

Bethlehem Moment: The Military Commission and Bethlehem Attorney Doster's Defense of Lincoln Assassination Conspirators Atzerodt and Powell

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 *Latest in a series of posts on Bethlehem Moments* 

Alan would normally deliver this “Moment” in person at City Council tonight — no doubt in re-enactor garb — but we bow to the pandemic and publish it solely here. Enjoy!

Bethlehem Moment 21
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Bethlehem Moment: Trying the Assassins of President Lincoln

“Sic Semper Tyrannis!” With those words and a woman’s scream from the Presidential Box, the audience at Ford’s Theater was plunged into chaos. Several physicians examined the unconscious President and pronounced the wound mortal. It would be unseemly for the President of the United States to die in a house of entertainment – on Good Friday, no less. But the doctors agreed that Lincoln would never survive the carriage ride to the White House. The President was carried out onto Tenth Street, Union officers scanning the scene for someplace – anyplace – to take the dying Chief Executive. From across the street, a voice called out “Bring him in here,” and Lincoln was carried into a boarding house and laid in the bed of Louisa Peterson, who was away at the Bethlehem Female Seminary. The President died in her bed at 7:22 AM on Easter Saturday, April 15, 1865. Telegraphers flashed the news around the country. Wednesday, April 19th was designated as a national day of mourning.

Secretary of War Stanton directed the search for Lincoln's assassin – and the perpetrators of the brutal assault on Secretary of State Seward – from the Peterson



Alan and Patricia Lowcher at the 150th observance of Lincoln's assassination

house. With the full weight of the military and police brought to bear, it was only a matter of days until the Lincoln conspirators – John Wilkes Booth, David Herald, George Atzerodt, Lewis Powell (a/k/a Payne), Mary Surratt, Dr. Mudd, Edman Spangler, and two early signers on in the plot to kidnap Lincoln but who were not involved in the plans to assassinate Lincoln – Samuel Arnold and Michael O'Laughlin – were identified, caught, and incarcerated, except for Booth who died of a gunshot at the Garrett farm in

Virginia. Another conspirator – John Surratt, Jr., Mary's son – had fled to Canada. He would elude capture for a year and was tried before a civilian court in 1867, the U.S. Supreme Court having held in *Ex Parte Milligan* that trying civilians in a military court was unconstitutional when the civilian courts were functioning. The statute of limitations having run on the lesser charges, Surratt was released when the jury could not unanimously agree on the remaining murder charge.

Stanton favored convening a military commission to quickly try and execute the conspirators. The commission met for the first time on May 8, 1865. All of the defendants except Atzerodt and Powell were represented by attorneys. Bethlehem native Brevet Brigadier General William E. Doster was hired by Atzerodt's brother to defend George. The commission appointed Doster to represent Powell, who could not secure his own counsel. Doster was a Yale graduate and obtained his law degree from Harvard. He served with the 4th Pennsylvania Cavalry and rose quickly to the rank of Lt. Colonel. His military career was cut short when he contracted malaria after the Gettysburg campaign. In 1865 he was honored with the rank of Brevet Brigadier General "for gallant and

meritorious service in the field.” Although his illness kept him out of the saddle, Doester turned his combative skills to good use practicing law in Washington City in 1864.

Faced with an eye-witness identifying Powell as Seward’s attacker, and weapons, an escape map, and Booth’s bank book found in a trunk in Atzerodt’s hotel room – Atzerodt was assigned to assassinate Vice President Johnson – Doster surely realized that his clients would be convicted. All he could do was try to persuade the commission to spare their lives. In the case of Atzerodt, Doster argued that he was too much of a coward to be that heavily involved in the conspiracy. Atzerodt, after all, failed to carry out Booth’s instructions to kill the Vice President. Instead, he downed several drinks at the Kirkland House bar, mere feet from Johnson’s room, and then made his way out of Washington City. Doster might also have highlighted his client’s lack of intelligence: Atzerodt made a bee-line for a relative’s house in nearby Maryland. His trail was not hard to follow. Doster’s defense of Powell portrayed the former Confederate soldier as an abused, innocent farm boy turned murderer by the recently concluded cruel war. Doster also argued that Powell suffered from a kind of insanity. After all, Powell was heard to scream as he ran from Seward’s home, “I’m mad! I’m mad!” In the end, Doster’s eloquent pleas on behalf of both clients came to naught. Atzerodt and Powell were hanged together with David Herold and Mrs. Surratt.

However, that is not the end of the story. In 1978, a historian examining Doster’s legal files came across a May 1, 1865, “confession” made by George Atzerodt to the Provost Marshal of Baltimore. Atzerodt’s statements directly linked Mrs. Surratt and Dr. Mudd to Booth’s original plot to kidnap Lincoln and spirit him to Richmond. More tellingly, Atzerodt confirmed Booth’s instructions to Mrs. Surratt – *after* Booth’s plans turned from kidnapping to assassination – to make ready the rifles that she had hidden in her Surrattsville tavern for Booth to pick up after assassinating Lincoln. Inexplicably, the Provost Marshal turned over Atzerodt’s statement to Doster, not Secretary of War Stanton. Doster



suppressed Atzerodt's statement and never spoke of it. Had he revealed it, the evidence of Mrs. Surratt's guilt would have been that much stronger, and Dr. Mudd – who escaped the death penalty by one vote – surely would have hanged alongside Mrs. Surratt and the others. An unanswerable question remains: Had General Doster chosen to reveal the “confession,” could he have made a plea deal with the military commission to spare Atzerodt the death penalty in exchange for Mudd's life?

Doster returned to Bethlehem after the war to practice law. He represented many local companies, including Bethlehem Iron Company and the Lehigh Coal and Navigation Company, and Bethlehem's prominent citizens and their families. He married Evelyn Augusta Depew in 1867. They had two sons and a daughter. The marriage was “dissolved,” and in 1888, 51-year-old Doster married 19-year-old Ruth Porter, a great beauty, and heiress to two prominent East Coast families. The musically gifted Ruth was a founder of the Bach Choir. Scandal befell the family when Ruth divorced General Doster and married her stepson, Edward Depew Doster, who was just a year older than she.

And what of Louisa Peterson's bed? Peterson's father sold the house for \$4,500 to a speculator who hoped that the government would buy it for a museum. The bed upon which President Lincoln died was sold for \$80. According to Louisa's brother Fred, who gave an interview to the Chicago Historical Society in 1926, the family could have sold the bed many times over. The story of Miss Peterson, her bed, and its connection to Bethlehem would never have been known except for a letter that Louisa wrote in 1864 asking about her trunk that had not arrived home yet from school. The letter, found in the Moravian Archives, included details about Peterson's family that led to the “Bethlehem” connection to the household where Lincoln died.

“Without a shared history, we are not a true community.”

Sources:

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