman were arrested and charged with conspiring to assassinate Lincoln. They were tried by a military commission, rather than by a civilian court, based on the reasoning that the city of Washington remained under martial law. Eleven members of the commission heard testimony from more than 350 witnesses during six weeks. The majority of the witnesses were called in the prosecution and defense of Mary Surratt and Dr. Samuel Mudd, whose guilt remains in dispute to this day. (The phrase "your name is mud" derives from the stigma attached to Dr. Mudd's conviction. At the time of the printing of this book, the family of Dr. Samuel Mudd continues their efforts to clear his name.) Because there were so many members on the commission, in this script there is one prosecuting attorney used in generic fashion. In contrast to other scripts in this collection, the outcome is provided and participants are urged to consider whether there was a conspiracy.

PRESENTATION SUGGESTIONS

Students can dress in clothing or use accessories (e.g., stovepipe hats, long skirts) of the time period—late nineteenth century. The witnesses can sit on one side of the stage, with Lincoln, the narrators, and other characters on the other side of the stage. Students can research military and presidential symbols of the time and decorate the stage if desired.

RELATED BOOK

Hanchett, William. *The Lincoln Murder Conspiracies.* Urbana and Chicago: University of Illinois Press, 1983.

CHARACTERS

Narrator 1

Narrator 2

Ward Hill Lamon, *friend of Abraham Lincoln*

Abraham Lincoln, *President of the United States*

John Wilkes Booth, *assassin*

Edwin Booth, *John Wilkes Booth's brother*

Asia Booth, *John Wilkes Booth's sister*

Samuel B. Arnold, *accused conspirator*

Michael O'Laughlin, *accused conspirator*

Lewis Payne, *accused conspirator*

James P. Ferguson, *restaurant proprietor and witness*

Prosecuting Attorney

Joseph Burroughs, *witness and employee at Ford Theatre*

John M. Lloyd, *witness and resident at Mrs. Surratt's tavern*

Louis J. Weichmann, *witness and resident at Mrs. Surratt's tavern*

Defense Attorney

R. C. Morgan, *witness and employee at the War Department*

J. Z. Jenkins, *witness and acquaintance of Mrs. Surratt*

Jacob Ritterspaugh, *witness and acquaintance of Edward Spangler*

William H. Bell, *witness and a servant in the home of Secretary of State William Seward*

Sergeant George F. Robinson, *attendant to Secretary of State Seward*

Colonel Henry H. Wells, *witness and interrorgator of Samuel Mudd*

A Deadly Secret

The Lincoln Assassination Conspiracy Trial

Scene 1

Narrator 1: Ever since Abraham Lincoln was first elected U.S. President in 1860, there were people who threatened to strike a "deadly blow" against him. During the next few years, and over the tumultuous years of the Civil War, thousands of angry letters directed at the president arrive at the White House. A secretary discards most of them after a quick reading.

Narrator 2: Ward Hill Lamon, an old friend and legal associate from Danville who often carries two revolvers and a bowie knife as he accompanies Lincoln in public, tries to warn the president of the danger.

Ward Hill Lamon: Mr. President, you need to be more careful in crowds. We keep hearing rumors of assassins.

Abraham Lincoln: I cannot be shut up in an iron cage and guarded!

Ward Hill Lamon: You can't ignore all the angry letters, Abe.

Abraham Lincoln: I don't take those seriously. Do you think anyone who wants to kill me is going to write and tell me first? Not hardly!

Ward Hill Lamon: Still, I wish you would show a bit more care.

Abraham Lincoln: You worry too much.

Narrator 1: During the summer, Lincoln often visits the Soldiers' Home founded for Mexican War Veterans. The home in the country is cool and pleasant. One August evening, Lincoln rides along the woods at the edge of the grounds, deep in thought. Suddenly a bullet from a rifle speeds past his head. He rides back to the home where Lamon waits.

Abraham Lincoln: Ward! There's someone out there with a rifle. A bullet whizzed right by me!

Ward Hill Lamon: Are you okay?

Abraham Lincoln: Yes, yes. It was probably just an accident.

Ward Hill Lamon: At this time of night? I don't think so.

Narrator 2: By 1863, Lincoln accepts the need to have a military escort when he goes to the Soldiers' Home. Armed guards patrol the White House. By the time Lincoln is reelected in 1864, he resigns himself to using an official bodyguard whenever he takes a walk.

