

HISTORICAL FILM AND THE ASSASSINATION OF PRESIDENT LINCOLN:

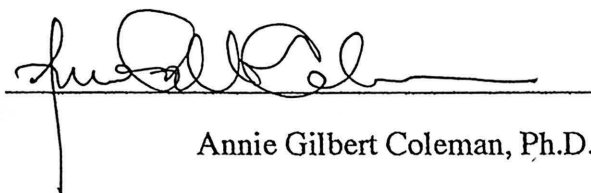
THE PRISONER OF SHARK ISLAND (1936)
AND
THE LINCOLN CONSPIRACY (1977)

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Submitted to the faculty of the University Graduate School in partial fulfillment of the
requirements for the degree
Master of Arts
in the Department of History
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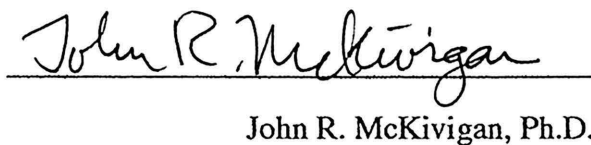
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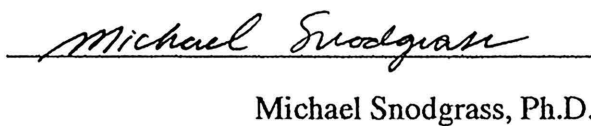


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To Mom and Dad

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You have always, in all ways, been my best teachers

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"We can only understand life backwards, but life must be lived forwards"

--Soren Kirkegaard

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Introduction

In December 1997, Paramount Pictures and Twentieth Century Fox released one of the most expensive movies ever made, costing, according to some estimates, over \$200 million. It also became one of the most popular and highest grossing movies ever made--over \$1.8 billion in just two years.¹ As a motion picture, it combined the glamour and drama of Old Hollywood with the technology and flash of the Digital Age. It became more than a movie, it was an event: the love story, the drama, the spectacle, the special effects, the beauty, the tragedy--*Titanic*. It received fourteen Academy Award Nominations in 1998 and won eleven of the coveted Oscars, including Best Picture.²

As a graduate student in history, as well as an avid moviegoer, I found the overwhelming response to *Titanic* fascinating. *Titanic* is at least the third dramatic movie made about the 1912 sinking of the unsinkable ship, and probably not the last. Although the main characters in *Titanic* were fictional, the filmmakers and studios emphasized the movie's painstaking attention to detail and historical accuracy, literally down to the filigree on the china and the exact replica design of the specially-woven carpets. Dialect and etiquette coaches tutored actors and actresses on proper manners and behavior of the era. The filmmakers researched and recreated the ship itself using not only smaller models, but also a duplicate ship built to 90% scale.³ The movie staged a grand and tragic spectacle: the unsinkable ship and its ultimately irreversible fate. The awesome highlight of the production was footage of the actual *Titanic* at its resting place on the floor of the North Atlantic. Through the story of the star-crossed lovers, Jack and Rose, the filmmakers welcomed the audience aboard *Titanic*'s first and last voyage; revealed the

¹*Entertainment Weekly* #504 (September 24, 1999), 112.

²In addition to Best Picture, *Titanic* won the Oscar for: Director, Art Direction, Cinematography, Costume Design, Film Editing, Sound, Sound Effects Editing, Visual Effects, Original Dramatic Score and Original Song. It was nominated, but didn't win for Makeup. In addition, Kate Winslet was nominated for Best Actress, and Gloria Stuart for Best Supporting Actress.

³Ed W. Marsh with Foreword by James Cameron, *James Cameron's Titanic* (New York: HarperCollins Publishers, Inc., 1997), 15, 18, 34, 36, 88, 93.

naive faith of the ship's architects, crew and passengers; and plunged moviegoers into the terrifying horror of its two and a half hour descent.

Historian Robert Brent Toplin previewed the film for the American Historical Association's newsletter, *Perspectives*, and gave it a warm reception. In spite of the fictional love story, he said the movie "nicely delivers the kind of sensual experience that exemplifies Hollywood's particular contribution to historical appreciation."⁴ More than the details of the ship and its demise, movies like *Titanic* can provide an overall interpretation of the events and the era. This movie's historical interpretation of Titanic's fate stressed two significant aspects of the disaster: the effects of class and gender on the number and demographics of survivors. Although the movie would not suffice as a substitution for scholarship on the society of the 1910s, the portrayal of steerage passengers physically barred from entering lifeboats, and the visibly disproportionate ratio of women and children survivors to men are factors of the sinking that are more prominent in the film than they have been in history books. That Rose was a woman and represented the first-class echelon of society, meant that she would most likely survive the disaster; Jack was a man and a steerage passenger and therefore would have almost no chance of survival. In reality, the two would probably have never even met; but in fantasy, they fall in love aboard a doomed ship where their respective gender and social class will determine their fate. When Rose casts her lot with Jack, the audience soon learns the enormity of the risk. The movie provided not only an intriguing new interpretation of the ship's sinking, but also dramatized it to let the audience see, hear, and feel history in a way that was moving and emotional.⁵

History is a fairly common motif in film, and the interpretations of popular movies seem to pervade the public understanding of the past. From D.W. Griffith's 1915 film, *Birth of a Nation*, to 2001's *Pearl Harbor*, movies recreate and dramatize the

⁴Robert Brent Toplin, "Titanic: Did the Maker of *True Lies* Tell the Truth about History," *Perspectives* 36, no. 3 (March 1998), 31.

⁵Toplin, "Titanic: Did the Maker of *True Lies* Tell the Truth about History," 30, 31.

people, places, and events of the past. Often, movies merely use history as a setting for a purely fictional story (*Gone With the Wind*, 1939; *Dances With Wolves*, 1990), but many have also described, examined, and even presented alternative interpretations of history (*JFK*, 1991; *Missing*, 1982). As a medium, movies create a uniquely visual reality of the past, and as a method of entertainment, they engage the audience through dramatization.

Historical movies have often been dismissed out of hand by academics and professional historians because the visualization and representation of the past sometimes bears little actual resemblance to it. Yet the historical worlds created and presented on the screen shapes and permeates the perceptions of the general public about American history, undoubtedly more so than books and classes. It is not easy for historians to admit, though they may concede it among themselves, that the influence of a motion picture's version of history exceeds their own.

Some historians have begun to examine more closely this realm of visual media as interpreters of history for a mass audience. Frequently, when historians consider movies based on historical events, it is to evaluate the accuracy or authenticity of the film. More often than not, the critique is less than enthusiastic. As interpreters of history, movies fall notoriously short of standards of scholarship. Academic history confronts directly the complicated, disordered and often deficient remnants of the past in order to seek a more meaningful interpretation of it. Popular films tend to simplify history, particularly the complexity of causes and effects, as well as the difficulty and uncertainty of making decisions and choosing courses of action are rarely translated to the screen version of historical events. Movies frequently condense into fewer characters the numerous people who populated and influenced the events, resulting in rather shallow archetypes. They also dramatize this simplification of the past with speculative or fictitious incidents, often for the sake of a love story or action sequences. History presents a question and an argument; historical film presents a narrative statement. In an interview with Robert Brent Toplin, producer Peter Davis declared "he would not want to get his history from

historical films any more than he would want to get his science from science fiction."⁶ Although the primary intention of popular historical films is to entertain, not educate, they disseminate information as well as misinformation--not only about historical events, but about the nature of historical inquiry.

This is not to suggest that historians should feel compelled to offer themselves as consultants to filmmakers, or even become filmmakers themselves, although many historians have. Historians have become involved in the milieu of movies through methods of study that contribute to our understanding of their social impact. Cultural historians have recognized the value of popular films as reflections of the ideas, beliefs, dreams, concerns, attitudes, and problems of people in the past. Historical films, in particular, are important resources because as mass distributors of historical information, they wield enormous power and influence in disseminating their message. They also provide reflections of the cultural and political moods of the time they were produced. How a film represents an historical era or event is an interpretation of the past influenced by its own contemporary context. In this sense, films are artifacts that historians can analyze to understand how cinematic interpretations have given meaning to the past, how they have used history to inform audiences about current issues, and how they reflect the times in which they were made. This project examines those questions using as case studies two motion pictures about the 1865 assassination of President Abraham Lincoln.

Both films deal with the events of Lincoln's assassination, but each has its own focus, interpretation, and purpose. The two movies were produced 40 years apart, and are the products of very different cultural and political contexts. As case studies, they provide an opportunity to examine the ways in which film can interpret historical events, how films use the past as a vehicle to convey a message to contemporary society, and how that message is also a reflection of its own historical context. In the following chapters I will introduce the primary issues in discussions about historically-themed

⁶Robert Brent Toplin, "The Filmmaker as Historian," *The American Historical Review* 93, no. 5 (December 1988), 1213.

films, explain the three main historical interpretations of Lincoln's assassination, and finally, examine and evaluate each film's historical interpretation and correlation to academic scholarship, visual construction and degree of artistic license, relationship to and messages regarding its contemporary context, and critical and box office reception.

In chapter one I will provide an overview of how historians and film studies scholars have approached film subjects in general, and historical films in particular. This discussion will include the goals, methodology, and effectiveness of historical films. I will also discuss the questions authors raise in their literature about history on film, examine why they criticize or praise the medium's advantages and disadvantages, and how they evaluate Hollywood's ability to engage the interest of a mass audience, and I will explore the value of historical films as more than mere entertainment. Chapter two will present the three main conspiracy theories of Lincoln's assassination by examining first, how the government initially understood the events as a Confederate Conspiracy; second, how most Americans came to believe in a Simple Conspiracy led solely by John Wilkes Booth; and finally, the emergence of a Grand Conspiracy theory that purported the involvement and participation of government officials in both the crime and the cover-up. This chapter will not only provide the foundation for the plots of the case study films, but will also demonstrate that history, although in the past, is continuously made and remade through understanding and interpreting the historical evidence.

Finally, in chapters three and four, I will examine each case study film. Chapter three will focus on *The Prisoner of Shark Island*, written by Nunnally Johnson and directed by John Ford, and released in 1936. It focuses on one of the alleged conspirators in the assassination, Dr. Samuel A. Mudd, who provided medical services to assassin John Wilkes Booth as he fled from Washington D.C. For his participation in Booth's escape, Dr. Mudd was tried, convicted, and sentenced to life in prison. During a yellow fever outbreak at the prison, Dr. Mudd offered his services as a physician, and in 1869 was pardoned and released. The extent of his knowledge and active involvement in the

assassination has long been disputed among historians. The film argues that Dr. Mudd was innocent: wrongly accused and unjustly tried, convicted and imprisoned. I will discuss how the film presents its interpretation through a visual narrative, and how the movie's conclusion corresponds to contemporary scholarship as well as the general understanding of Mudd's case. The messages of the film also reflect the ideology of its creators, and I will argue that the film conveys an appeal to its audience about oppression, injustice, and threats to democracy evident in international events.

In chapter four, I will focus on *The Lincoln Conspiracy*, written by Jonathan Cobbler and directed by James L. Conway, and released in 1977. Based on a book of the same name by David Balsiger and Charles Sellier, the movie claims to reveal the true conspirators and subsequent government cover-up of Lincoln's assassination.⁷ The film implicates Secretary of War Edwin Stanton as the engineer and director of Radical Republicans, Union officers, Secret Service agents, and Washington policemen who conspired to murder Lincoln and approached Booth to carry it out. When Booth fired the fatal shot and escaped, he left behind incriminating evidence. However, detectives in pursuit killed the wrong man, and the conspirators then engaged in a major cover-up. According to the film, the real conspirators deflected discovery of their own involvement by accusing and punishing scapegoats, and bribing other individuals who knew too much. The government protected itself from implication in the crime and appeased the public outcry by delivering Booth's supposed accomplices to the gallows. Thus, the film argues the history of the assassination presented to and believed by the American people over the last 150 years has been a deliberate scam perpetrated by the U.S. government and repeated by generations of historians. This perspective reflects the skepticism and disillusionment of the time it was produced. Furthermore, audiences of the era were more likely to believe in government conspiracies and cover-ups making the movie's theory, purportedly supported by evidence, a powerful challenge to accepted history. Since the

⁷David Balsiger and Charles E. Sellier, Jr., *The Lincoln Conspiracy* (Los Angeles: Schick Sunn Classics, 1977).

movie's version of history is influenced by contemporary conspiracies, it is also an advocate for the release of pertinent documents related to current events so that Americans can know the truth about both the past and the present, as well as a critique of covert government activities and cover-ups that undermine this nation's democratic ideals.

With an introduction to the challenges and possibilities of historical films, an understanding of the events and various historical interpretations, and an examination of two specific films, I believe that this project can provide an impetus to move beyond the criticisms of historical films, and emphasize the opportunity to explore also the possibilities of motion pictures--as entertainers, educators, advocates, and artifacts. Historians cannot and should not underestimate the influence that movies have on the historical consciousness of the ticket-buying public, and the popularity of historical films, like *Titanic*, is an indicator. As Robert Burgoyne noted in *Film Nation*, the success of motion pictures, as well as living history museums, the History Channel, and historical reenactments, indicates that people want to experience the past, not only through books, but in "material sensuous ways" -- through seeing, smelling, touching, hearing, and feeling. This "cultural desire to reexperience the past in a sensuous form has become an important, perhaps decisive factor in the struggle to lay claim to what and how the nation remembers."⁸ For many Americans, filmmakers and not historians are shaping how we view our past, as well as how we perceive the world around us.

⁸Robert Burgoyne, *Film Nation: Hollywood Looks at U.S. History* (Minneapolis: University of Minnesota Press, 1997), 104.

Chapter One

Reel History: Criticism and Praise for Historical Films

Historians generally accept the idea that movies wield enormous influence on mass audiences and are one of the most significant cultural phenomena of the twentieth century. While cultural historians and film studies scholars research and explore the many facets of the motion picture industry and its products, historians in general are concerned with the way filmmakers and movies portray the past. Hollywood's fascination with historical people and events is evidenced by the hundreds of movies about history or set in the past that movie studios have produced since the first decade of the 1900s. The main problem with these historical or historically-themed films is that their representation and interpretation of the past is simplistic, romanticized, distorted, and even fabricated. Although initially historians dismissed historical films as mere entertainment, thousands of movie patrons learn about history and understand the past through these films, as inaccurate as they are. In the past twenty years, historians have started examining the construction and impact of historical films, and engaged in discussions in journal forums, conference panels, and academic scholarship to explore movies about the past with more serious attention.

In this chapter I will introduce several of the major questions they have raised and their conclusions. First, I will discuss some of the motivations and purposes behind historical films. Movies are intended to entertain people and to earn a profit, but films about the past have also served as a form nostalgia and celebration, as a reminder and lesson about our national origins, as an emissary to convey a message about contemporary issues and events, and as a challenge to accepted interpretations of history. Historians are motivated in their study of historical films by the impact and influence a movie's interpretation has on a large audience. How they approach their study varies. While film scholars tend to examine aspects of the film industry historians have primarily

examined how movies represent the past on screen. Many historians have also recognized the value of films as cultural documents, essentially as historical evidence and an artifact of its time. Dealing with history in a different medium than they are used to, however, historians are faced with the fundamental issues of historical inquiry, understanding, and argument. History, in any form, is interpretation. On film, the past is interpreted through an entirely unique methodology with which historians must acquaint themselves. Even still, historians are generally critical of how historical films portray the past, and I will examine some of these criticisms, particularly Hollywood's misperception that authentic material culture constitutes good history. On the other hand, some movies have represented past events with integrity, though not imperfectly, and appreciative scholars have issued qualified praise for these films.

The potential contributions of historical films as artifacts of their era is another important approach that historians have taken. A historical film's interpretation often reflects contemporary scholarship and general understanding of a past event or era; when it does not, the audience's possible reception to an alternative interpretation is also indicative of the time. Furthermore historical films, like other movie genres, provide insight into the issues, attitudes, and priorities of when the movie was produced. Ultimately, I believe one of the most significant conclusions of the literature on these issues is that although historians remain concerned about the kind of history movies present to an audience, motion pictures have the ability to reach a large population and to engage their interest in the past.

Although there is fierce competition for American's recreational attention (and dollars), popular films remain one of the most common forms of entertainment. They are disseminated in theaters, at video stores, and on cable, digital, satellite and network television. The reality on screen is, for at least the length of the film, a "substitute reality."¹ The visual, emotional, and almost tangible essence of the past evoked through

¹Leonard Quart and Albert Auster, *American Film and Society Since 1945* (New York: Praeger Publishers, 1991), 3.

film has far more impact on the cultural imagination and much farther reach than traditional, non-fiction historical scholarship. For movies that portray historical events, the understanding of the past that pervades America's historical consciousness lasts long after the reel ends and the projector goes dim. As Robert Rosenstone acknowledges, "the chief sources of historical knowledge for the majority of the population--outside the much despised textbook--must surely be the visual media, a set of institutions that lie almost wholly outside the control of those of us who devote our lives to history."²

There is already a large body of scholarly literature that examines various aspects of popular movies. This material has concentrated on "film studies" topics such as the development of the motion picture industry, film technology, artistic styles, filmmaking techniques, and movie genres. The history of film has focused primarily on major Hollywood studios, international trends, the emergence of art films competing with mainstream movies, or biographies of prominent actors, directors and producers. However, in 1975, Robert Sklar's *Movie-Made America: A Cultural History of American Movies* examined the history of film as a cultural phenomenon. Popular "American movies from the 1890's to the present," he argues, have been and continue to be extremely powerful methods of "cultural communication" and Sklar gives historians "a broad framework for understanding their significance."³

The popular culture approach to mass culture's forms, mediums and products examines how they reflect and influence social norms, values and patterns of behavior, and is just one of the new subjects and methodologies that have reenergized historical scholarship in the past thirty years. Social history, women's history, black history, and immigrant history, have changed the topography of the discipline from the traditional focus on politics, government, military events, and the white male majority. New forms of inquiry such as psychohistory, quantitative history, and cliometrics have varied the

²Robert A. Rosenstone, "History in Images/History in Words: Reflections on the Possibility of Really Putting History Onto Film," *The American Historical Review* 93, no. 5 (Dec., 1988), 1174.