Scene 2

Narrator 1: There is one man who especially despises Lincoln. John Wilkes Booth enjoys an affluent Southern lifestyle. Like his father, who had died in 1821, Booth is a talented actor. John often has heated political discussions with his brother, Edwin, and his sister, Asia.

John Wilkes Booth: Edwin, I don't understand how you can support this Union nonsense.

Edwin Booth: What would you suggest, John? Lincoln is getting what he wants.

John Wilkes Booth: I'll tell you what I suggest! We need to find a way to get rid of him.

Asia Booth: The President? Hush, John. Don't carry on like that.

John Wilkes Booth: Edwin, you know there are thousands of people who agree with me. They'd love to see Lincoln in a grave.

Edwin Booth: There may be a lot of angry people out there, but I don't think anyone wants to see Lincoln dead.

Asia Booth: John, you have to remember that there are many people who support what Lincoln has done.

John Wilkes Booth: Not many that I know of. The abolition of slavery will destroy the South, as we know it. Just watch. I don't care what Lincoln says about Reconstruction—he's destroyed the country.

Edwin Booth: Let's change the subject and enjoy our dinner, John. We should simply agree to disagree on this matter.

Narrator 2: Booth cannot let his frustration rest. He meets with two boyhood friends, Samuel B. Arnold and Michael O'Laughlin, at Barnum's Hotel in Baltimore in late summer 1864.

John Wilkes Booth: Gentlemen, it's time we do something instead of just complaining about Lincoln.

Samuel B. Arnold: I agree, John. What do you have in mind?

John Wilkes Booth: A kidnapping.

Michael O'Laughlin: What purpose would that serve?

John Wilkes Booth: It's simple. We can demand that the Confederate prisoners be released in exchange for his return.

Samuel B. Arnold: How would we pull it off?

John Wilkes Booth: We'd just have to get enough men together to take him when he goes to the Soldiers' Home. Then we can get him to the Potomac and take him by boat to Richmond.

Michael O'Laughlin: The plan seems sound. It will be like being back in the army.

Samuel B. Arnold: You're right, Michael. Just another act of war . . .

John Wilkes Booth: Then if we're in agreement, I'll put the wheels in motion.

Narrator 1: Booth raises cash and purchases revolvers, handcuffs, and ammunition, which he delivers to Arnold and O'Laughlin in November. He delivers some stock and personal papers to Asia, telling her to open them if anything should happen to him.

Scene 3

Narrator 2: By the time of the inauguration on March 4, 1865, President Lincoln has angered even more people by refusing to accept peace unless the Confederates agree to all his terms—the Union and the abolition of slavery.

Narrator 1: One month later, Lincoln visits Richmond, Virginia, where the blacks treat him like a hero. Lincoln's enemies are infuriated, especially Booth. He listens to Lincoln speak on Reconstruction with two friends, Lewis Payne and David Herold.

John Wilkes Booth: I despise that man. Lewis, you have your gun, don't you?

Lewis Payne: Yes, why?

John Wilkes Booth: Shoot him! Shoot him now!

Lewis Payne: Are you crazy? No!

John Wilkes Booth: Thanks to him, the blacks will be citizens before long.

Lewis Payne: Come on, John. Let's get out of here.

John Wilkes Booth: That's the last speech he will ever make.

Lewis Payne: John, all you do is talk.

John Wilkes Booth: No, it's not all talk. You'll see.

Narrator 2: Booth has, in fact, been laying groundwork for taking action against Lincoln. Dr. Samuel A. Mudd helps Booth buy a horse and introduces him to John Harrison Surratt and Surratt's mother, Mary E. Surratt. Booth visits their tavern to talk with them about his frustration with President Lincoln. He discusses kidnapping plots with other sympathizers, including George Atzerodt.

Narrator 1: On April 14, 1865, Booth learns that Lincoln will be in the presidential box that evening for a performance of *Our American Cousin.* Booth arranges to meet Atzerodt, Payne, and Herold at a hotel near the theater at eight o'clock.

John Wilkes Booth: I'm going to take care of Lincoln at the play. Lewis, I want you to go to Seward's home and kill him. George, you take care of the vice president.