³Robert Sklar, *Movie-Made America: A Cultural History of American Movies* (New York: Random House, 1975), vi.

analysis of historical evidence and provided alternative perspectives that broaden and enrich the way historians approached their subjects. Yet, while the historical profession expands into new and exciting avenues--and inspires more stories for popular movies--the audience for academic scholarship seems to be shrinking. Conversely, movies about the past, whether they are about real people or fictional characters in actual events and eras, continue in their production, popularity and success (*The Patriot*, 2000; *A Beautiful Mind*, 2001; and *K-19: The Widowmaker*, 2002). As disheartening as this observation may be, Robert Rosenstone has suggested that film is the "contemporary medium still capable of both dealing with the past and holding a large audience."⁴

There are two main types of film and visual media that interpret history: popular movies and documentaries. The popular film genre, which I will call historical films, includes fictional dramas and romances for which history is merely the background as well as those that focus on historical people and events. Movies also have a couple of venues, mainly television and theater, and cater to various audiences. The focus in this chapter are historical films about real people and events of the past, produced by major studios or promoted and distributed to first and second run theaters. These types of films are generally the most influential and widely seen, therefore also the most controversial and frequently debated.

The movie industry is, of course, a business and by nature a profit-based enterprise. The success of a movie depends on its ability to attract an audience and entertain them. In terms of historical films, the formula most likely to guarantee a ticket-buying public is to appeal to their nostalgic desire to celebrate the past through patriotic stories about the accomplishments of national heroes and the triumph of the American spirit. Popular subjects center on colonial settlement, the American Revolution, the Civil War, the frontier and westward expansion, World War II, and the Cold War. Even stories not based on actual events, but set in the past with popular actors and actresses in the

⁴Robert A. Rosenstone, "History in Images/History in Words: Reflections on the Possibility of Really Putting History Onto Film," *The American Historical Review* 93, no. 5 (Dec., 1988), 1175.

starring roles generate lines at the box office (Mel Gibson in *The Patriot*, 2000). Early historical movies were often motivated by nostalgic celebration, and a search for origins (*The Birth of a Nation*, 1915; *Young Mr. Lincoln*, 1939).⁵ However, these purposes often took precedence over the historical record.⁶ For all its popularity and success, *Gone with the Wind* (1939) perpetuated and reinforced the mythology of the magnolia and mint julep era of the antebellum South with benevolent masters and grateful slaves--a representation of Southern history that the historical record and academic scholarship does not support.⁷

Although historical films are meant to sell tickets and entertain, they can also attempt to serve a didactic purpose. The filmmakers generally want to present a truthful version of the past, as well as an interesting story. The authority and validity of their educational message is embedded in "scholarly references" and authentic period sets, costumes, language and manners.⁸ In movies from the 1910s through the 1940s, the level of "education" in historical films was usually a celebratory retelling of well-known American stories that functioned as visual textbooks to solidify accepted concepts of national origin and identity and deify national heroes. This was "History according to Longfellow" explains Kenneth Cameron, and examples from the early years of film are abundant: *Washington at Valley Forge* (1914), *Custer's Last Fight* (1912), *The Iron Horse* (1924), and *Young Mister Lincoln* (1939) to name a few.⁹ After the 1960s, the scholarly trend of social history from the bottom-up manifested itself in films that purposely told previously marginalized stories of minorities, women, and the working-class (*Glory*, 1989; *Norma Rae*, 1979; *Silkwood*, 1983). The style of these later historical

⁵Leger Grindon, *Shadows on the Past: Studies in the Historical Fiction Film* (Philadelphia: Temple University Press, 1994), 2-3, 35.

⁶Robert Burgoyne, *Film Nation: Hollywood Looks at U.S. History* (Minneapolis: University of Minnesota Press, 1997), 1.

⁷See Edward Campbell, *The Celluloid South: Hollywood and the Southern Myth* (Knoxville: University of Tennessee Press, 1981).

⁸Grindon, *Shadows on the Past*, 3.

⁹Kenneth Cameron, *America on Film: Hollywood and American History* (New York: Continuum Publishing Co., 1997).

films, with attention to authentic visual signs, cinematic realism, and devices such as the voice-over, emphasize their need to convince the audience of the movie's believability and further suggests an educational intent.¹⁰

Historical films also employ the past in order to draw lessons that apply to the present. Despite the studio mogul who admonished that messages should be sent through Western Union and not through movies, popular film is frequently employed for political and social purposes.¹¹ The film, *Wilson* (1944) generated support for the war in Europe, and showed viewers the connection between the failure of the League of Nations and World War II, in order to influence public opinion for the United Nations.¹² *Missing* (1982) implicated the U.S. government in the disappearance and execution of Charles Horman in Chile, cautioned the audience of the dangers of covert U.S. operations and intervention in foreign affairs and governments.¹³ These historical films consciously sought to influence contemporary attitudes about contemporary issues. Indeed, the choice of the past event is as important as the interpretation, and what is left out is as revealing as what is emphasized.¹⁴

And while films tend to promote and reinforce stereotypes (such as the antebellum Southern mythology), they can also undermine them, provide critiques of accepted history, and generate discontent.¹⁵ Film can challenge and deconstruct accepted interpretations of history and present a counternarrative to a broad audience. Robert Rosenstone calls this "contesting" history, because it questions the widely held

¹⁰Cameron, *America on Film*, 112.

¹¹Terry Christenson, *Reel Politics: American Political Movies from Birth of a Nation to Platoon* (New York: Basil Blackwell, Inc.), 1-2.

¹²Thomas J. Knock, "History with Lightning: The Forgotten Film *Wilson* (1944)," Rollins, ed., *Hollywood As Historian*, 88-108.

¹³Robert Brent Toplin, *History By Hollywood: The Use and Abuse of the American Past* (Urbana and Chicago: University of Illinois Press, 1996), 104-124.

¹⁴Grindon, *Shadows on the Past*, 1, 5.

¹⁵Arthur A. Schlesinger, Jr., foreword to John E. O'Connor and Martin A. Jackson, eds., *American History/American Film: Interpreting the Hollywood Image* (New York: Ungar Publishing, 1988), xiv; Charles Maland, "Dr. Strangelove (1964): Nightmare Comedy and the Ideology of Liberal Consensus," Peter C. Rollins, ed., *Hollywood As Historian: American Film in a Cultural Context* (Lexington: University of Kentucky Press, 1983), 190-210.

knowledge about and meanings of past events.¹⁶ In some parts of the world, film has been an outlet for critiques that have created "visual historiography" that has "preceded parallel changes in written historiography."¹⁷ One example of a cinematic counter-history in the United States was the production of *JFK* (1991) which challenged the Warren Commission's account of Kennedy's assassination. The film was based on Louisiana district attorney Jim Garrison's case against Clay Shaw and his theories of the assassination outlined in his book, *On the Trail of the Assassins*. Although conspiracy theorists had been publishing since the assassination, other individuals involved in the events also began writing books, and historians responded with their own scholarship. People reacted strongly to the film and the possibility of a conspiracy and cover-up. In spite of the fact that official history denied it, many Americans believed one existed and pressured Congress and the government to declassify documents and open them to the public.¹⁸

Most filmmakers who choose to explore historical events approach their subjects with genuine curiosity and interest.¹⁹ A prominent director of historical films, Oliver Stone, once referred to himself as a "cinematic historian." A cinematic historian, like Stone and other directors, as well as producers and screenwriters, shapes the overall project: its narrative, visual presentation, and message. For the most part, they are the researchers and interpreters of the past and the individuals most responsible for the construction, argument and conclusions of a historical film. Many filmmakers have taken on this role, but their methodology and product is very different from those of most academic historians. Many of these cinematic historians are powerful storytellers, and employ filmmaking devices with effective precision, which is why their contributions to historical understanding needs to be examined.²⁰

¹⁶Robert A. Rosenstone, ed., *Revisioning History: Film and the Construction of a New Past* (Princeton: Princeton University Press, 1995), 8-9

¹⁷Rosenstone ed., *Revisioning History*, 5.

¹⁸Toplin, *History By Hollywood*, 47, 49

¹⁹Toplin, *History By Hollywood*, ix.

²⁰Toplin, *History By Hollywood*, viii.

Filmmakers create their argument on screen instead of on paper, and the devices they use to do this are specific to their form and medium. To understand how they do this, we must identify and illustrate some of the techniques. The fundamental visual component of film is called the *mise en scene*, which Louis Giannetti defines as the "arrangements of visual weights and movements within a given space...in movies it is defined by the frame that encloses the image. Cinematic *mise en scene* encompasses both the staging area of the action and the way that it is photographed."²¹ Photographic devices such as camera angle and lighting send visual signs about characters and action. For example, high camera angles, looking down on a scene or a person, can indicate helplessness or entrapment; characters shown in eerie shadows seem ominous or threatening. The narrative of a film does not merely exist in its dialogue--the photography, sound, movement, editing, and acting all contribute to the movie's story because these elements determine how the story is told. The narrative form may be chronological or in flashback, from the perspective of one character or several or third-person "objective." The method and viewpoint help convey and craft the movie's message which is integral to how the audience perceives and interprets it.

The composition, design, spatial territory, patterns, and forms of the *mise en scene*, although constantly moving, controls the story and how the audience views it. Movement in a film is carefully choreographed, as well, whether it is the action in the scene itself or the movement of the camera. For example in scenes where the mood is intended to be angry or volatile, the camera movement or the action itself would be fast, unpredictable, and jarred; whereas a sensuous mood would be filmed with slow, lyrical movements. These signals may also be reinforced by the editing, for instance, quick cuts to different shots might intensify anxiety and distress. Editing also helps determine which aspects of the story are exposed to or hidden from the viewer. Sound also contributes to the mood of the film or scene, and is intended to elicit certain responses from the

²¹This discussion is based on Louis Giannetti, *Understanding Movies*, 6th ed. (Englewood Cliffs, NJ: Prentice Hall, 1993), 486. Regarding *mise en scene*, see also: Giannetti, 37-78.

audience. Sound is not only dialogue but background noise, music, and sound effects. For example, high-pitched music can emphasize suspense, whereas low-pitched music indicates solemnity or sorrow. An actor's portrayal of a person's manners, speech, emotions, body language, reactions, and relationships provides important information about the character's background, education and "character," whether he/she is villainous or heroic, worthy of sympathy or scorn, motivated by feeling or intellect, and so on. These components and techniques are significant because they enable filmmakers to present a historical interpretation through cinema, and as both the methods of creation as well as analysis these devices are important to this study.

In the early years of Hollywood historical dramas were not analyzed for their representations of the past because they were not considered interpreters of history, they were leisure entertainment. More recently, however, historians have turned to a serious examination of how films portray the past. This is due in large part to a recognition of the preeminent role film has taken as an interpreter of history for contemporary society, the influence that movies have on the present-day historical consciousness and understanding, as well as the increased interest in cultural studies.²² This is also a response to a trend in Hollywood rejecting costume dramas and romances and toward a conscious effort to "understand the legacy of the past" and interpret it for the general public.²³ Some filmmakers take their historical interpretations even further than creating a sense of experiencing the past. They use the past to communicate a message to viewers about contemporary issues or events; in other words, "to pose present problems in historical terms."²⁴ Historians are therefore becoming more interested in the methodology of historical films: in understanding how movies convey their historical interpretations, and what the purpose and influence of their messages was. Thus, they are also using films

²²Burgoyne, *Film Nation*, 3-4.

²³Rosenstone, *Revisioning History*, 4.

²⁴Burgoyne, *Film Nation*, 5

as primary sources and historical evidence to understand the film's contemporary society and culture.²⁵

Historians and scholars including Robert Brent Toplin, Robert Rosenstone, and Kenneth Cameron, are conscious of the power and influence that movies have on the general public. They recognize that while historical films are not non-fiction brought to life, there is a responsibility to examine the motivations and interpretations of cinematic historians. On the other hand, although they do not justify the inaccuracies and misrepresentations of cinematic history, they are open to the possibilities and insights that the medium offers.²⁶ In some way, historians ask the following questions in regard to historical films: Can narrative film write history? How do films construct visual historical interpretations? What constitutes good history on film? Can the way films interpret history ever be satisfactory to historians? How does film address historical evidence? Can a film be both a good movie and good history? Do movies show changes in historical interpretations over time? Is history presented with integrity? What is the responsible way for film to interpret history?²⁷

The format in which scholars address these questions is primarily one of two. In *America on Film*, Kenneth Cameron approached films chronologically, by decade, and used numerous examples of historical films to examine the successes and failures of history on film, as well as the value of historical movies as cultural artifacts.²⁸ Cameron examines very few of these films in depth, usually summarizing and evaluating them on specific aspects such as narrative, authenticity, or contemporary context. Mostly, he examines the overall patterns in movies about the past or that take place in it, and their various subgenres, such as sports films, musical biographies, westerns, and movies about social outsiders. Throughout his chronological survey Cameron critiques and rates

²⁵O'Connor and Jackson, *American History/American Film*, xix.

²⁶Toplin, *History By Hollywood*, 226, 10, 7.

²⁷Toplin, "The Filmmaker as Historian," *The American Historical Review*, 1211; Toplin, *History By Hollywood*, xi, 10; Cameron, *America on Film*, 9-10.

²⁸Both Kenneth Cameron, *America on Film*, and Leonard Quart and Albert Auster, *American Film and Society Since 1945*, provide excellent discussions of historically-themed movies by decades.

specific films of the decade, but also draws general conclusions from the abundant examples, as opposed to just one or two. For the most part, Cameron states, "American historical film has been a failure at handling multifaceted historical issues--at engaging in argument."²⁹ However, "virtually all the films are useful historical evidence for the time in which they were made."³⁰ His technique incorporates numerous individual movies that illuminate the spectrum of historical films.

Another contribution of Cameron's method is to examine the development of historical films over time, whether they follow changing historical ideas and topics, and how historical interpretations reflect their times. For instance, Cameron illustrates how in films from 1915 through 1945 history is heroic, but from the 1960s through the 1990s history became more skeptical and disillusioned.³¹ He shows the paradigm shift of historical interpretation from the top-down to the bottom-up, the expansion from great men and national heroes to the voiceless minorities and the Davids fighting Goliaths, which was also occurring in written scholarship. Early historical movies "were still rooted in the late nineteenth century and perpetuated an idea of history as moral melodrama." The 1930s and 1940s films about the past, presented history as "battles between good and evil." The watershed years of the 1960s and 1970s history in film replaced romanticism with revisionism, "history was recent history, and increasingly it was outsider history."³² Interpretations of the past often reflect contemporary events. Two of his examples include how the *Last of the Mohicans* (1936) portrayed the British and Americans unifying against a common enemy--a reference to the situation in 1930s Europe; and how the 1970s portrayal of Native Americans as victims of genocide, previously absent from the western genre, was a response to the My Lai massacre in

²⁹Cameron, *America on Film*, 236.

³⁰Cameron, *America on Film*, 233.

³¹Cameron, *America on Film*, 226.

³²Cameron, *America on Film*, 224-25.

Vietnam.³³ Examining and comparing cinematic history over time provides the basis for his conclusion that "historical films...changed from reverence to attack."³⁴ Thus, Cameron illustrates that looking at historical films across the decades underlines their significance as artifacts of their times.

The other format historians have used, and the one which provides a model for this project, is a case-study approach of specific movies. Robert Brent Toplin's *History by Hollywood* employs this method, as do the essays in the edited volumes of Peter C. Rollins, Robert Rosenstone, and John E. O'Connor and Martin A. Jackson.³⁵ The case-study approach provides a more in-depth analysis of the individual film, its production history, and its context. Similar to written history, all historical films are not created equal. Rather than drawing general conclusions from a multitude of films, a case-study approach assesses each movie on its own merit. Toplin in particular also gives weight to the context of the movie: the background of the individuals who created the film, the production process, advertisement, promotion, and critical and audience response.³⁶ The case-study approach provides an opportunity to evaluate more carefully the film's historical interpretation, its veracity and its message, and also to explore the people and circumstances that influenced the movie. Thus a film's accurate or inaccurate historical framework, its contributions to historical appreciation, or its value as an artifact of its time, reflect only itself as a product without bearing the burden of representing the genre as a whole.

When historians raise questions about the validity of historical interpretations on film their skepticism is, in part, a question of "who speaks for the past, and in what

³³Cameron, *America on Film*, 53, 170. Cameron suggests *Little Big Man* (1970) as one of the western films that reverses the stereotypes of whites and Indians, and that the portrayal of Native Americans represents contemporary Southeast Asian people battling European imperialism and interference.

³⁴Cameron, *America on Film*, 174.

³⁵Rollins, ed., *Hollywood As Historian: American Film in a Cultural Context* (Lexington: University of Kentucky Press, 1983) and John E. O'Connor and Martin A. Jackson, eds., *American History/American Film: Interpreting the Hollywood Image* (New York: Ungar Publishing Co., 1988).

³⁶Toplin, "The Filmmaker as Historian," *The American Historical Review*, 1212; Toplin, *History By Hollywood*, 22.

medium, by what rules, and for what audience."³⁷ Historians are trained to research, evaluate, interpret, conclude, argue, and support their interpretations. Their perception that Hollywood has neither the training nor the interest to pursue history responsibly is a serious concern, due to the movie industry's prolific and powerful, but often inaccurate, versions of the past. Robert Rosenstone believes that the discussions about history on film must take into account that historical interpretation on the page and on the screen consist of different elements. All historians, academic or cinematic, engage in the process of interpreting history, it is the medium that differs. Historians interpret with words, whereas filmmakers interpret with the camera. In other words, historians must consider film as another medium through which to interpret the past. However, historical films are not simply non-fiction brought to life, so "does the use of film necessitate a change in what we mean by history, and would we be willing to make such a change?"³⁸ The answer to this question depends on what we understand history to be.

Rosenstone defines history as "a series of conventions by which we make meaning from the remains of the past" as well as making the past meaningful to the present.³⁹ Most historians would agree that history is the process of interpreting and assigning meaning and significance to the past, and that the interpretations of the past bear the imprint of contemporary perspectives. While many people outside of the discipline believe history is "facts" and "truth," Caryn James reiterates that "such responses naively assume that an accumulation of facts equals truth. But a collection of facts is no more than an almanac. History is the interpretation of those facts."⁴⁰

Although most historians strive for "objectivity," history is fundamentally interpretation--not necessarily even of "facts" but of "evidence"--and is rarely without

³⁷Rosenstone ed., *Revisioning History*, 12.

³⁸Rosenstone, "History in Images/History in Words," *The American Historical Review*, 1181. Quote: *Ibid.*, 1175.

³⁹Rosenstone ed., *Revisioning History*, 4; Rosenstone, "Walker: The Dramatic Film as (Postmodern) History," *Revisioning History*, 206.

⁴⁰Caryn James, quoted in Burgoyne, *Film Nation*, 5. Original reference: Caryn James, "These Are Works of Art, Not Children's Schoolbooks," *New York Times*, 21 May 1995, 18.

some bias or perspective. This process of making sense of the past, of interpreting and assigning meaning and significance to it, is not carried out in a vacuum. All historians approach the past with "attitudes, assumptions, and beliefs--entire value systems--that color everything they express and underlie the interpretations by which they organize and give meaning to the traces of the past."⁴¹ History is, in any form, then only "a representation of the past, not the past itself."⁴²

What people currently think of as "traditional" history is not even an accurate description. Written, academic history is a relatively recent invention, because it is the successor of thousands of years of oral tradition. As the profession developed, historians introduced the concept of scholarly standards such as citations and references in their writings. This transition has contributed to a shift from the poetic and metaphoric nature of oral history to a "linear, analytic, and scientific" form of written history that is organized around *data*.⁴³ But as Robert Burgoyne points out, historical writing is still not reality, it is a reconstruction--a mental conception of the past that results from speculation, hypothesis, and dramatic organization.⁴⁴

Rosenstone argues that film creates history in the same vein, though not in the same form as traditional history. Its similar function leads him to believe that historical films "should be called history--if by that we mean a serious encounter with the lingering meaning of past events."⁴⁵ Traditional, written history, he points out, is not a static or straightforward endeavor, but a "mode of thought." There are many methods and interpretations by which historians make sense of the past, and there are many ways to create a cinematic form of historical meaning.⁴⁶ This logic is a difficult leap for many academics, who are skeptical about the interpretive value of historical films. Movies are

⁴¹Rosenstone ed., *Revisioning History*, 6.

⁴²Rosenstone, "History in Images/History in Words," *The American Historical Review*, 1180. Most historians address the issue of defining history as a part of their examination of history and film. The ideas of Robert Rosenstone and Robert Brent Toplin in particular have contributed to this discussion.

⁴³Rosenstone ed., *Revisioning History*, 10, 6.

⁴⁴Burgoyne, *Film Nation*, 5.

⁴⁵Rosenstone ed., *Revisioning History*, 5.

⁴⁶Rosenstone, ed. *Revisioning History*, 4, 12.

intended for entertainment and profit, not necessarily to provide a truthful portrayal of the past. Although movies do assign meaning to the past and provide the audience with a sensory experience of it, historians are still reluctant to recognize films as serious historical interpreters. The movie industry's excesses in romantic dramatization, fictitious speculation, and blatant inaccuracies cause the historical meanings in films to fall short of the scholarly standards by which historians tend to evaluate them. History on film is usually bad history by a historian's yardstick.

One of the most common criticisms of how films interpret history is the extent to which an authentic representation of the past is simplified, altered, or sacrificed altogether, for the sake of the story. Popular movies frequently employ dramatic license that simplify, fictionalize, or distort historical events, characters, and causes. The list of movies that have been compared to historical scholarship and failed is long, and most critics and historians have addressed this issue. One example is Robert Toplin's examination of *Mississippi Burning* (1988). The film is about the investigation of the murder of three civil rights workers, two white and one black, who were part of the drive to register black voters in the South during the Freedom Summer of 1964. The three men, Michael Schwerner, Andrew Goodman, and James Cheney, disappeared while driving to investigate a church arson. The nation later learned they were detained by local law enforcement and members of the Ku Klux Klan, taken into the woods and killed. After an intensive search, their bodies were discovered at the base of a dam. The FBI collected documents and evidence, but were more successful rounding up the perpetrators by bribing other Klan members. Eight people were convicted of denying Schwerner, Goodman, and Cheney of their civil rights, but not murder. The film focuses on two fictional FBI characters and their opposite methods of investigating the crime. The fictitious agents, both white, and the FBI's exaggerated involvement in the case are two aspects that historians criticized. Moreover, critics derided the movie because it "portrays blacks essentially as sheeplike victims who took almost no steps to influence the course

of events in Mississippi;...creates a distorted view of the FBI's tactics in the murder case; and...misinterprets the role of violence in bringing social change to the South."⁴⁷ Kenneth Cameron gives numerous examples of movies with an inaccurate framework of fact, inauthentic material culture, ahistorical events, or simply a whitewashed version of the past: *America* (1924), *Northwest Passage* (1940), *Dillinger* (1973), and even *The Longest Day* (1962) to name only a few.⁴⁸ Historians are rarely satisfied, and more commonly appalled, by the versions of history that animate the screen.

In their efforts to improve the credibility of their product, filmmakers have become more conscientious about the decor, costumes, props, and furniture to avoid inappropriate or anachronistic sets. Thus, they seem to equate historical accuracy with authentic material culture. Historians caution, however, that attention to detail does not itself constitute good visual history.⁴⁹ Rather, providing a valid overall interpretation of the era or events is fundamental to create a legitimate cinematic interpretation. Daniel Walkowitz suggests that filmmakers should establish a "sense of verisimilitude" from which the details "may be negotiated so long as the overriding conceptual framework remains inviolate."⁵⁰ Toplin agrees that "providing a sophisticated *interpretation* of the past is more important than rendering small details with precision."⁵¹ Yet the movie industry has continued to focus on improving the period details to emphasize the reliability and "visual authenticity" of material culture on screen.⁵² This unrelenting concern with "authenticating signs" is troubling, though, because the accuracy of details can imply an accuracy of facts and interpretation that does not exist. Even more alarming to some is the technology that allows manipulation of historic images, *Forrest Gump* (1994) for example, in which the fictional character was placed in archival footage of

⁴⁷Toplin, *History By Hollywood*, 26-29, 31, 34.

⁴⁸Cameron, *America on Film*, 37, 75, 175, 147.

⁴⁹Toplin, "The Filmmaker as Historian," *The American Historical Review*, 1223.

⁵⁰Toplin, *History By Hollywood*, 8.

⁵¹Toplin, "Titanic: Did the Maker of *True Lies* Tell the Truth about History?" *Perspectives*, 29.

⁵²Cameron, *America on Film*, 233-34. The attention to detail in *Titanic* is a primary example.

specific past events. Critics argue that this capability amounts to "deception, if not forgery."⁵³

Others are a great deal more concerned with the extent that movies exercise dramatic license and what constitutes an acceptable amount of speculation or fictionalization.⁵⁴ The imaginative nature of cinema necessitates the creation of interaction, dialogue, and other elements that lack direct evidence. Perhaps the acceptable level of elasticity in the interpretation depends on whether it is a sincere attempt to provide the audience with a sense of the past and depict a larger message, or if it displays a lack of integrity and respect for the historical record.⁵⁵ Most often, however, the flagrant distortions and fabrications of the past invalidates movies as good history. Not that some of them are not great films or even amusing as "first-rate shlock" but their interpretations are too sentimental or too simplistic to be useful as history.⁵⁶

The narrative method of most historically-themed films is also a sore spot among historians. Theodore Robb's observation that "Academics deal in nuances, qualifications, and subtle distinctions, while film makers seek broad strokes, drama, and simple vivid ideas" addresses this issue directly.⁵⁷ Films can introduce historical subjects, but their interpretation is simplified into an essentially "single, linear story" and limits the capability of presenting multi-faceted or alternative interpretations.⁵⁸ According to Cameron, this is one of the historical film's primary failures: history is asserted rather than argued, and "assertion...is poor history."⁵⁹ Historians agree that the complexities and ambiguities of the past are not conveyed well on the screen. "The causes of problems are not always so singular...solutions not always so obvious, good and evil not always so

⁵³Cameron, *America on Film*, 234.

⁵⁴Toplin, "The Filmmaker as Historian," *The American Historical Review*, 1224

⁵⁵Toplin, *History By Hollywood*, 2, 9-10, 12.

⁵⁶Cameron, *America on Film*, 67, 232.

⁵⁷Toplin, "The Filmmaker as Historian," *The American Historical Review*, 1211.

⁵⁸Toplin, "The Filmmaker as Historian," 1213; Rosenstone, "History in Images/History in Words," *The American Historical Review*, 1174.

⁵⁹Cameron, *America on Film*, 236.

stark."⁶⁰ Movies can show how historical events unfold, but fail to penetrate beneath the surface of chronology and material culture. Analysis and argument are usually absent from cinematic history, and therefore fail to demonstrate the methods by which historians "do" history and how historical interpretation develops.⁶¹

Without showing the process of gathering data, evaluating and analyzing evidence, arguing interpretations, and drawing conclusions historical films leave the impression that historians are stenographers, carefully recording the chronology of events. Cinematic historians, then, seem to recreate the events as they occurred and authenticate their visual reconstruction with the appropriate material details. This notion fails to recognize the real challenge of historians, and filmmakers, is to make sense of and weigh sources and evidence that may be contradictory or incomplete. As presented on screen, the conclusions that filmmakers make appear definitive, glossing over the historical debates that academics engage in to challenge and defend interpretations about the past.⁶² Historical films are also not bound to support and verify their arguments, and often condense or omit data that complicates their stories.⁶³

Although not the focus of this project, it is worth noting that even documentaries, which are usually more acceptable to historians as interpreters of the past, are similarly problematic. They are subject to the film industry imperatives to entertain, educate, and influence an audience. Documentaries are often not independent enterprises, but rely on the financial and technological support of production companies. They also follow the conventional patterns of dramatic films, such as emphasizing the role of heroic individuals, and constructing a linear narrative that identifies conflict but ultimately establishes resolution. Moreover, documentaries also consist of generic images that are selected and edited behind the scenes, narrated, "carefully arranged into sequences to tell

⁶⁰Toplin, "The Filmmaker as Historian," *The American Historical Review*, 1220.

⁶¹David Herlihy, "Am I a Camera? Other Reflections on Films and History," *The American Historical Review* 93, no. 5 (Dec., 1988), 1189, 1190, 1192.

⁶²Toplin, "The Filmmaker as Historian," *The American Historical Review*, 1216, 1223, 1221.

⁶³Rosenstone, "History in Images/History in Words," *The American Historical Review*, 1174, 1176; Rosenstone, "Walker: The Dramatic Film as (Postmodern) History," *Revisioning History*, 208

a story or to make an argument," and shaped to present its message regarding specific events.⁶⁴

Historians are more likely to accept film as historical evidence of the period-- particularly newsreel archives or footage of actual events, such as Abraham Zapruder's home movie that filmed John F. Kennedy's assassination. However, these sources also have limitations which must be considered and examined.⁶⁵ The example of *Radio Bikini* illustrates how the production of films regarding nuclear tests on the Bikini islands were staged and orchestrated.⁶⁶ The United States acquired the Marshall Islands, including Bikini, after World War II, relocated the native population and used the island environs as an atomic and nuclear test site. The government used film and radio to validate, justify, and ultimately control the perception of their activities on the islands, suppressing and distorting information at will. *Radio Bikini* undermines the "official construct" through interviews and archival military film footage "that shows how the process of approval and selectivity distorted understanding for official purposes."⁶⁷ For instance, "An officer repeats his lines over and over to get his inflection and gestures just right for the movie cameras."⁶⁸ Newsreels and other filmed footage often initially and intentionally served as propaganda, with action staged for the camera as part of an official strategy, much like the Bikini footage or parades in Nazi Germany.⁶⁹ As evidence, then, these resources can be problematic. However, historical films, documentaries, popular films, indeed all forms of historical interpretation, are not necessarily neutral. They all interpret the past, and interpretation, as theorist Fred Weinstein points out, "always involves an 'imaginative

⁶⁴Rosenstone, "History in Images/History in Words," *The American Historical Review*, 1179, quote: 1180; Arthur A. Schlesinger, Jr., foreword to O'Connor and Jackson, *American History/American Film: Interpreting the Hollywood Image*, xxi; Rosenstone ed., *Revisioning History*, 7.

⁶⁵John E. O'Connor, "History in Images/Images in History: Reflections on the Importance of Film and Television Study for an Understanding of the Past," *The American Historical Review* 93, no. 5 (Dec., 1988), 1201.

⁶⁶Clayton R. Koppes, "Radio Bikini: Making and Unmaking Nuclear Mythology" Robert A. Rosenstone, ed., *Revisioning History: Film and the Construction of a New Past* (Princeton, N.J.: Princeton University Press, 1995).

⁶⁷Koppes, "Radio Bikini," *Revisioning History*, 129.

⁶⁸Koppes, "Radio Bikini," *Revisioning History*, 130.

⁶⁹O'Connor, "History in Images/Images in History," *The American Historical Review*, 1202.

leap."⁷⁰ Inherent in the "imaginative leap" of historical interpretation is selecting and organizing evidence to form a conclusion.

The controversies and criticisms about historical films distract historians from the possibilities and potential for cinematic history.⁷¹ Generally, academic historians believe "dramatized history, can never be as worthwhile or as 'true' as historical works conveyed through the printed page. Such a notion seems to arise from a sense that words are able to provide a serious and complex past reality that film, with its supposed need to entertain people can never hope to match."⁷² This attitude is based on the evaluation of movies by the standards of historical scholarship. By this measure, historical films are far more problematic than useful. However, some historians believe that history on film is not necessarily an impossible proposition, but that it must be judged according to standards appropriate to the medium.⁷³ The challenge to historians is to move beyond critiquing historical films, and develop methods of analyzing them.

The fact that film does not show traditional documentary sources and data in a written format, does not mean that it cannot be good history.⁷⁴ In film, other types of sources, particularly material culture, become more significant and valid as visual data. Furthermore, movies can show the types of historical sources and evidence that would be available to historians from the time, place, and society they portray. For instance, films about Native Americans reflect their primarily oral history tradition. Movies about western societies in previous centuries show newspapers, diaries, letters, and court records as part of life in the past that are now remnants and evidence of the time.

One of film's unique strengths is its ability to recreate the sense and aura of the past visually, which is a form of history that a book cannot communicate, except through the mind's eye. "Films are superb in representing the visual styles and the textures of the

⁷⁰Rosenstone ed., *Revisioning History*, 6

⁷¹Burgoyne, *Film Nation*, 3.

⁷²Rosenstone, "Walker: The Dramatic Film as (Postmodern) History," *Revisioning History*, 202.

⁷³Rosenstone, "History in Images/History in Words," *The American Historical Review*, 1181.

⁷⁴Rosenstone, "History in Images/History in Words," *The American Historical Review*, 1178.

past--values almost impossible to convey in written words. Let the visual serve the visual...show what it was like to be alive in times and places very different from our own....Films undoubtedly can aid historians to make the past visually alive, tactile even, to the present."⁷⁵ The popularity of historical films indicates the public's desire to experience history in a more tangible and sensuous way, and underlines people's alienation from the abstract and contemplative nature of professional history.⁷⁶ The historical film is a language that uses plot, setting, characters, dialogue, music, and visual images to create an interpretation. Filmmakers shape their interpretation and message through camera angles, lighting, editing, shot composition and other cinematic devices.⁷⁷ Films can convey aspects of history difficult to create in words--the sights, sounds and feel of the past.⁷⁸

Historians tend to get wrapped up in the shortfalls of historical films because they compare them to written history. Since the "camera demands more specificity than historians can ever know, all historical settings are what might be called 'proximate' fictions."⁷⁹ Rather than focusing on the comparisons of written and filmed history, historians should first ask, "how does film construct a historical world? What are the rules, codes and strategies by which it brings the past to life? What does that historical construction mean to us? What does film do to and for the past that the written word cannot? How does the historical world on the screen relate to the world on the page?"⁸⁰ If they approach film from this perspective, then historians will be able to move beyond a mere comparison of written and cinematic interpretation and see the possibilities and opportunities provided by historical films. There are many ways to seek, create and convey historical reality and interpretation; to do so emotionally, dramatically, and

⁷⁵Herlihy, "Am I a Camera? Other Reflections on Films and History," *The American Historical Review*, 1191.

⁷⁶Burgoyne, *Film Nation*, 105.

⁷⁷Grindon, *Shadows on the Past*, 5-6; O'Connor, "History in Images/Images in History," *The American Historical Review*, 204.

⁷⁸Rosenstone, "History in Images/History in Words," *The American Historical Review*, 1179.

⁷⁹Rosenstone, "Walker: The Dramatic Film as (Postmodern) History," *Revisioning History*, 209.

⁸⁰Rosenstone ed., *Revisioning History*, 4.

visually may be a way for history to recapture the liveliness and poetry of its oral tradition.⁸¹ As such, it may not be as far removed from "history" as historians believe.