Narrator 2: Shortly after ten o'clock, Booth enters the presidential box, shoots President Lincoln, and leaps out of the box, breaking his ankle as he drops down on the stage. He hobbles out a rear door, climbs upon a waiting horse, and flees into the night.

Narrator 1: Meanwhile, Lewis Payne enters the home of Secretary of State William H. Seward, attacking him with a knife. Atzerodt does not try to kill Johnson.

Scene 4

Narrator 2: At 7:22 A.M. on April 15, President Lincoln is pronounced dead. Two days later, Mary Surratt, Lewis Payne, Sam Arnold, and Michael O'Laughlin are taken into custody.

Narrator 1: On April 26, Booth and Herold are surrounded in a barn on a farm near Port Royal, Virginia. Herold surrenders, and Booth dies from a gunshot wound while resisting arrest.

Narrator 2: On May 10, a military commission begins a trial of eight conspirators: Samuel B. Arnold, Michael O'Laughlin, David Herold, George Atzerodt, Lewis Payne, Mary Surratt, Dr. Samuel A. Mudd, and Edward Spangler, a stagehand at the Ford Theatre.

Narrator 1: The prosecution begins by establishing the circumstances surrounding the assassination of President Lincoln. James P. Ferguson, who owns a nearby restaurant, testifies.

James P. Ferguson: I saw John Wilkes Booth on the afternoon of the fourteenth between two and four o'clock, standing by the side of his horse. Mr. Maddox was standing by him talking.

Prosecuting Attorney: Were you at the performance?

James P. Ferguson: Yes. About one o'clock Mr. Harry Ford came into my place and said that General Grant was to be at the theater. I secured a seat directly opposite the President's box. I saw the President and his family when they came in.

Prosecuting Attorney: Did you see Mr. Booth that evening?

James P. Ferguson: Some time near ten o'clock I saw Booth pass near the President's box, and then stop and lean against the wall. After standing there a moment, I saw him step down one step, put his hands on the door and his knee against it, and push the door open—the first door that goes into the box.

Prosecuting Attorney: Then what happened?

James P. Ferguson: At that moment the President was shot. He was leaning his hand on the railing, looking down at a person in the orchestra. I saw the flash of the pistol right back in the box. As the person jumped over and landed on the stage I could see it was

Booth. He rose and exclaimed, *"Sic semper tyrannis,"* and ran directly across the stage to the opposite door, where the actors come in.

Prosecuting Attorney: What did you do?

James P. Ferguson: I saw that the President was hurt. I left the theater and went to the police station on D Street. I then ran up D Street to the house of Mr. Peterson, where the President was taken.

Narrator 2: Joseph Burroughs, an employee at the theater, is questioned about that night.

Joseph Burroughs: I carry bills for Ford's Theatre during the daytime and stand at the stage door at night. I knew John Wilkes Booth and used to attend to his horse. On the afternoon of the fourteenth of April he brought his horse to the stable between five and six o'clock. Between nine and ten o'clock Edward Spangler asked me to hold a horse. I held him as I sat on a bench by the house near there.

Prosecuting Attorney: Did you hear anything unusual?

Joseph Burroughs: I heard the report of the pistol. I got off the bench when Booth came out. He told me to give him his horse. He struck me with the butt of a knife and knocked me down. He did this as he was mounting his horse, with one foot in the stirrup. He also kicked me, and then rode off immediately.

Narrator 1: Next, the prosecution questions John M. Lloyd about the weapons secured by the Surratts.

John M. Lloyd: I reside at Mrs. Surratt's tavern, working in the hotel and doing farming. Some five or six weeks before the assassination of the President, John H. Surratt, David E. Herold, and George Atzerodt came to my house. They came into the bar and drank. Then John Surratt called me into the front parlor. 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. I told them I did not wish to keep such things.

Prosecuting Attorney: Did you indeed hide them?

John M. Lloyd: Mr. Surratt took me to a room above the storeroom. He showed me where I could put them underneath the joists of the second floor on the main building. I put them in there according to his directions.

Prosecuting Attorney: What happened to the weapons?

John M. Lloyd: On the fourteenth of April Mrs. Surratt told me to have the shooting-irons ready by that evening. She told me to have two bottles of whiskey ready too. At about midnight Herold came for the things. Booth remained on his horse. They took only one of the carbines. Booth said he could not take his because his leg was broken.

Prosecuting Attorney: Did Herold say anything else to you?