Furthermore, there are films that do constitute acceptable overall historical interpretations and can serve as positive examples. Historians may still quibble about inauthentic material details, simplistic characterizations, romanticized melodrama, manipulative artistic devices, and absence of context about its era, but on the whole several films fare better than most under scholarly scrutiny. Among Kenneth Cameron's review of hundreds of movies, most of which presented abominable history, there were a few standouts for acceptable, though still imperfect, versions of past events. *Seven Angry Men* (1954) deals with abolitionist John Brown in the 1850s Kansas massacres and his unsuccessful revolution at Harpers Ferry. The film "makes a stab at understanding Brown as other than a lunatic." Furthermore, Cameron states, it is a "carefully made film. Its look is convincing; details like firearms are usually right....As history, *Seven Angry Men* is simplistic overstatement,...but, as a use of film to make a narrative history, it is impressive."⁸² According to Cameron, *Hour of the Gun* (1967), about the Wyatt Earp-Ike Clanton feud "seems to be the most factually accurate" of the movies about this subject, and "stands as a clean, intelligent version of the events" at the O.K. Corral.⁸³ Cameron found *Bound for Glory* (1976), based on Woodie Guthrie's autobiographical book, a bit smug and sappy, but overall an "honest picture of Guthrie." Moreover, "it is a film rich in context" in that it portrays events that occurred at the same time.⁸⁴ The 1987 film about the 54th Massachusetts Colored Troops, *Glory*, "succeeds in showing some of the obstacles faced by black troops and their heroism in battle. The style is strictly realistic, which probably enhances authentication." Occasionally indulgent in manipulations, "*Glory* is a grand movie, although not a great one. It sets a record straight--about

⁸¹Rosenstone, "History in Images/History in Words," *The American Historical Review*, 1176, 1184; Toplin, "The Filmmaker as Historian," *The American Historical Review*, 1213, 1225

⁸²Cameron, *America on Film*, 104-6.

⁸³Cameron, *America on Film*, 149.

⁸⁴Cameron, *America on Film*, 179-80.

historical fact, about participation of blacks in that war, about the manliness of former slaves, about their utter lack of nostalgia or affection for...'massa time'--and it does so stirringly."⁸⁵ *Nixon* (1995), also makes Cameron thumbs-up list as "undoubtedly the best film ever made about an American political figure." Director Oliver Stone used the White House tapes of Nixon's conversations in the film, which although authentic, also makes it difficult to distinguish between fictitious dialogue and direct transcription. Most likely, the filmmakers fabricated some scenes, but unlike so many other films, even the fiction seems plausible and realistic.⁸⁶

Toplin's case studies in *History By Hollywood* also yielded a couple of positive examples for historical interpretation on film. *Sergeant York* (1941) is based on the life of devout Tennessee farmer, Alvin York, who objected to military service in World War I based on his religious convictions. He attempted to get an exemption, but officers convinced him that fighting for freedom was a good cause, and that in the pursuit of that cause, killing was permissible. York enlisted and was an extremely effective and successful soldier. With hostilities and warfare once again raging in Europe, the movie seemed to advocate abandoning America's isolationist foreign policy, but producers feared this message might be detrimental to the film's success. As an antidote to that perception, the filmmakers focused on the biographical story and conducted careful research to document and authenticate the movie's narrative about York. Although the film does contain exaggerations and distortions, "the fabrications are relatively mild in comparison to those seen in many...Hollywood productions."⁸⁷ Overall, *Sergeant York* "reflects a fair degree of integrity in relating experiences of Alvin York."⁸⁸

Another movie to which Toplin, in general, gave qualified praise for historical interpretation, is *Norma Rae* (1979). The film is about unionization in the South's textile industry, "It shows the mill hands' unpleasant working conditions, reveals the physical

⁸⁵Cameron, *America on Film*, 187-89. Quotes: Ibid., 187, 189.

⁸⁶Cameron, *America on Film*, 213-15.

⁸⁷Toplin, *History By Hollywood*, 82-85, 92. Quote: Ibid., 85.

⁸⁸Toplin, *History By Hollywood*, 101.

and mental hazards of their jobs, and demonstrates the difficulties they faced when they tried to improve their situation."⁸⁹ *Norma Rae* is based on a woman named Crystal Lee who worked for collective representation in the plants of textile giant J.P. Stevens. In typical Hollywood fashion the movie concentrates on one or two heroic individuals; condenses and adjusts the story for "dramatic purposes," and leaves out some important incidents in the eventual unionization of the mills. There are other imperfections and misrepresentations, but "Despite these shortcomings, *Norma Rae* constitutes one of Hollywood's better examples of cinematic realism....Overall, the filmmakers interpreted the historical record with integrity."⁹⁰ Another positive contribution of *Norma Rae*, among many other historical films, is its relationship to its contemporary context. Its exposure of the "ugly features of southern industrial life," the social ostracism and financial hardships of blue-collar mill workers, and the repercussions of attempts to organize labor reflects some of the political and economic issues of the era. In addition, the movie's focus on the actions of a determined and courageous woman emphasizes the feminism of the 1970s, and reflects that "American society was becoming increasingly receptive to women's issues."⁹¹

Although some filmmakers make movies for political or social reasons, the film industry primarily produces products for entertainment and profit. Leisure activities have not always captured the scholarly attention of historians, but other historians believe that "It is precisely because...films are made for entertainment that they have value for the historian."⁹² The choices people make on cinematic entertainment can show what made them laugh, what made them think, and what made them feel. Movies can function as a kind of "unconscious historian," and reveal a great deal about society's beliefs, concerns, prejudices, and how these change over time.⁹³ A plethora of comedies during the Great

⁸⁹Toplin, *History By Hollywood*, 204.

⁹⁰Toplin, *History By Hollywood*, 216-17.

⁹¹Toplin, *History By Hollywood*, 204, 206, 221.

⁹² John E. O'Connor and Martin A. Jackson, ed., *American History/American Film: Interpreting the Hollywood Image* (New York: Ungar Publishing Co., 1988), xxi.

⁹³Rollins, *Hollywood as Historian*, 4.

Depression indicated a need for moviegoers to escape the worry and stress of their daily lives. The rising trend of movies about women, minorities, and lower-classes in the latter years of the twentieth century reveals the recent cultural interest in feminism, multiculturalism and the plight of marginalized social groups. Thus, popular culture scholars have followed Robert Sklar's lead and recognized movies as valuable cultural documents. In *American History/American Film: Interpreting the Hollywood Image*, edited by John E. O'Connor and Martin A. Jackson, the editors demonstrate how historians can use movies as historical evidence. Like Sklar, they contribute to the argument that "Hollywood has often been an unwitting recorder of national moods."⁹⁴

Indeed, historians are more willing to accept films as historical artifacts than as interpreters of the past. The past twenty years have yielded an increase in literature on movies as social and cultural evidence.⁹⁵ The challenge to academics is how to adapt traditional methods of research and analysis to evaluate motion pictures previously dismissed as entertainment.⁹⁶ Historians have been reluctant regarding new and unfamiliar forms of historical evidence, such as oral histories or film, due to issues of "acceptability and utilization."⁹⁷ However, movies contain opportunities for historical inquiry once academics learn how to understand and apply the visual language of film to their arguments. This also involves researching the production history of the movie in question: "the film document must be analyzed with reference to both its surface content and its deeper implied meanings. It must be considered in relation to the specific conditions which led to its production (studio rivalry, director's taste, star availability, financial limitations), the broader social and political context from which it took shape...and the audience for which it was intended."⁹⁸ A more meaningful analysis of historical films will not simply examine a movie's historical interpretation for

⁹⁴Rollins, *Hollywood as Historian*, 1.

⁹⁵Quart and Auster, *American Film and Society Since 1945*, 3.

⁹⁶O'Connor, "History in Images/Images in History," *The American Historical Review*, 1201.

⁹⁷Arthur M. Schlesinger, Jr., foreword to O'Connor and Jackson, *American History/American Film*, xi.

⁹⁸O'Connor and Jackson, *American History/American Film*, xxii-xxiii.

inaccuracies and fabrications, which are bound to exist, but will consider the film's purpose, perspective, and production. The benefit to history is that movies are an additional resource for historical study, and an opportunity to compare the relationship of popular forms of historical interpretation to the time in which they are made.

The potential complication of drawing a connection between film and society is that it is an ambiguous relationship to analyze. It is difficult to determine the extent to which movies actually reflect or shape popular attitudes.⁹⁹ However, Hollywood movies have functioned as "mirrors of the age" that show how people worked, played, traveled, dressed, talked, and decorated. They also document the contemporary opinions about ethnicity, gender, and class to reveal the pervasiveness and influence of mass prejudice, or a shift in those paradigms.¹⁰⁰ As entertainment, movies are significant because most of them are meant to be an escape from daily life, and seen in their context they reveal what people wanted to escape from and what forms of fantasy were appealing.¹⁰¹

Like all historical interpretation, cinematic history is a product of its time.¹⁰² History reflects the attitudes and perspectives of the interpreter, including his or her cultural and political circumstances and priorities. In the same way, notes Kenneth Cameron, movie interpretations of the past contain and convey "other ideas...but they are not, by and large, historical ideas; they are emanations of the times when the films are made."¹⁰³ In this respect, one of the most interesting aspects of films is that they are "perspectives, not definitive histories."¹⁰⁴ In other words, what event the films depict and how they interpret them reveals both contemporary historiography as well as the values and concerns of the people at the time. For example, *Steamboat 'Round the Bend* (1935), a nostalgic movie featuring folk hero Will Rogers, provided a "homey and reassuring

⁹⁹Quart and Auster, *American Film and Society Since 1945*, 6-7; O'Connor and Jackson, *American History/American Film*, xxiii.

¹⁰⁰O'Connor and Jackson, *American History/American Film*, xii-xiii, xxi.

¹⁰¹Quart and Auster, *American Film and Society Since 1945*, 4

¹⁰²Toplin, "The Filmmaker as Historian," *The American Historical Review*, 1219

¹⁰³Cameron, *America on Film*, 230.

¹⁰⁴Toplin, "The Filmmaker as Historian," *The American Historical Review*, 1219.

message...to bolster the spirits of the American people" during a time of economic decline and rising violence at home and abroad.¹⁰⁵ Conversely, *Drums Along the Mohawk* (1939), addressed itself to contemporary issues rather than distracting from them. In response to the anxiety of an impending war in Europe, the movie portrayed American colonists protecting their homes and families from invading British troops and Native American attacks, and taught "a lesson in courage to the American people facing a dangerous world."¹⁰⁶ As such, it shows how Hollywood occasionally used film to tune in to current events, rather than tune them out. Although the portrayal of the past in historical films causes historians to cringe, movies about the past, as with other forms of popular culture, are useful as historical evidence of their time period.

Another use and value of historical film that benefits historians is that with their broad appeal and mass audience, they engage the public's interest in history. Although many viewers absorb only the motion picture version of history, there are also many who, having been introduced to the subject through film, satisfy their curiosity by reading academic research and scholarship. Books about John F. Kennedy, Richard Nixon, and World War II became bestsellers after the release of movies like *JFK* (1991), *Nixon* (1995), *Saving Private Ryan* (1998), and *Pearl Harbor* (2001). Historians may criticize of the degree of fiction and speculation contained in films, but in many ways they are the beneficiaries of movies' ability to "make significant contributions to the public's appreciation of the past...[and] to arouse the public's interest in history."¹⁰⁷

Indeed, many historians are cognizant of their indebtedness to movies for bringing history to so many people. Even David Herlihy, whose essay in *The American Historical Review* was the most critical of history on film, admits that "Any recourse that awakens interest in history among students and the public should be encouraged. Films are particularly powerful in accomplishing this." However, he cautions, "they cannot serve as

¹⁰⁵O'Connor and Jackson, *American History/American Film*, xxix.

¹⁰⁶O'Connor and Jackson, *American History/American Film*, xxx.

¹⁰⁷Toplin, *History By Hollywood*, 5.

independent statements regarding the past...Somehow, somewhere they must be accompanied by a critical commentary. Movies own no immunities, like every other representation of the past, they must answer for their messages in the high court of historical criticism."¹⁰⁸ Certainly, the historians now engaged in the debate will see to it that they do, and along the way, they may discover the possibilities that movies hold for their own understanding of the past.

Historians and scholars will continue to analyze and discuss the merits and shortcomings of historical films as long as they continue to captivate audiences. The questions and conclusions expressed in literature on this subject are an important foundation for this project. As interpreters of the past, historical films reach and influence a large and broad audience, and as a visual medium movies have a particular power to revive history in dramatic ways. Historians have tended to argue about the interpretation of historical events on film and to condemn the representation of the past because it fails to show the intricacies of academic inquiry and instead presents a simplistic and melodramatic spectacle. But whether historical films meet the standards of scholarship skirts the important fact that movies have taken on an interpretive role for a mass audience and have an impact in range and influence that books do not.¹⁰⁹ Although inaccuracies in movies about the past should be criticized, historical films hold the potential to raise the historical consciousness of their audience, and to generate interest in historical events and individuals.¹¹⁰ The role for historians is to educate the public to approach movies as only one source of information, fraught with limitations, and help them to be "informed, critical viewers."¹¹¹

The other role for historians is not so much a challenge, but an opportunity--to examine film as a source for our own historical inquiry. Many historians have already

¹⁰⁸Herlihy, "Am I a Camera? Other Reflections on Films and History," *The American Historical Review*, 1192.

¹⁰⁹Grindon, *Shadows on the Past*, 2.

¹¹⁰O'Connor, "History in Images/Images in History," *The American Historical Review*, 1203.

¹¹¹O'Connor, "History in Images/Images in History," *The American Historical Review*, 1209, 1201.

begun to interpret the products of popular culture, including novels, magazines, toys, music, TV shows and movies, as historical evidence. Historical films provide unique opportunities as historical texts and resources. The film's success or failure to portray historical events with accuracy and integrity is one aspect to evaluate and examine. However, there are additional avenues of potential study for historical films. A movie's particular historical subject and interpretation is itself a window into which events of the past captivated previous generations, and the meaning people gave to those events. Movies also use history to convey messages to an audience about contemporary issues, and are useful as examples of how people understood and responded to the events of their own time. While historians continue to discuss the potential ability of historical films to satisfactorily educate people about history, they are also beginning to recognize the worthwhile and relevant study of these movies as artifacts of their own times.

Chapter Two

Conspiracy Theories: Three Interpretations of Lincoln's Assassination

At 10 o'clock p.m. on Friday, April 14, 1865 the audience at Ford's Theater in Washington D.C. was enjoying a performance of "Our American Cousin" starring Laura Keane. For five days, the city had been celebrating the surrender of Confederate General Robert E. Lee and the Army of Northern Virginia; four long years of war were nearly over. The good humored crowd welcomed the silly comedy, in spite of the solemnity of Good Friday, and was pleased at the appearance of the President and Mrs. Lincoln, although they had hoped to see General and Mrs. Ulysses Grant, as well. The Lincolns, and their guests Major Henry Rathbone and his fiancée, Clara Harris, were also enjoying the play from their seats in the Presidential box above and to the right of the audience.

Although the war had aged and wearied him, Lincoln was in good spirits. His war policies had been controversial, and his ideas for reconstruction and reunion would again stir the pot but he felt confident that good news was on the horizon and had expressed the feeling to his Cabinet that morning. Lincoln told them of the same dream that had prefaced the victorious news of Bull Run, Antietam, Gettysburg, and Vicksburg: he was in an "indescribable vessel...moving with great rapidity toward an indefinite shore."¹ He understood it to mean that there would be good news from General Sherman. In the afternoon, Lincoln and his wife shared a carriage ride, during which he had talked hopefully of the future and she had commented on his cheerfulness.²

At approximately 10:15 p.m. the actor Harry Hawk was alone on stage and delivered one of the lines that always tickled the audience. As the laughter rippled through the theater, there was also the report of a pistol. The occupants of the President's box turned at the noise, except for Lincoln--his chin rested on his chest and his body was

¹Jim Bishop, *The Day Lincoln Was Shot*, second ed. (New York: Gramercy Books, 1955),126.

²Bishop, *The Day Lincoln Was Shot*, 164-5.

motionless.³ President Abraham Lincoln, the savior of the Union and the Great Emancipator, sat mortally wounded. Major Rathbone reached for the assassin, actor John Wilkes Booth, who dropped his derringer pistol and gashed the Major's left arm with a knife. Booth fought his way to the ledge of the box, and some witnesses claimed he shouted "Revenge for the South!" as he dropped down from it. His right spur caught in the Treasury flag that decorated the box, and he landed on the stage without the acrobatic grace he was known for, breaking his left leg above the ankle.⁴ Rising, Booth turned to the audience and shouted "Sic semper tyrannis!" before exiting the stage, leaving behind a stunned audience and confused cast. In the alley at the rear of the theater, he retrieved his horse, galloped out of the city by way of the Navy Yard Bridge, and into Southern Maryland.⁵ His victim lived only nine more hours; President Lincoln died at 7:22 a.m. on April 15.

The assassin made good his escape for only twelve days. By April 26, federal investigators tracked Booth to Richard Garrett's tobacco barn in Virginia, and when he refused to surrender, they set the barn on fire. A soldier in the company, Boston Corbett, watched through the slats and feared Booth would put up a fight, so he took aim and fired--shooting him in the neck. The soldiers removed Booth from the barn, and he died on the porch of the house shortly after 7 a.m.⁶ Detectives arrested his companion on the ill-fated journey, David Herold, and brought him back to the Capital to stand trial with seven other alleged conspirators: Lewis Powell (alias Lewis Payne, also spelled Paine), George Atzerodt, Mary Surratt, Samuel Arnold, Edman (or Edward) Spangler, Michael O'Laughlen (also spelled O'Laughlin), and Dr. Samuel Mudd. All eight were convicted on June 30, 1865 by a nine-member military commission, headed by Major General

³Bishop, *The Day Lincoln Was Shot*, 209-210.

⁴The *Baltimore Sun* called Booth "the gymnastic actor," see Lloyd Lewis, *Myths After Lincoln*, new ed. (New York: The Readers Club, 1941), 153. Bishop, *The Day Lincoln Was Shot*, 210.