John M. Lloyd: He said, "I will tell you some news. I am pretty certain we have assassinated the President and Secretary Seward."

Scene 5

Narrator 2: The prosecution next questions Louis J. Weichman, a boarder at the Surratts', about the allegations that Mr. Booth met regularly with the Surratts.

Louis J. Weichmann: On the second of April, Mrs. Surratt asked me to tell John Wilkes Booth that she wished to see him on private business. I conveyed the message, and Booth said he would come to the house in the evening as soon as he could.

Prosecuting Attorney: Did he come to the house?

Louis J. Weichmann: He did.

Prosecuting Attorney: Did you see Booth with Mrs. Surratt again?

Louis J. Weichmann: On the Tuesday previous to the assassination, I drove Mrs. Surratt to Surrattsville. We stopped at the house of Mr. Lloyd, who keeps a tavern there. I saw Mr. Booth speaking with Mrs. Surratt in the parlor. They were alone. Immediately after he left, Mrs. Surratt and I started back.

Prosecuting Attorney: Did you ever see Booth in conversation with Mr. Surratt?

Louis J. Weichmann: Booth frequently called at the Surratt's, asking for Mr. Surratt, and in his absence for Mrs. Surratt. Their interviews were always far apart from other persons. Sometimes they would go upstairs to speak in private, sometimes for two or three hours.

Defense Attorney: Did Mr. Surratt ever discuss a conspiracy to assassinate the President?

Louis J. Weichmann: He never intimated to me, nor to anyone else to my knowledge, that there was a plan to assassinate the President.

Defense Attorney: Were you ever asked to leave when Booth was conversing with Mr. Surratt?

Louis J. Weichmann: I cannot say that any objection was ever made by either of them. Their conversations, in my presence, were on general topics.

Narrator 1: The prosecution calls R. C. Morgan, who works for the War Department, to describe what happened at the Surrats' after the assassination.

Prosecuting Attorney: Describe what happened on the night of April seventeenth.

R. C. Morgan: Colonel Olcott, special commissioner of the War Department, sent me to the house of Mrs. Surratt to seize papers and arrest inmates of the house. While I was there, Lewis Payne came in with a pickax over his shoulder. He said he wanted to see Mrs. Surratt. I asked him why he had come and he said to dig a gutter for Mrs. Surratt. I asked him when and he said in the morning and that he had come to find out what time to come to work in the morning.

Prosecuting Attorney: Where was he from?

R. C. Morgan: He said he was from Virginia and that he preferred working with his

pickax to serving in the army. I told him he'd have to go to the Provost Marshal's office and explain his business with Mrs. Surratt. He was taken and searched.

Prosecuting Attorney: What happened during the search?

R. C. Morgan: I found a photograph of John Wilkes Booth and a card that said *Sic Semper Tyrannis.* I also found a bullet-mold and some percussion caps in a room that I believe was Mrs. Surratt's room.

Narrator 2: The defense calls J. Z. Jenkins, an acquaintance of Mrs. Surrat's who testifies on her behalf.

Defense Attorney: Tell us about your knowledge of Mrs. Surratt and a possible conspiracy to assassinate President Lincoln.

J. Z. Jenkins: Mrs. Surratt has never, to my knowledge, breathed a word that was disloyal to the government. Nor have I ever heard her make any remark showing her to have knowledge of any plan or conspiracy to capture or assassinate the President or any member of the government. I have known her frequently to give milk, tea, and such refreshments as she had in her house to Union troops when they were passing.

Scene 6

Narrator 2: Jacob Ritterspaugh is questioned about Edward Spangler, the stagehand at the theater.

Jacob Ritterspaugh: I know the prisoner, Edward Spangler. He took his meals where I boarded, but he slept at the theater.

Prosecuting Attorney: What happened on the night of April fourteenth?

Jacob Ritterspaugh: I was standing on the stage behind the scenes when someone called out that the President was shot. I saw a man with no hat on running toward the back door. He had a knife in his hand, and I ran to stop him. He struck at me with the knife and I jumped back. He then ran out and slammed the door shut. By the time I opened the door, the man had got on his horse and was racing down the alley. I came back on the stage where I had left Edward Spangler.

Prosecuting Attorney: Did Spangler say anything to you?

Jacob Ritterspaugh: Spangler hit me on the face with the back of his hand and said, "Don't say which way he went." I asked him what he meant by slapping me in the mouth, and he said, "For God's sake, shut up."