⁵Edward Steers, Jr., *Blood on the Moon: The Assassination of Abraham Lincoln* (Lexington: The University Press of Kentucky, 2001), 118.

⁶Steers, *Blood on the Moon*, 203-204.

David Hunter.⁷ Four were sentenced to death and hanged on July 7, 1865. O'Laughlen, Arnold, and Dr. Mudd were sentenced to life in prison, and Spangler was sentenced to six years. They were transferred to Fort Jefferson on the Dry Tortugas Islands off the Florida keys where O'Laughlen succumbed to yellow fever. In 1869 the remaining three were pardoned and released.

Since the night of April 14, 1865 and for over 140 years, the events leading up to and following the murder of President Lincoln remain the subject of debate. In this chapter I will discuss the main interpretations of the events surrounding Lincoln's assassination. Academic and amateur historians have argued a range of different interpretations and theories about the conspiracy and its participants. Although the interpretations rest on the same framework of facts, more or less, they reach rather divergent conclusions. The two films that are the subjects of this project also present two very different stories of the assassination; each represents one of the interpretations I will discuss in this chapter. The various conspiracy theories regarding Lincoln's death provide a fascinating example of history's indeterminate nature. Historical inquiry and understanding is not a clear, fixed recitation of facts, but an analysis and interpretation of evidence. Regardless of the medium, how the historian or filmmaker reads and analyzes the evidence, as well as his or her perspective and attitudes, significantly influences the historical argument and conclusions presented.

Initially, most people believed that Confederate officials had sanctioned and directed the assassination, and the government of the seceded states was as responsible as Booth and the nine conspirators who would eventually be tried for the crime. In the chaotic aftermath, many Americans believed this theory and at the 1865 trial of the first eight conspirators the government argued the crime was a Confederate conspiracy. However, the U.S. government seemed unable to make that case based on the evidence at

⁷The other members of the commission were: Major General Lew Wallace, Brevet Major General August Kautz, Brigadier General Albion Howe, Brigadier General Robert Foster, Brevet Brigadier General Cyrus Comstock, Brigadier General Thomas Harris, Brevet Colonel Horace Porter, and Lieutenant Colonel David Clendenim. Steers, *Blood on the Moon*, 216.

the time, and failed to prosecute any of the Confederate leaders for complicity. Lacking significant proof, the "Confederate Conspiracy" theory gave way to a "Simple Conspiracy" theory that encompassed only Booth and his motley gang of conspirators. In the mid-twentieth century new theories suggested the possible involvement of U.S. government leaders, an interpretation that played on the American appetite for sensationalism. The culmination was the "Grand Conspiracy" --and the accusation that members of Lincoln's Cabinet, the U.S. Congress, the National Detective Police, and Northern speculators conspired against their Commander-in-Chief and then perpetrated a massive cover-up to disguise their crimes.⁸

For the most part, the Confederate and Simple Conspiracy theories do not contradict each other on basic events. Although these two conspiracy theories acknowledge that the initial aim of the scheme was to capture Lincoln and turn him over to the South as ransom to negotiate prisoner exchanges or even possibly a peace, they differ on who originated, authorized, and directed the plan. Thus, the main difference between the Confederate and Simple Conspiracy theory is the extent to which the Confederate government or Secret Service directed or assisted Booth and the other conspirators. The third interpretation, the Grand Conspiracy theory, inasmuch as it argues that the "real" facts of the events have been covered-up, disputes some of the accepted information.⁹

⁸ Numerous other theories implicate the Vatican, the Masons, Major Rathbone, and even Mrs. Lincoln herself. William Hanchett, *The Lincoln Murder Conspiracies: Being an Account of the Hatred Felt by Many Americans for President Abraham Lincoln during the Civil War and the First Complete Examination and Refutation of the Many Theories, Hypotheses, and Speculations Put Forward since 1865 Concerning Those Presumed to Have Aided, Abetted, Controlled, or Directed the Murderous Act of John Wilkes Booth in Ford's Theater the Night of April 14* (Urbana and Chicago: University of Illinois Press, 1986). Hanchett's book has provided the basis for this chapter's identification and classification of the various conspiracy interpretations.

⁹ This chapter is not intended to be a detailed and definitive statement of the assassination. The work of others whose sole purpose was to describe the events and individuals involved have done far better in explaining the genesis, development, and aftermath of the conspiracy that succeeded in assassinating Lincoln. For a more detailed and comprehensive review of the basic facts, I recommend Jim Bishop, *The Day Lincoln Was Shot*, and Edward Steers, Jr., *Blood on the Moon*.

This discussion of the interpretations of the assassination events relies heavily on William Hanchett's comprehensive and thorough historiography, *The Lincoln Murder Conspiracies*, published in 1986. Hanchett has identified the writers and scholarship that form the three main conspiracy theories, and then examined and evaluated their conclusions. For years academic historians wrote about Lincoln's death as either the last event of the War or the event precluding the nation's conflicts over Reconstruction. As a result, many of the influential books specifically on the assassination and related events are the work of politicians, journalists, history buffs, even a chemist, and not the work of professional historians. Thus, Hanchett believes that most people's understanding of Lincoln's assassination is both ill-informed and misinformed. "From the beginning, the assassination was shrouded in confusion and mystery....These circumstances encouraged speculation about conspiracies and tempted partisans of this or that theory into excesses." Moreover, says Hanchett, "writers have jumped to conclusions, presented assumptions as facts, and succumbed to the temptation of proving hypotheses by distorting the evidence....[they have] stressed the sensational and...have not scrupled against making outrageous suggestions, telling brazen lies, and committing outright hoaxes."¹⁰ The repetition of these interpretations has furthered their reach and influence, until fact is barely distinguishable from fiction.¹¹

The mystique of Abraham Lincoln continues to capture the American imagination, and to fascinate historians and non-historians alike. He is one of the most-written about people in the history of the world.¹² His background, courtships, law career, political achievements, war policies, speeches and stories, religious beliefs, dreams and premonitions, death, funeral and burial, have all reached mythical proportions. Though controversial (and much maligned) in life, in death Lincoln became a martyr. On Easter Sunday, April 16, 1865 ministers delivered eulogies that compared him to Moses and to

¹⁰Hanchett, *The Lincoln Murder Conspiracies*, 2.

¹¹Hanchett, *The Lincoln Murder Conspiracies*, 2.

¹²According to Steers, the top four (in no particular order) are: Jesus Christ, William Shakespeare, Napoleon, and Lincoln. Steers, *Blood on the Moon*, 1, 295(n2).

Christ.¹³ Lincoln achieved the status of a demi-god. He became the strong and compassionate leader who bore the burdens of war for four years and brought his people to the Promised Land of a United nation, but would not live to enjoy the peace. The simple and spiritual man who emancipated the enslaved and did not falter though his dreams, visions, and premonitions prophesied his fate. And he forgave the betrayers "with malice toward none; with charity for all."¹⁴

When Lincoln became the beloved martyr, it became easy to forget that he was rather unpopular during his life and Presidency, even in the North. He was tall, awkward, and homely and often portrayed as a buffoon or an ape. Members of his party, his administration, and his army neither liked nor trusted him. Many thought him too easily influenced, indecisive, and incompetent. To the South, he was the epitome of a backwoods Westerner and the cause of suffering, poverty, death, and destruction. Indeed, Lincoln was "hated--by Northerners as well as Southerners--for attempting to force the South to remain in the Union, for usurping cherished constitutional rights, for pursuing a policy regarding slavery that would lead to the Africanization of the United States, for degrading the presidency, for shedding so much blood, for making so many widows, and for creating so many fatherless homes."¹⁵

His election had provoked secession, his war policies and tactics inflamed controversy, and his reconstruction initiatives smacked of dishonor. As an anti-slavery Republican candidate, Lincoln had pledged not to allow slavery to spread into the western territories. Most Southern states did not even include Lincoln on the ballot, and Southern politicians warned that his election would guarantee secession. During the war, Lincoln bore the blame for the overwhelming casualties, battled with beloved Union General George B. McClellan, and promoted unpopular officers, including Ulysses S.

¹³Lloyd Lewis, *Myths After Lincoln* (New York: The Readers Club, 1929; reprint, New York: The Readers Club, 1941), 83, 92-8. Page references to the reprint edition.

¹⁴Quote from Lincoln's second inaugural speech. Stephen B. Oates, *With Malice Toward None: The Life of Abraham Lincoln* (New York: Penguin Books, 1978), 447.

¹⁵Hanchett, *The Lincoln Murder Conspiracies*, 7.

Grant and William T. Sherman. The action for which he has become beloved in this century, the Emancipation Proclamation, made him reviled by many in his own time. Lincoln's plans for reuniting the Southern states were also unpopular. His supported military protection for the Unionist minorities and a liberal amnesty policy for white Southerners on the condition they took a loyalty oath to the federal government and accepted emancipation. Once ten percent of the state's population pledged loyalty, they could reestablish a state government. Furthermore, Lincoln supported enfranchising blacks who were educated, property-owning, or had served in the Union army--an enormously controversial policy in both sections of the United States.¹⁶ Given how unpopular and controversial Lincoln was, what is incredible is not that an assassin succeeded in killing him, but that he remained alive in office as long as he did.¹⁷

In fact, Lincoln had been in constant danger as soon he was elected President. In 1861, as he traveled to Washington for his first inauguration, Baltimore detectives uncovered a plot to assassinate him. As a result, Lincoln's advisors persuaded him to cancel the scheduled stop in Baltimore, and to proceed secretly to the Capital. He arrived unannounced in the middle of the night, and rumors that he had worn a ridiculous disguise added insult to injury.¹⁸ In addition to that assassination plot, warnings or threats to capture him and turn him over to the Confederacy were nearly as common as plots to kill him.¹⁹ Those close to Lincoln were concerned for his safety, and to the extent they were able, insisted that he accept a security detail and military escorts. The 150th Pennsylvania Volunteer Infantry was assigned to the White House in late 1862, but its purpose was mainly to secure and patrol the grounds. In late 1863, Secretary of War Stanton insisted that a cavalry unit escort Lincoln on outings, such as visits to the

¹⁶Alan Brinkley, *The Unfinished Nation: A Concise History of the American People Volume One: To 1877* (New York: Overture Books/McGraw-Hill, Inc., 1993), 406; Oates, 399, 465.

¹⁷Hanchett, *The Lincoln Murder Conspiracies*, 7.

¹⁸Hanchett, *The Lincoln Murder Conspiracies*, 22.

¹⁹Hanchett, *The Lincoln Murder Conspiracies*, 30-1. For a more detailed discussion on the variety of threats and plots, see Hanchett, *The Lincoln Murder Conspiracies*, Chapter 1 "They Hated Lincoln" 23-34.

Soldier's Home, the President's summer retreat. And in October 1864, members of Washington's Metropolitan Police force were assigned as bodyguards for Lincoln. In spite of these precautions, Lincoln seemed to believe that if a person or group of persons were really intent on assassinating him, they would neither warn him in advance nor be averted from their objective.²⁰

Even still, Lincoln was a man preoccupied with death and he seemed to have premonitions of his assassination.²¹ Whether or not the events of his death influenced the memories and reminiscences of Lincoln's friends and colleagues, the repetition of various myths have made them legendary. On April 14, Lincoln told one of his guards, William Crook, he believed he would be killed by an assassin.²² Crook also remembered that in the evening, when Lincoln had bid him farewell, he had said "Good-bye" instead of his usual "Good night."²³ More eerie and prophetic were Lincoln's dreams, including the one he related to the Cabinet on the morning of the 14th. On another occasion, Lincoln told of a dream in which he was awakened by mournful sobs, rose from his bed, and upon entering the East Room of the White House, found a catafalque with a body in funeral vestments. "Who is dead in the White House?" he inquired. "The President. He was killed by an assassin," a guard responded.²⁴ While still in Springfield before his first inauguration, Lincoln had a vision in which he saw two likenesses of his own face. One was considerably paler than the other. Mrs. Lincoln interpreted the two images to mean that he would be elected for two terms, but would not live out the second.²⁵ The premonitions of assassination and death lose their mystique when one recalls that threats to his life were persistent and plentiful, though the administration did not regard all with serious concern. In spite of his premonitions, he seemed resigned to this fate, perhaps

²⁰Hanchett, *The Lincoln Murder Conspiracies*, 23.

²¹Oates, *With Malice Toward None*, 31. Oates' biography of Lincoln provides several examples of his obsession with death.

²²Steers, *Blood on the Moon*, 103.

²³Lewis, *Myths After Lincoln*, 297.

²⁴Lewis, *Myths After Lincoln*, 295-6.

²⁵Lewis, *Myths After Lincoln*, 292-3.

believing it was inevitable, and so refused to alter his activities. He declared he would not be "shut up in an iron cage and guarded," because he believed, "if it [assassination] is to be done, it is impossible to prevent."²⁶ Therefore, on occasion, Lincoln successfully sidestepped the security and protective measures.²⁷

In fact there was a man who wanted to rid the Union of Lincoln. John Wilkes Booth was a fanatic believer in the Confederate cause. General Lee's surrender on April 9 had basically rendered that cause lost, nevertheless on April 14 Booth and two others proceeded with the plan targeting Lincoln and other Union officials, including General Ulysses S. Grant, Secretary of State William Seward and Vice President Johnson. Grant's decision to decline Lincoln's invitation to the theater removed him from harm's way. George Atzerodt never even attempted to attack Johnson. Seward survived Lewis Powell's vicious assault. Only Booth succeeded in his intention: to kill Lincoln. Historians and scholars have debated the responsibility for this crime. And they have argued that the Confederacy initiated, financed, and directed Booth's plan from its original design to capture Lincoln to the ultimate military victory--assassination of the Commander in Chief of enemy forces. They have argued that Booth alone plotted the scheme, recruited accomplices, and altered the conspiracy's aim from kidnap to murder. They have argued that the federal government used Booth as a pawn in its own attempts to eliminate Lincoln.

The Confederate Conspiracy was the theory on which the United States government prosecuted Herold, Powell, Mrs. Surratt, Atzerodt, Arnold, Spangler, and Mudd for "maliciously, unlawfully, and traitorously...combining, confederating, and conspiring...to kill and murder."²⁸ Among those with whom they had allegedly conspired was the late John Wilkes Booth, John H. Surratt, Jr., who had fled to Canada,

²⁶Hanchett, *The Lincoln Murder Conspiracies*, 23; Steers, *Blood on the Moon*, 103.

²⁷Steers, *Blood on the Moon*, 22-23.

²⁸Benn Pitman, *The Assassination of President Lincoln and The Trial of the Conspirators: The Courtroom Testimony as Originally Compiled by Benn Pitman*, facsimile edition with an Introduction by Philip Van Doren Stern (Westport, Conn.: Greenwood Press Publishers, 1954), 18.

Confederate President Jefferson Davis, and Confederate Senator Clement C. Clay, Confederate agents George Sanders, Beverly Tucker, Jacob Thompson, William Cleary, and "others unknown."²⁹ The actual role of most of those individuals continues to be debated. Except for John Surratt, none of them were directly tried for their alleged complicity. So, how did the United States government arrive at the conclusion and attempt to present evidence at trial that they were complicit in the crime? The theory developed even as the events unfolded on the night of April 14.

At approximately the same time that Booth entered the President's theater box and fired the fatal shot, his accomplice Lewis Powell was on his appointed mission to murder Secretary Seward. Seward had been in a carriage accident on April 5 and was laid up at home with a broken arm and fractured jaw.³⁰ Powell arrived at the Secretary's residence pretending to deliver medicine sent by Seward's doctor. David Herold accompanied him as a guide, since Powell was unfamiliar with Washington's streets. The servant, William Bell, offered to take the medicine, but Powell insisted that his instructions were to deliver the bottle personally, and he shoved past Bell and started up the stairs. The Secretary's son, Frederick, came to stairs and stated that his father was resting. Then Fanny Seward appeared from her father's room in response to the commotion and said that the Secretary was almost asleep. Frederick attempted to block Powell's path, and Powell turned away as if to leave. Turning back, he aimed a revolver at Frederick, but the gun did not fire. Infuriated, Powell used the gun to beat him repeatedly, eventually fracturing his skull. He drew a knife and slashed at anyone who got in his way, including a nurse, George Robinson, and Augustus Seward, the eldest son. Once he gained access to the sickroom, Powell attacked the Secretary with a vengeance, stabbing at his face and neck. As he exited the room and fled down the stairs, he also assaulted a State Department messenger, Emerick Hansell. Although seriously wounded, all survived the attack.³¹

²⁹Pitman, *The Assassination of President Lincoln and The Trial of the Conspirators*, 18.

³⁰Hanchett, *The Lincoln Murder Conspiracies*, 54.

³¹Hanchett, *The Lincoln Murder Conspiracies*, 56-7; Bishop, *The Day Lincoln Was Shot*, 220-22; Steers, *Blood on the Moon*, 126.

In the tumult at Secretary Seward's, Herold had become frightened and deserted his cohort at the scene. He came to the Navy Yard Bridge only minutes after Booth had been allowed to pass. Booth had given his real name to Sergeant Silas Cobb, and said his intended destination was Beantown. Cobb questioned why he was attempting to cross so late, when the bridge was normally closed and secured at nine o'clock. Booth replied he had waited for the moon to rise and guide him. The surrender had relaxed restrictions, and Cobb allowed him to proceed across the Potomac River, but warned him he could not return to the city until morning. In a few minutes, Herold approached, gave his name as "Smith" bound for White Plains and explained that he had been out late in bad company. Cobb instructed him to come forward and looked at him closely, but allowed him to pass.³² Herold met up with Booth on Good Hope Hill, and was with him until he surrendered at Garrett's farm.

With the initial reports of attacks on Lincoln and Seward, rumors spread like wildfire. People filled the chaotic streets of Washington expressing confusion, disbelief, and horror. Witnesses and official reports verified the unfathomable news, and for the next several hours fearful citizens circulated false rumors of other attacks as wild speculation and terror enveloped the city. Even as military and police separated fact from fiction and calmed the frenzied crowds, a sense of impending doom hung in the air.³³ Secretary of War Edwin Stanton and Secretary of the Navy Gideon Welles were among the first of Lincoln's Cabinet to learn of the attacks on Seward and the President. Separately they hurried to Seward's home, and although the scene was horrific, the Secretary of State was alive. Together, they proceeded to Ford's, in spite of the people who insisted it was too dangerous. Lincoln, unconscious but still alive, had been moved across the street to Petersen's boarding house and laid in a back bedroom. He was

³²The third person to approach the Navy Yard Bridge that night was John Fletcher, on whose horse Herold was riding. Fletcher had seen Herold gallop past the livery stable, and had followed him to retrieve the bay. Cobb told Fletcher he could cross, but could not return until morning. Discouraged, Fletcher turned back. Steers, *Blood on the Moon*, 130-32.

³³Hanchett, *The Lincoln Murder Conspiracies*, 57

attended by several doctors who were present at the theater, and Lincoln's doctor and minister had been sent for. They were unable to treat Lincoln's wound, and could only attempt to reduce his suffering. He never regained consciousness, his breathing gradually became more labored. Finally, in the early morning hours, Lincoln succumbed.³⁴

During the night Stanton had taken control of the situation from an adjoining room, occasionally looking in on the death watch. He immediately assumed that a massive conspiracy was underway and that the Rebels were at the heart of it. He also assumed that it had only just begun. Stanton sent guards to every Cabinet member's home and to the Vice-President's residence at the Kirkwood House. He began taking the testimony of witnesses, assisted by D.C. Supreme Court Justice David Kellogg Carter, and recorded by James Tanner.³⁵ The full investigation would fall under the jurisdiction of Judge Advocate General of the U.S. Army, Joseph Holt, who was also the head of the Bureau of Military Justice. This Bureau was the clearinghouse for evidence that would lead to the military trial of those responsible for assassinating the President.³⁶

The investigation began immediately on the night of April 14, and the government began arresting suspected conspirators. Edman Spangler, sometimes referred to as Edward or Ned, was a stagehand, scene shifter, and carpenter at Ford's Theater. He had known the theatrical Booth family for years, and had even helped build Bel Air, the Booth's home.³⁷ When Booth arrived at Ford's the night of April 14th, he handed the reins of his horse to Spangler and instructed him to hold them until he returned. Spangler was busy with his performance duties, though, and he delegated the responsibility to Joseph Burroughs (called "Johnny Peanuts"), who took the reins and waited on a bench in the alleyway behind the theater. After Booth had accomplished his crime, he fled to the rear of the building to his waiting horse, grabbed the reins from Burroughs and galloped east toward the Navy Yard Bridge. Investigators believed Spangler had foreknowledge of

³⁴Steers, *Blood on the Moon*, 125-7, 14.

³⁵Bishop, *The Day Lincoln Was Shot*, 234, 241; Steers, *Blood on the Moon*, 126-9.

³⁶Hanchett, *The Lincoln Murder Conspiracies*, 63.

³⁷Steers, *Blood on the Moon*, 113-4.

Booth's plan, and had taken him into custody on the morning of the 15th. They later released him, but arrested him again on April 17th.

Witnesses had positively identified the actor, John Wilkes Booth, as Lincoln's assassin. A search of his room at the National Hotel yielded a Confederate secret cipher and letter to Booth from "Sam" that mentioned their "enterprise" and expressed concern that they were under suspicion, and they ought to "see how it will be taken in R--d."³⁸ The "Sam" letter was ultimately linked to Samuel Arnold, whom police arrested on April 17th in Virginia. The letter had also referenced "Mike" which led investigators to Michael O'Laughlen, whom they arrested in Baltimore on the 17th, as well. Arnold was a school friend of Booth's, an acquaintance Booth renewed in August 1864 in Baltimore. He invited Arnold and another friend, O'Laughlen, to assist in his initial plan to capture Lincoln. Both Arnold and O'Laughlen were natives of Baltimore, and both had served in the Confederate army. Their sympathies with the South were beyond doubt, and their acquiescence to a plot to capture Lincoln was not surprising. Arnold later explained that he believed the scheme was "honorable" and patriotic.³⁹ However, they claimed not to have been involved in the assassination.

Booth's association with John Surratt led investigators to his mother's boarding house on H Street. Police searched for Surratt there in the early morning after the assassination, but he was on an errand to Canada for the Confederacy at the time. By April 17th detectives had learned of more Booth associations with the Surratt boarding house, and they returned to H Street late that evening to search the house and arrest the occupants. Once there they intercepted Lewis Powell who had been hiding out since his attack on Seward and sought sanctuary with Mrs. Surratt. She denied knowing him, as well as others linked to Booth and his conspiracy, and that denial would later

³⁸Hanchett, *The Lincoln Murder Conspiracies*, 60-1

³⁹Steers, *Blood on the Moon*, 62-4.

prove fatal. Detectives arrested both Powell and Mrs. Surratt and took them into custody.⁴⁰

John Fletcher, who had pursued Herold to retrieve his horse, had also loaned a horse to George Atzerodt. Fletcher, figuring that he was the first man who had crossed the Navy Yard Bridge, gave Atzerodt's name to the police. Atzerodt (alias Andrew Atwood) was a carriage-painter near Port Tobacco, Maryland. During the war, he became a smuggler for the Confederacy, ferrying mail, couriers, and material across the Potomac River. His knowledge of the river made him a valuable recruit to Booth's plan, and other Confederate couriers and Booth conspirators, John Surratt and Thomas Harbin, approached him with the scheme.⁴¹ On April 14, Atzerodt was supposed to assassinate Vice-President Andrew Johnson, who was boarding at the Kirkwood House where Atzerodt obtained a room directly above his. He never attempted to carry out his mission, stopping instead at several oyster bars and later managing to flee the city. Investigators tracked him to his cousin's farm near Rockville, Maryland and arrested him on April 20.⁴²

Meanwhile detectives pursued Booth and Herold through Southern Maryland, and learned of their visit at Dr. Samuel Mudd's in the early morning hours of April 15. Booth's fall from Lincoln's box at the theater broke his left leg above the ankle. Riding hard out of the city, Booth could not even put his foot in the stirrup, and the swelling wound caused him enormous pain.⁴³ Booth had met Dr. Mudd on at least one occasion in November 1864 when they were introduced by Dr. William Queen at St. Mary's Church in Charles County, Maryland. Booth had bought the one-eyed mare horse that Powell was riding on April 14 from Mudd's neighbor. Although Dr. Mudd was more of a tobacco farmer than a physician, Booth and Herold arrived at his home around 4 a.m. on April 15 asking for medical assistance. According to Dr. Mudd they said they were "strangers" and

⁴⁰Steers, *Blood on the Moon*, 177.

⁴¹Steers, *Blood on the Moon*, 81.

⁴²Steers, *Blood on the Moon*, 166-70; Stewart Sifakis, *Who Was Who in the Civil War* (New York and Oxford: Facts on File Publications, 1988), 21.

⁴³Steers, *Blood on the Moon*, 142-3.

gave their names as "Tyler" (Booth) and "Tyson" (Herold). Mudd said that "Tyler" had a shawl wrapped up high on his neck and obscuring his face, though he was able to describe the man's mustache and heavy whiskers. Mudd invited them inside and cut the boot from the injured man's leg, fashioned a makeshift splint and provided some crutches. The two "strangers" were shown to an upstairs bedroom to rest.⁴⁴

In the morning Tyson and Dr. Mudd headed out to nearby Bryantown on an errand, but Tyson changed his mind and turned back to the farm. While in town, the doctor learned of the assassination. Upon his return at approximately 5 p.m., his guests were readying to leave. They asked for directions, which Dr. Mudd provided. After their departure, Mrs. Mudd told her husband that Tyson asked for a razor so his friend could shave and when the two men descended the stairs, she noticed Tyler (Booth) had shaved his mustache but that his whiskers appeared to be false, as they detached slightly from his face. The couple debated whether they should alert the authorities about the suspicious men, but Mrs. Mudd begged her husband not to leave her alone in the house. He agreed to delay until after church the next day, when he told his cousin, Dr. George Mudd (incidentally a Union sympathizer, unlike Mudd) of the strange visitors, and asked him to report the incident to the Federal soldiers. George did so on the following day, Monday, April 17th, and on Tuesday Lieutenant Alexander Lovett, George, and three detectives arrived at the Mudd's to follow-up on the report.⁴⁵ This was four days after Booth had been at Mudd's and the day after George Mudd had told the authorities about his cousin's visitors.

Dr. Mudd repeated the story he had told his cousin, giving a fairly detailed description of Tyler (Booth) although he also claimed that the shawl prevented him from getting a good look at him. He did not mention to the detectives that his wife suspected the beard was false.⁴⁶ Lovett returned to the Mudd residence again on April 20, and again

⁴⁴Steers, *Blood on the Moon*, 144.

⁴⁵Steers, *Blood on the Moon*, 144-47.

⁴⁶Steers, *Blood on the Moon*, 147-8.

the doctor repeated his story. Lovett was suspicious and ordered his men to search the house. Dr. Mudd then remembered the boot that he had removed from the injured man, that Mrs. Mudd had found in the bedroom after Lovett's Tuesday visit. The boot had an inscription that read "J. Wilkes." It was enough. Lovett brought Dr. Mudd in for questioning. In his statement, Mudd acknowledged having met Booth once, but insisted that to his knowledge he had not seen him since that time until the morning of April 15.⁴⁷ This statement would later come back to haunt him. Soldiers arrested Dr. Mudd on April 24.⁴⁸ Although the government detained hundreds more suspects, the only conspirators still at large were Surratt, Herold, and Booth himself.⁴⁹

Although implicated in the conspiracy, John Surratt, Jr. managed to elude capture and escape to Europe. He was later identified under an alias in the Papal Zouaves, indicted, brought back to the United States and tried in a civil court in 1867. The jury was unable to convict, the government dropped the charges and released him. John had been an active Confederate agent during the war, however, and was well-connected to the Confederate Secret Service and underground activities in Canada. Because of him, his mother was implicated in Booth's conspiracy, though she did not fare as well as her son.⁵⁰

On April 24, 1865 Stanton announced that the government had "information that the President's murder was organized in Canada and approved in Richmond."⁵¹ President Johnson's May 2nd proclamation identified the individuals who were ultimately named in the charges against the eight conspirators, and the monetary rewards for their arrest. By this time, Surratt was safely in hiding in Canada awaiting his opportunity to escape,

⁴⁷Steers, *Blood on the Moon*, 153-4.

⁴⁸Steers, *Blood on the Moon*, 131, 166-78; Hanchett, *The Lincoln Murder Conspiracies*, 61.

⁴⁹Hanchett, *The Lincoln Murder Conspiracies*, 65. Initially John Surratt was suspected to have been Seward's attacker. Investigators learned that he had arrived in Montreal on April 6, and was in Elmira, NY when Lincoln was killed. He escaped back to Montreal and boarded a ship to England on September 16 under the name "McCarty." He was not arrested and returned to the United States until November 1866, and he was tried in June 1867. William A. Tidwell with James O. Hall and David Winfred Gaddy, *Come Retribution: The Confederate Secret Service and the Assassination of Lincoln* (Jackson: University Press of Mississippi, 1988), 430-1.

⁵⁰Steers, *Blood on the Moon*, 80-81, 138, 231-2.

⁵¹Stanton, as quoted in Hanchett, *The Lincoln Murder Conspiracies*, 64.

Herold and Booth had been tracked to Richard Garrett's in Virginia where Herold surrendered and Booth was killed. On May 10, the same day that the eight conspirators were brought before the Hunter commission and formally charged, Jefferson Davis and Clement Clay were taken to Fort Monroe to await trial as well.⁵²

Meanwhile, the military trial of seven men and one woman began. Interestingly, the prosecution insisted that the sole and original aim of the conspiracy was assassination, and ignored the statements and evidence related to the abduction plot. Both Arnold and Atzerodt's statements provided information on the kidnapping scheme, but their testimony was considered inherently unreliable.⁵³ Moreover, the government was probably reluctant to muddy their case with a conspiracy to capture the President, when the outcome had obviously resulted in his death. Prosecuting the defendants for conspiracy to murder and arguing the Confederate complicity took precedence.

The plan to kidnap Lincoln dated to mid-1864. The Union, having suffered its own setbacks in the first few years of hostilities, was fighting back the insurrection with more power and more men than the Confederacy could match. Prisoner of war exchanges had been halted to exploit further the difference in manpower.⁵⁴ Several major battles had proved to be turning points in the conflict, further favoring the North. The South was struggling and their war for independence was going badly. The cause that Booth believed in was being lost to a man he loathed as a tyrant. Believing that he could capture Lincoln and bring him to Richmond to negotiate the Union's release of Confederate prisoners, or possibly even the end of the war, Booth began recruiting a team. The conspirators included John Surratt, Samuel Arnold, Michael O'Laughlen, George Atzerodt, David Herold, and Lewis Powell. They made several attempts to capture the President, but none were successful. Lincoln's reelection in November 1864 guaranteed that the Union would continue fighting the war.

⁵²Hanchett, *The Lincoln Murder Conspiracies*, 74.

⁵³Hanchett, *The Lincoln Murder Conspiracies*, 68-9.

⁵⁴Hanchett, *The Lincoln Murder Conspiracies*, 43.

By March of 1865, however, Arnold and O'Laughlen were getting restless at the lack of progress, and threatened to withdraw from the plot. At a late meeting the night of March 15th at Gautier's restaurant, Booth intimated that capture may be replaced by a more sinister objective. Several of the gathered conspirators objected, and Booth backed down. Within days they learned that Lincoln was scheduled to attend a performance at the Seventh Street Hospital, and Booth called his team together to act. But the President accepted another engagement and the attempt to capture him failed. Frustrated, Arnold and O'Laughlen returned to Baltimore. When Booth beckoned them back to Washington on March 27th, neither responded to the summons.⁵⁵ Sometime in late March or early April 1865, Booth's contemplation of assassination became more serious. In addition, he added General Grant, Vice-President Johnson, and Secretary Seward to the target list. At the trial of the eight alleged conspirators, the federal government contended that the Confederate government had directed the metamorphosis of the plan, in a last ditch effort to rally their cause.

For their Confederate sympathies, intimacy with Booth and other conspirators, participation in Booth's attempts to kidnap Lincoln, or actions that aided Booth after the assassination, the Hunter Commission found each of the eight defendants guilty. The case against Lewis Powell for his attack on Seward, and David Herold, as an accomplice to Powell and accessory to Booth, were fairly clear cut. Although Atzerodt had never carried out his intended duty, his Confederate activities, participation in the kidnap plot and knowledge of the assassination scheme also assured a guilty verdict. The commission sentenced these three to death.

The commission also convicted Arnold and O'Laughlen based on their Confederate activities and knowledge and participation in the capture conspiracy, and sentenced them to life in prison. Edman Spangler who was never a full-fledged conspirator, either to capture or to kill, was found guilty of aiding and abetting based on

⁵⁵Steers, *Blood on the Moon*, 84-88; Bishop, *The Day Lincoln Was Shot*, 83-91.

the fact that he had taken the reins of Booth's horse. There was also testimony that he closed the rear door to impede any pursuit of Booth and had threatened another carpenter not to tell which way the assassin fled.⁵⁶ Although the case against Spangler was weak and largely circumstantial, his part in assisting Booth's escape earned him a six-year prison sentence.

As for Mrs. Mary Surratt, President Johnson claimed that "she kept the nest that hatched the egg."⁵⁷ The case against her rested mainly on her activities in the days prior to the assassination. The extent of Mary's involvement focuses on several trips she made to Surrattsville and the tavern her husband owned in Maryland, which she leased to John Lloyd. The testimony of one of her boarders, Louis Weichmann, indicated that in addition to hosting several of the conspirators in her home (including Booth, Atzerodt, Herold, and Powell), she was directly involved in the plot. Weichmann testified that he drove Mrs. Surratt to Surrattsville on April 10, and that he overheard a conversation between Mary and Lloyd regarding "shooting irons" that her son had left at the tavern in March (in anticipation of Lincoln's capture). Lloyd also testified that Mary had said to have the carbines accessible or "ready" because someone would be by to pick them up.⁵⁸

On April 14, Mary again asked Weichmann to drive her to Surrattsville, and she brought with her a package and a message from Booth to Lloyd. The package contained Booth's field glass, and the message again centered on the guns, "She told me to have those shooting-irons ready that night, there would be some parties who would call for them," Lloyd testified, "She told me to get two bottles of whisky ready, and that these things were to be called for that night."⁵⁹ Lloyd's testimony also indicated that when Booth and Herold arrived that night, they had been informed previously that items would

⁵⁶Clara Laughlin, *The Death of Lincoln: The Story of Booth's Plot, His Deed and the Penalty* (New York: Doubleday, Page & Company, 1909), 91-3, 87, 166; Benn Pitman, *The Assassination of President Lincoln and The Trial of the Conspirators: The Courtroom Testimony as Originally Compiled by Benn Pitman*, facsimile edition with an Introduction by Philip Van Doren Stern (Westport, Conn.: Greenwood Press Publishers, 1954), 97

⁵⁷Laughlin, *The Death of Lincoln*, 333.

⁵⁸Steers, *Blood on the Moon*, 139-40.