Narrator 1: The prosecution establishes that George A. Atzerodt met with Booth at the home of John Greenawalt, who states that Atzerodt claimed he'd soon have enough gold to last him his lifetime. Another witness, Lieutenant W. R. Keim, testifies that Atzerodt regularly carried a knife and revolver.

Narrator 2: Mrs. Mary van Tine testifies that Booth often visited Michael O'Laughlin and Samuel Arnold at her boarding house. Various witnesses testify that Booth was often seen in the company of O'Laughlin and Arnold.

Narrator 1: William H. Bell, a servant in the home of Secretary of State William Seward, describes the events of the night of April fourteenth.

William H. Bell: I live at the house of Mr. Seward and attend to the door. That man, Lewis Payne, came to the door on the night of April fourteenth. He said he had medicine for Mr. Seward in a little package in his hand. He said he must go up, he must see him. He talked very rough to me. I told him he could not see Mr. Seward and that I would take the medicine up. He insisted, so I went up ahead of him. Mr. Frederick Seward, his son, said, "You cannot see him."

Prosecuting Attorney: What happened next?

William H. Bell: Payne started to come down. Then he jumped up and struck Mr. Frederick. Frederick fell back into his sister's room. Then I ran down the stairs to the front door, hollering "Murder." I got some soldiers and then saw that Payne was getting on a horse. I ran after him, but he got away.

Narrator 2: Sergeant George F. Robinson testifies about the attack on Secretary of State Seward.

Sergeant George F. Robinson: I was acting as an attendant to Mr. Seward, who was confined to his bed with injuries from being thrown from his carriage. I heard a disturbance in the hall and opened the door to see what the trouble was. That man, Lewis Payne, struck me with a knife in the forehead, knocked me partially down. He then struck Mr. Seward, wounding him. I tried to haul him off Mr. Seward's bed, and then he turned on me. I saw him strike Mr. Seward with the same knife with which he cut my forehead. Someone came in the room and grabbed him. Payne pulled away and ran downstairs.

Narrator 1: Colonel Henry H. Wells testifies regarding Dr. Samuel A. Mudd's role in treating Booth.

Colonel Henry H. Wells: During the week subsequent to the assassination, I had three interviews with Dr. Samuel A. Mudd. He said that at about four o'clock in the morning on the fifteenth of April, he was aroused by a loud knock at his door. A person held two horses, with another man with a broken leg sitting on his horse. Dr. Mudd helped the man into his house and examined the leg. Dr. Mudd said he dressed the limb as best he could and had his servant make a crutch for him.

Prosecuting Attorney: Did the injured man leave?

Colonel Henry H. Wells: I think he said the two persons remained until some time after dinner. He admitted that he recognized the person he treated as Booth. He said that the other man, David E. Herold, asked the way to Dr. Wilmer's, saying he was a friend.

Scene 7

Narrator 2: On June 29, 1865, after approximately six weeks of testimony, the military commission begins its deliberations in secret. The next day they announce their findings. David Herold, Mary Surratt, Lewis Payne, and George Atzerodt are found guilty and sentenced to die. Dr. Samuel Mudd, Michael O' Laughlin, and Samuel Arnold are found guilty and given life terms. Edward Spangler is sentenced to a prison term of six years.

Narrator 1: On July 5, 1865, President Johnson approves the sentences and verdicts. Herold, Surratt, Payne, and Atzerodt are hanged two days later. Michael O'Laughlin dies in prison on September 23, 1867. Edward Spangler is released from prison in 1871 and dies four years later. Dr. Mudd dies on June 10, 1883. Samuel Arnold dies on September 21, 1906. John Surratt, who fled the country, is captured in Europe in 1867. He is tried and released and lives until 1916, offering his own theories of the conspiracy through public speeches.

Narrator 2: Now that you have heard excerpts from the trial of the Lincoln conspiracy, do you agree with the military commission that the defendants conspired to assassinate Abraham Lincoln? Should Dr. Mudd have refused to treat Booth or did he fulfill his duty as a physician? Should the investigation have ended with the death of John Wilkes Booth? After all, the killer had been found. Would the outcome have been different in a civilian or a criminal court instead of a military court? Finally, would the outcome have been different if the defendants faced a jury today?