⁵⁹Pitman, *The Assassination of President Lincoln and The Trial of the Conspirators*, 85-6.

be ready for them at the tavern. Herold had said to him, "'Lloyd, for God's sake, make haste and get those things.'...From the way he spoke he must have been apprised that I already knew what I was to give him." Lloyd stated.⁶⁰ Although the pretense of Mary's trip to Maryland was to settle a debt owed to her by John Nothey, she did not meet with him or collect her money.⁶¹

Mary's own statements did much to convict her. The police had sought her son in connection with Booth in the early morning of April 15. When the investigators returned to her house at 11 p.m. on April 17 to search the house and arrest the occupants, their errand was interrupted by a knock on the door. It was Powell, who had been hiding out since his attack on Seward. He looked disheveled and carried with him a pick ax. When he was greeted by police, Powell mumbled he was mistaken--he was looking for Mrs. Surratt. Asked why he would call at that late hour, he responded that he was to dig a gutter for her and wanted to know what time to report for work the following day.⁶² The detectives called Mary to the parlor and asked if she knew the man or if she had hired him to work for her. Major H. W. Smith testified that Mary's response was "Before God, sir, I do not know this man, and have never seen him, and I did not hire him to dig a gutter for me."⁶³ She had, of course, been acquainted with Powell and he had visited her house on several occasions. Mrs. Surratt also denied knowing David Herold, who was also a visitor at H Street. As one historian noted, these denials "only added more water to Mary's sinking ship."⁶⁴

The military commission found Mrs. Surratt guilty and sentenced her to death, although five of the nine members recommended clemency due to her age and sex. President Johnson did not grant the request and refused her appeal for a writ of habeas

⁶⁰Pitman, *The Assassination of President Lincoln and The Trial of the Conspirators*, 86

⁶¹Steers, *Blood on the Moon*, 142.

⁶²Steers, *Blood on the Moon*, 175-77.

⁶³Pitman, *The Assassination of President Lincoln and The Trial of the Conspirators*, 122.

⁶⁴Steers, *Blood on the Moon*, 178.

corpus, and Mary was hanged on July 7, 1865 beside Lewis Powell, David Herold, and George Atzerodt.⁶⁵

Although the government succeeded in convincing the commission of the conspirators' guilt, the extent to which they made their case against Jefferson Davis and the other Confederates is debatable. The case versus the Southern officials looked strong initially, but eventually fell apart. In July, the government decided to try Davis in a civil not military court, and not for the assassination, but for treason. By November 1865, Johnson had revoked the rewards being offered for Thompson, Tucker, Sanders, Cleary, and John Surratt.⁶⁶ Clay was paroled in April 1866 and returned to Alabama. Davis was never brought to trial, and released in May, 1867.⁶⁷

The discovery that several witnesses had perjured their testimony drew heightened scrutiny to the case against the alleged conspirators and the Confederates, and cast doubt on the verdicts rendered by the Hunter Commission. Dr. James Merritt, Richard Montgomery, and Sandford Conover were some of the most incriminating witnesses presented to testify regarding the complicity of Confederate agents in Canada and government officials in Richmond. Merritt stated that the assassination conspiracy was well-known among Southern agents in Canada. He testified to knowledge of the plot involving Booth and Surratt, and claimed Davis and the Richmond government sanctioned it. Montgomery had been a U.S. spy, and he testified that Thompson (Canadian commissioner for the Confederate Secret Service) had bragged that he had been approached with a conspiracy to dispose of Lincoln, Grant, and others, but that he would only proceed if the Confederate government approved. Conover arrived in Canada

⁶⁵Steers, *Blood on the Moon*, 227, 229. There is controversy whether Johnson denied the petition for clemency or was never made aware of it. Judge Advocate Joseph Holt claimed that the recommendation was included with the sentences and that Johnson was indeed made aware of it. For a more detailed discussion of the issue, see Hanchett, *The Lincoln Murder Conspiracies*, 87-8, 94-100, 110-14. For more on Mary Surratt, see Elizabeth Steger Trindal, *Mary Surratt: An American Tragedy* (Gretna, La.: Pelican Publishing Company, 1996); Guy W. Moore, *The Case of Mrs. Surratt* (Norman, Okla.: University of Oklahoma Press, 1954).

⁶⁶Hanchett, *The Lincoln Murder Conspiracies*, 74-5.

⁶⁷Hanchett, *The Lincoln Murder Conspiracies*, 76, 82.

in the fall of 1864 and claimed he was friendly with many of the Confederate agents. Conover corroborated that Thompson knew of the plan that involved Booth and Surratt, stated that he had been invited to participate, and testified that he was present when Thompson received letters from Davis and the Confederate Secretary of State Judah Benjamin that authorized the scheme. Statements denouncing the witnesses as frauds and evidence that their statements were lies mounted, even as the trial was underway. Ultimately, much of their testimony was proven false.⁶⁸

The failure of the United States to bring the other Confederates accused of complicity to trial, and the discovery of perjured testimony in regard to the knowledge and authorization of the Richmond authorities and Canadian agents, damaged the validity of the Confederate conspiracy theory for many Americans. For decades after the events, and even into the twentieth century, the Simple conspiracy theory, discussed shortly, replaced it in popular belief. However, recent scholarship has resurrected the Confederate theory and given it more reliable evidence and substantial conclusions. One of the most influential and controversial books is *Come Retribution: The Confederate Secret Service and the Assassination of Lincoln*, by William A. Tidwell (with James O. Hall and David Winfred Gaddy, 1988). Tidwell argues that, based on the pattern of Booth's associates and their associations, the Richmond government and Confederate Secret Service were behind the conspiracy after all. Booth's escape through Maryland and into Virginia was assisted by at least fifteen individuals, almost all of whom had ties to the Confederate underground. Tidwell remarks that "It would violate nearly every principle of good security to allow individuals connected with a clandestine organization to associate themselves with any activity not approved by the organization."⁶⁹ Tidwell examines the mission and methods of Confederate intelligence, including the Secret Signal Corps and the Secret Service. He also identifies the Canadian arm of the Confederate government.

⁶⁸Hanchett, *The Lincoln Murder Conspiracies*, 71-2, 73-4, 78-81. See also Laughlin, *The Death of Lincoln*, 207-210.

⁶⁹Tidwell, *Come Retribution*, 5-7.

Having established the framework for Confederate operations, he explores why Lincoln became a target. Tidwell also describes how these elements came together to develop a plan, coordinate Booth's "action team," carry out the mission, and facilitate an escape.

In both *Come Retribution* and Edward Steers' *Blood on the Moon: The Assassination of Abraham Lincoln* (2001), the authors present evidence and conclusions that support a Confederate Conspiracy. They abandoned most historians' persistent, but mistaken, assumption that gentlemen's chivalry governed the Civil War, and that the Confederate government would not have sought to capture or harm the President of the United States because such a conspiracy violated rules of war. Tidwell and Steers argue that "black flag warfare" had been initiated by the Union in February 1864 when the Federal forces launched the Kilpatrick-Dahlgren raid on Richmond. The raid attempted to capture and burn the city, and orders to kill the Southern President and his Cabinet were discovered written in Dahlgren's hand. If the Confederate officials were fair targets, then the Southern government returned the favor, launching plans to kidnap Lincoln to negotiate prisoner trades and the cessation of hostilities. It is possible that the authorization did come from as high as Davis himself.⁷⁰

The involvement of Confederate agents in Booth's conspiracy relates to the individuals recruited and the order in which they joined the plan. Booth's initial recruitment began with Sam Arnold and Michael O'Laughlen in August 1864 at Barnum's Hotel in Baltimore. The following sequence of conspirators is important, Steers argues, because once Booth began to plan his strategy of capturing Lincoln, he had to figure out how to carry him out of Washington and to the South--through Maryland and Northern Virginia. Booth had an association with Confederates in Canada that can be traced to his ten day stay in Montreal in October 1864. There he was seen in the company of acknowledged agents George Sanders and Patrick Martin. Martin and another Confederate operative George Kane had been involved in an attempt to liberate Southern

⁷⁰Steers, *Blood on the Moon*, 45, 55-8, 46.

soldiers imprisoned on Johnson's Island in Lake Erie.⁷¹ Martin likely became involved in aiding Booth's enterprise for another method of releasing Confederate prisoners of war, by using a captured Lincoln to negotiate. Martin's connections in Southern Maryland would assist Booth's recruitment of participants and prove invaluable to his eventual escape.⁷²

Here is where the controversy and debate regarding Dr. Samuel A. Mudd's knowledge and participation in the conspiracy becomes key. Martin provided Booth with a letter of introduction to Southern sympathizers Dr. Mudd and Dr. William Queen of Charles County, Maryland.⁷³ Most likely Martin knew Mudd through the underground activities operating in Maryland, since Mudd was also a "mail agent" for a principal Confederate spy in the area, Thomas Harbin. Mudd was a particularly important recruit for several reasons: his home was "ideally situated along the escape route," he was likely to know troop movements and soldier locations in the area, as a doctor his travels around the vicinity would not arouse suspicion, and he was also a loyal Confederate agent. Mudd introduced Booth to Harbin, who later aided Booth's escape though he was never prosecuted for participation in the conspiracy. Through Mudd, Booth also met George Atzerodt, and another Confederate operative, John Surratt, Jr. (another of Harbin's mail agents) thereby connecting Booth with David Herold, Lewis Powell, and the H Street boarding house operated in Washington by Mary Surratt.⁷⁴

⁷¹Steers, *Blood on the Moon*, 63, 71-2.

⁷²Steers, *Blood on the Moon*, 72-3. As implausible as the abduction plot seems, Booth's was not the only plot attempting to capture Lincoln. Thomas Conrad's activities in Washington in the fall of 1864 were independent of Booth's. Conrad was a member of the Confederate Secret Service, and his mission to Washington D.C. was to scout Lincoln's movements for a possible capture. The Confederate Secretary of State apparently directed his activities and Richmond provided means to finance his objective. Steers, *Blood on the Moon*, 55-8. Other "dirty tricks," as Tidwell referred to them, were also afoot. The South's underground agents also attempted to spread yellow fever in Northern cities, conspired to plant explosives at the White House, set twenty-three simultaneous fires in New York City, and generally wreak havoc in the Union equivalent to the destruction of Southern communities. Steers, *Blood on the Moon*, 47-50, 88-89; Tidwell, *Come Retribution*, 185-86, 202.

⁷³There is evidence that indicates Martin may have funded some of Booth's activities, as well. Steers, *Blood on the Moon*, 73.

⁷⁴Steers, *Blood on the Moon*, 74, 78-79, 81-2.

Booth's introduction to the Confederate underground in Southern Maryland was responsible for his ability to elude Federal investigators for twelve days. In addition to John Lloyd at Surrattsville, Dr. Mudd near Bryantown, and Richard Garrett in Virginia, Booth and Herold were assisted by many others with connections to clandestine activities in aid of the South. After leaving Mudd's, the fugitives were guided by a black farmer to the home of Samuel Cox. Accounts of Cox's initial reception of them are disputed, but Cox obliged them by hiding Booth and Herold in a nearby pine thicket from the 15th to the 21st. Cox's foster brother, Thomas Jones, provided them with food, newspapers, and safety until troops in the area were removed and he could bring them to the Potomac and send them to Virginia. Jones gave them instructions to find Elizabeth Quesenberry, who would locate Harbin and another agent, Joseph Baden.⁷⁵

After complications on the river, Booth and Herold finally landed in Virginia on the 23rd. Mrs. Quesenberry offered food and sent for the appointed gentlemen. Harbin agreed to direct them to Dr. Richard Stuart so Booth could receive further treatment for his leg, and turned them over to William Bryant to deliver them to the doctor. Stuart, however, declined to aid them beyond some food--a lack of hospitality for which Booth repaid with an insult of his own.⁷⁶ They stayed the night in the cabin of a black man, William Lucas, and departed on the 24th for Port Conway to cross the Rappahannock.

At William Rollin's ferry, Booth and Herold encountered three Confederate soldiers: Private William Jett, Private Absalom Bainbridge, and Lieutenant Mortimer Ruggles. Herold said he was with his cousin, and gave their name as Boyd. Despite the deception, he later revealed they had assassinated the President. Having befriended the soldiers, the two fugitives accepted their assistance and continued on with them. They found shelter at Richard Garrett's, and leaving Booth behind to rest, the other four proceeded on an escapade to Bowling Green. Herold returned to Garrett's and he and

⁷⁵Tidwell, *Come Retribution*, 446-51.

⁷⁶He tore a page out of his "diary" and enclosed \$2.50 with a note stating "It is not the substance, but the manner in which a kindness is extended that makes one happy in the acceptance thereof," and signed "Stranger." Steers, *Blood on the Moon*, 187.

Booth bedded down in the barn for the night. Investigators tracked Jett to Bowling Green and learned the location of the fugitives. Early on the morning of the 26th, Herold surrendered to Union soldiers, and Boston Corbett fired the shot that ended Booth's life.⁷⁷

Tidwell links almost all of these individuals to the Confederate clandestine operations in Southern Maryland and Northern Virginia. Booth had worked the underground apparatus and it had knowingly, quietly, and secretly enfolded him.⁷⁸ One aspect of Tidwell's argument about the assistance Booth received in flight comes back to the development of the initial plan to capture Lincoln, and relates to troop movements in the Northern Neck of Virginia. He carefully scrutinized the military activity in the area during the latter part of the war and discovered that it defied logical explanation. In general, the Signal Corps, the clandestine network, and indeed units of the Confederate Army appear to have been advantageously located in order to guard and transport the abduction conspirators and their cargo.⁷⁹ What is particularly interesting about the Confederate army in the Northern Neck was its ranking officer: Brigadier General George Washington Custis Lee, Robert E. Lee's oldest son. Combined with the promotion of Lee's cousin Colonel Edwin Gray Lee and his assignment to clandestine operations in Canada, the possibility of the conspiracy being guided from high levels of the Confederate government and military becomes less fantastic.⁸⁰ There are historians who will no doubt remain unconvinced by these conclusions, and dismiss the Confederate Conspiracy as unsupported and speculative.

In addition to reviving the possible involvement of the Confederacy, Steers and Tidwell have resurrected the historical debate about Dr. Mudd's involvement as well. Mudd was found guilty for aiding and abetting the conspiracy, and as an accessory after the fact. Although Mudd consistently maintained his innocence, he was sentenced to life

⁷⁷Tidwell, *Come Retribution*, 454-7, 460-1, 464-70.

⁷⁸Tidwell, *Come Retribution*, 446, 458.

⁷⁹See Tidwell, *Come Retribution*, 22, also Chapter 14 "Organization in Virginia," 299-327, Chapter 16 "Come Retribution," 346-378, and Chapter 21 "Paroled at Ashland," 480-90.

⁸⁰Tidwell, *Come Retribution*, 22, 304, 357, 407.

in prison and sent to Fort Jefferson on the Dry Tortugas, along with Spangler, Arnold and O'Laughlen. He provided medical services during a yellow fever outbreak at the prison (from which O'Laughlen died), and for his selfless contribution, President Johnson granted Mudd's pardon and release in 1869, as well as Arnold and Spangler.⁸¹ Mudd's descendants have continued to press for an exoneration to clear his name, however, Steers and Tidwell, among others, have argued persuasively that Mudd was not, in fact, as innocent as he claimed to be.

Both historians have offered evidence that Booth was involved in a plot to capture Lincoln and bring him to Richmond, and that the scheme was assisted by the Confederate Secret Service and underground operatives in Canada, Virginia, and Southern Maryland.⁸² Mudd was not only involved in that conspiracy, but Steers argues he was integral to it. Mudd first met Booth in November of 1864 in Charles County, Maryland. Booth had come into the area with a letter of introduction from Confederate agent, Patrick Martin, to both William Queen and Dr. Samuel Mudd.⁸³ They met at St. Mary's Church on Sunday the 13th, which at eight miles away, was not Mudd's usual parish. He had been married and his children baptized at the nearer St. Peter's. As a fellow operative Mudd could be trusted, first and foremost. Mudd and his defenders argued his innocence partially based on the fact that Booth could not have foreseen breaking his leg and needing a doctor's services. However, this defense obscures the fact that his home was ideally located along one of the intended escape routes through Maryland to Virginia, and could serve as a safe haven.⁸⁴ Booth apparently stayed as a guest with Mudd overnight in

⁸¹At the time medical practitioners did not understand that mosquitoes, which reproduce in stagnant water, incubated and spread yellow fever. People believed that it was highly contagious and passed from infected persons. When Dr. Mudd instituted a quarantine and continued to care for those who were stricken, he was acknowledged for having contained the outbreak and putting himself at risk. Steers, *Blood on the Moon*, 240-1.

⁸²See Tidwell, *Come Retribution: The Confederate Secret Service and the Assassination of Lincoln*, and Steers, *Blood on the Moon: The Assassination of Abraham Lincoln*.

⁸³Steers, *Blood on the Moon*, 74-5; Tidwell, *Come Retribution*, 330-1.

⁸⁴Tidwell, *Come Retribution*, 335, 323.

order to buy a horse from one of his neighbors the following day.⁸⁵ This meeting was fateful for George Atzerodt, David Herold, John Surratt and his mother, Mary.⁸⁶

There is evidence of at least two other meetings between Mudd and Booth, both in December of 1864, in Washington DC and again in Charles County.⁸⁷ So, the two men were acquainted, and since they had met on several occasions, it seems unlikely that Mudd did not recognize the injured stranger at his door. Mudd claimed that he did not recognize Booth because he was wearing a disguise of false whiskers and later shaved his mustache. The validity of the disguise defense is called into question by Forest J. Bowman, Andrew C. Carington and Floyd E. Risvold.⁸⁸ None of the people who came in contact with Booth before he stopped at Mudd's mentioned him wearing false beard, not the Sergeant at the Navy Yard Bridge or John Lloyd at the Surrattsville Tavern.⁸⁹ Individuals who met or assisted Booth after he left Mudd's identified and described him with a mustache. Thomas Jones, who concealed the fugitives for five days, wrote in his book, *John Wilkes Booth*, that the fugitive had a mustache on April 16--the day after he left Mudd's.⁹⁰ Lieutenant Bainbridge, who crossed the Rappahannock with Booth, also spoke of his mustache.⁹¹ There is no evidence that Booth attempted to disguise himself at any other time during his flight, no other testimony aside from Mudd's mentions a false beard.

The catalyst of the case evidence against Mudd is not only that he set Booth's leg, but that he delayed notifying the authorities after he learned of Lincoln's murder on

⁸⁵Steers, *Blood on the Moon*, 75. Although there is testimony that contradicts this version story.

⁸⁶Steers, *Blood on the Moon*, 79-82.

⁸⁷Steers, *Blood on the Moon*, 77; Tidwell, *Come Retribution*, 337-8.

⁸⁸See Forest J. Bowman, "The Curious Case of Dr. Mudd," and Andrew C. Carington and Floyd E. Risvold, "Vanity Does Not Justify Rewriting Dr. Mudd's Story," John Paul Jones, ed., *Dr. Mudd and the Lincoln Assassination: The Case Reopened* (Pennsylvania: Combined Books, 1995).

⁸⁹Carington and Risvold, "Vanity Does Not Justify Rewriting Dr. Mudd's Story," Jones, ed., *Dr. Mudd and the Lincoln Assassination: The Case Reopened*, 241-42.

⁹⁰Bowman, "The Curious Case of Dr. Mudd," Jones, ed., *Dr. Mudd and the Lincoln Assassination: The Case Reopened*, 197-9; Andrew C. Carington and Floyd E. Risvold, "Vanity Does Not Justify Rewriting Dr. Mudd's Story," Jones, ed., *Dr. Mudd and the Lincoln Assassination: The Case Reopened*, 241.

⁹¹Bowman, "The Curious Case of Dr. Mudd," Jones, ed., *Dr. Mudd and the Lincoln Assassination: The Case Reopened*, 198.

Saturday afternoon. Even if he had not, in fact, recognized Booth, he still admitted to having been suspicious of the strangers, yet he did not report their presence to anyone until Sunday morning. Then he told his cousin, George Mudd, a Unionist, and instead of going directly to investigators, he asked George to be his proxy and tell the military about the incident. George reported it on Monday morning and accompanied Lieutenant Dana and three detectives to Mudd's home. Not knowing that his wife had told them of the false whiskers, Mudd never made mention of it or that she had told him of her suspicions. Mudd also delayed telling the investigators of the boot inscribed "J. Wilkes" that had been discovered under the patient's bed. Moreover, he denied having ever met Booth other than the November introduction, a statement he himself later contradicted in an affidavit.⁹² Having also provided Booth with directions through Zekiah Swamp and on to another safe haven, Mudd provided the assassin precious lead time.⁹³ All considered, the doctor himself tainted the reliability and integrity of his statements and contributed to his own undoing.

In addition to the interpretation of the events, Steers also revisits the trial, conviction, and punishment of the conspirators. Many historians have also debated whether the military trial was appropriate. In fact, the descendants of Dr. Mudd made a posthumous appeal to Army Board for the Correction of Military Records in 1992. This Board is not authorized to change the records, but can make a recommendation, which they did in Mudd's favor. However, the Acting Assistant Secretary of the Army rejected the recommendation on the basis that "It is not the role of the ABCMR to attempt to settle historical disputes."⁹⁴ On February 12, 1993 the University of Richmond Law School held a moot court hearing in which the government and the appellate (Mudd) presented

⁹²Steers, *Blood on the Moon*, 145-7, 153-4, 77; Bowman, "The Curious Case of Dr. Mudd," Jones, ed., *Dr. Mudd and the Lincoln Assassination: The Case Reopened*, 194.

⁹³Steers, *Blood on the Moon*, 150-52.

⁹⁴Jones, ed., *Dr. Mudd and the Lincoln Assassination: The Case Reopened*, viii, and Appendix C: "The Decision of the Assistant Secretary of the Army," Jones, ed., *Dr. Mudd and the Lincoln Assassination: The Case Reopened*, 274.

arguments for and against the Hunter Commission's jurisdiction and the conduct of the military trial in 1865.⁹⁵

One aspect of the debate regarding the conspiracy trial is that the defendants were civilians tried in a military court, that they were denied their civil rights and due process, and that the Commission impaneled to hear their case was not impartial. Some historians argue that the civil courts were operating, and the conspirators were denied a civil trial because the Southern sympathies of most Washingtonians would have resulted in an acquittal. In order for the Union to pursue the punishment of the accused, the trial would have to remain in control of the government, and so the federal administration railroaded the defendants at a court martial. Steers points out that the kidnap plot, which ended in assassination, was ultimately an act of war, made against the commander in chief, and carried out in a city under martial law. Therefore, he offers legal justification for the military commission's proceedings because the defendants had acted as "enemy belligerents" in an attempt to "thwart the military effort of the government" and by precedent the military trial was the appropriate jurisdiction. Moreover, the proceedings closely followed the procedures of civil courts and laws concerning administration and rules of evidence, the only significant difference was that a military trial could only be appealed to the President.⁹⁶

The other controversy surrounding the trial was that the defendants, while allegedly conspirators in a kidnap plot, may not have been involved in its evolution from capture to assassination, and should therefore not have stood trial for the murder. Steers argues that the accused were tried under applicable conspiracy laws. These laws were important factors in the trial and conviction of the defendants. The four elements that constitute a conspiracy are: an agreement between at least two parties; to achieve an illegal goal; a knowledge of the conspiracy and participation in it, and; at least one

⁹⁵Jones, ed., *Dr. Mudd and the Lincoln Assassination: The Case Reopened*, ix-xii. I will discuss the moot court in more detail in the following chapter.

⁹⁶Steers, *Blood on the Moon*, 211-13.

conspirator's action to further the conspiracy.⁹⁷ This means that a person could be involved in the plot without knowing all of the parties, or even all of the details; but if he or she understands the illegal nature of the plan and agrees to participate, one time or on any level, it is sufficient to convict.⁹⁸ Furthermore, if a felony results from a plan that may have only intended a misdemeanor, the felony action supersedes the misdemeanor intent. In other words, "the aims of the conspiracy may shift or evolve" but it remains a single conspiracy that plans to "inflict an unlawful deed upon the victim."⁹⁹ Finally, the concept of "vicarious liability" was significant to the Lincoln conspirators:

This concept states that any one person involved in a conspiracy is liable for the actions of another, even though the first person was not directly responsible for the ultimate actions of the other. And...a person may only withdraw from a conspiracy by making a meaningful effort to prevent the conspiracy from ultimately taking place. Having a change of heart and simply walking away...is not sufficient in the eyes of the law to absolve a conspirator.¹⁰⁰

There are still legal arguments on whether these factors were applied fairly to the defendants accused of Lincoln's murder, particularly Mary Surratt and Samuel Mudd, and different historians have drawn a variety of conclusions.

The resurgence of the Confederate Conspiracy theory represents scholarship from the past fifteen years and is therefore a relatively recent occurrence. Although the prosecution convinced the American people and the Hunter Commission of the guilt of the eight defendants who sat before it, the government was less successful convincing the nation that the Confederacy was ultimately responsible. Most people at the turn of the nineteenth century accepted a more popular interpretation, the Simple Conspiracy, which dismissed the contention that any government or person formulated or directed the assassination. The Simple Conspiracy theory is rather simple: Booth initiated his plans first to kidnap, then to kill President Lincoln; although he recruited accomplices, he alone

⁹⁷Steers, *Blood on the Moon*, 210.

⁹⁸See Steel, et al. "Oral Arguments," Jones, ed., *Dr. Mudd and the Lincoln Assassination: The Case Reopened*, 46.

⁹⁹Steers, *Blood on the Moon*, 210; Bowman, "The Curious Case of Dr. Mudd," Jones, ed., *Dr. Mudd and the Lincoln Assassination: The Case Reopened*, 120.

¹⁰⁰Steers, *Blood on the Moon*, 210-11.

bears the responsibility for the crime. Clara Laughlin articulated this theory in her 1909 book, *The Death of Lincoln: The Story of Booth's Plot, His Deed and the Penalty*. Later writers have continued in that vein, including the best-selling book by Jim Bishop, *The Day Lincoln Was Shot* (1955). Laughlin rejected the government's attempt to implicate the Confederate leaders as "weak" and attributed it to the era's predominant "sectional feeling, which had been running high for years, higher for the last four years, and was now lashed into its highest fury."¹⁰¹ At the time Laughlin wrote her book, she stated that "To-day only an inconsiderable remnant of hotheads believes [the Southern leaders guilty]" and reiterated another scholar's assurance that "'There is not a scintilla of reliable evidence proving Confederate complicity in Lincoln's murder.'"¹⁰² As discussed previously, the primary testimony linking Confederate officials was the perjured statements of impostors, criminals, and convicted liars.¹⁰³ By default, therefore, the impetus and responsibility for both the abduction conspiracy and its transformation to assassination was placed squarely with Booth.¹⁰⁴ The lack of definitive evidence to implicate the Confederacy led to the generally accepted conclusion that the theory was without merit. The interpretation that replaced it, the Simple Conspiracy, was far more logical and much less complicated since it merely assigned responsibility for the deed to one man's attempt to restore a lost cause.

However, there was still a void in the historical explanation for Booth's actions, and historians turned to examine why he, the favorite son of a famous thespian, would have conspired to capture Lincoln and then murdered him outright. Popular explanations turned to Booth's strong Southern sympathies. In spite of the Union loyalties of his family, Booth considered himself a Marylander and a Southerner. He felt welcomed and at home in the South, and believed it to be an ideal society. Although he never enlisted in

¹⁰¹Laughlin, *The Death of Lincoln*, 181, 178.

¹⁰²Laughlin, *The Death of Lincoln*, 205.

¹⁰³Laughlin, *The Death of Lincoln*, 207-210.

¹⁰⁴Hanchett, *The Lincoln Murder Conspiracies*, 100.

the Confederate army, he believed in its cause and supported the right of secession.¹⁰⁵ Booth had apparently promised his mother he would not join the army, and he therefore chose to strike a blow for the Confederacy by capturing the Commander-in-Chief of the enemy forces and delivering him to Richmond.¹⁰⁶

Booth's Southern sympathies also embraced racial slavery. He believed that "The country was formed for the white, not the black man. And looking upon African slavery from the same standpoint held by the noble framers of our constitution, I, for one, have ever considered it one of the greatest blessings (both for themselves and us) that God ever bestowed upon a favored nation."¹⁰⁷ As a white supremacist, Booth believed that emancipating the South's enslaved would be akin to unleashing a plague that would ruin the social, economic, and political supremacy of the United States.¹⁰⁸ And the person who had set in motion secession, war, emancipation, and the destruction of the South was Abraham Lincoln.

Booth considered Lincoln a despot and a tyrant, no different than Caesar, and he hated him with an unparalleled passion.¹⁰⁹ In the letter he left with his sister in case of his capture or death, Booth wrote, "The very nomination of Abraham Lincoln, four years ago, plainly spoke war, war upon Southern rights and institutions. His election proved it." Lincoln was responsible for the South's suffering and misery, and for that reason Booth deemed it an honorable duty to take vengeance on him.¹¹⁰

Some writers attributed Booth's single-minded and hysterical plans to certain personality characteristics. His father's frequently bizarre behavior had earned him a reputation akin to insanity, perhaps Booth himself was a bit mad. Surely, a scheme to

¹⁰⁵Bishop, *The Day Lincoln Was Shot*, 62, 64. There is evidence that Booth was present as part of a Virginia company sent to Charles Town for the execution of John Brown, but it's unlikely that he was actually mustered into the militia. Bishop, *The Day Lincoln Was Shot*, 64; Steers, *Blood on the Moon*, 36.

¹⁰⁶Bishop, *The Day Lincoln Was Shot*, 64. See also Lewis, *Myths After Lincoln*, 146, 149-50, 154.

¹⁰⁷Bishop, *The Day Lincoln Was Shot*, 70-71

¹⁰⁸Steers, *Blood on the Moon*, 7.

¹⁰⁹Steers, *Blood on the Moon*, 37.

¹¹⁰Bishop, *The Day Lincoln Was Shot*, 71-2.

abduct the President could only have been dreamt up by a madman.¹¹¹ Other writers noted Booth's tendency toward excessive drinking and sexual exploits as evidence of an addictive and indulgent personality, incapable of moderation and self-restraint.¹¹² Additional explanations included Booth's lust for fame and his delusions of grandeur that were unfulfilled by his theatrical career. His vanity, frustrated by his lack of talent, demanded other action to achieve immortality. Some historians and biographers have interpreted Booth's actions as guilt for not serving the Confederate army, or they argue that he psychologically substituted Lincoln for his own tyrannical father, whose approval he had not won, and murdered the President in a Freudian rage.¹¹³

For whatever reason or personality defect, the Simple Conspiracy contends that Booth alone hatched a plan to capture Lincoln, carry him to Richmond, and use him to force the Union to continue prisoner exchanges or to end the war. He began to assemble his team of assistants, and according to Bishop, "there were never more than seven persons in [Booth's] plot. In the main, they were simple-minded schemers, not one of whom rose above the rank of private in the Confederate Army. Each...had a greater personal loyalty to Booth than to the South." Furthermore, Bishop claims that "At no time did [Booth] seek official sanction, or even unofficial sanction from the South."¹¹⁴ Several historians of the Simple Conspiracy theory agree that Booth's gang were "cartoon assassins" whose various attempts to capture the President approached "comic" proportions.¹¹⁵ Their failure to accomplish the mission on several occasions supports this perspective. One attempt in particular was on March 18th when the band assembled in response to a report that Lincoln would attend a performance at the Seventh Street Hospital, and they waited in vain to overtake his carriage. Instead, Lincoln was at Booth's own residence, the National Hotel, meeting with the 140th Indiana Volunteers who

¹¹¹Hanchett, *The Lincoln Murder Conspiracies*, 136; Lewis, *Myths After Lincoln*, 138, 156-8.

¹¹²Bishop, *The Day Lincoln Was Shot*, 63-4; Lewis, *Myths After Lincoln*, 152.

¹¹³Hanchett, *The Lincoln Murder Conspiracies*, 136, 145-8, 155.

¹¹⁴Bishop, *The Day Lincoln Was Shot*, 68, quote 69. See also Lewis, *Myths After Lincoln*, 161.

¹¹⁵Bishop, *The Day Lincoln Was Shot*, 69.

presented him with a Confederate flag captured at Fort Anderson.¹¹⁶ The assistants that Booth recruited were hardly the most capable or intelligent kidnapers or assassins, and they were participating in very unsophisticated schemes. Had they accomplished any of their objectives successfully, it would have been a rather remarkable feat.

Their failure to abduct Lincoln and the repeated delay of their mission proved fatal for their victim. The capture conspiracy had been brewing since the fall of 1864. By March 1865, kidnapping was still the objective. However, on April 9, 1865, Confederate General Robert E. Lee surrendered his Army of Northern Virginia to Union General Ulysses S. Grant at Appomattox. The end of the war was nearing, and the Confederate cause seemed lost. In the memorandum book that he used as a diary during his escape, Booth noted that "For six months we had worked to capture. But our cause being almost lost, something decisive and great must be done."¹¹⁷ The failure to capture Lincoln, Lee's surrender, and the waning Confederate cause were certainly factors that frustrated Booth and prompted him to take immediate action. However, there is evidence that the spark in Booth's powder keg lit on April 11th. Lincoln's policies for reconstruction and reuniting the Confederate states were already controversial, and the question of the emancipated slaves weighed heavily on the situation. In a speech on the evening the 11th, Lincoln addressed a crowd that had assembled on the White House lawn and stated that he favored giving the franchise to educated blacks and veterans of the Union's Colored Troops. Booth and Powell were in that assembly, and Booth reacted sharply to Lincoln's initiative. "That means nigger citizenship. Now, by God, I will put him through. That will be the last speech he will ever make," he exclaimed.¹¹⁸ And he followed through on his threat.

If the theories regarding a Confederate Conspiracy or a lone-man conspiracy seem convoluted and indeterminate, the Grand Conspiracy interpretation is even more so. One

¹¹⁶Steers, *Blood on the Moon*, 86-7.

¹¹⁷Steers, *Blood on the Moon*, 88; Laughlin, *The Death of Lincoln*, 131.

¹¹⁸Steers, *Blood on the Moon*, 91; Hanchett, *The Lincoln Murder Conspiracies*, 37.

of the major proponents of a more elaborate conspiracy theory was chemist-turned-historian named Otto Eisenschiml. In his 1937 book, *Why Was Lincoln Murdered?*, Eisenschiml focused on key questions he believed were not adequately explained by other interpretations. First, General Grant's decline of Lincoln's theater invitation seemed suspect. Eisenschiml believed that as his Commander, Grant would have understood the President's invitation as an order, and that the only person with any authority to countermand that order was Secretary Stanton. The Secretary of War, therefore, became highly suspect. Eisenschiml also questioned why Stanton secured all escape routes leaving Washington except the one used by the assassin (the Navy Yard Bridge). Eisenschiml argued that when evidence mounted against Booth throughout the night of the 14th, Stanton delayed identifying the assassin which aided his flight.¹¹⁹

Other curious and suspicious aspects of the case include the interruption of the telegraph service for two hours after the murder, which Eisenschiml claims could only have been accomplished by someone on the inside. The fact that Booth was shot and killed apparently against orders eliminated any possibility of the assassin telling his version of the events. The soldier who fired on Booth, Boston Corbett, was never punished for it. The eight alleged conspirators were hooded and shackled and prevented from communicating during their trial, apparently so they could not reveal the truth about the conspiracy. Four of the defendants were silenced forever, and those sentenced to prison were sent to a remote Florida island prison rather than Albany, N.Y. as originally ordered. Eisenschiml also found evidence that the picture of John Wilkes Booth entered as evidence at the trial was actually Booth's brother, Edwin. If investigators had been carrying a photograph of the wrong man, it had probably hindered the pursuit. Moreover, the War Department had knowledge of Booth and Surratt's suspicious activity from several sources and failed to investigate or take action regarding their plot. And finally, in spite of the numerous threats to Lincoln's life, Stanton denied the request for Major

¹¹⁹Hanchett, *The Lincoln Murder Conspiracies*, 163-4.

Thomas Eckert to accompany the theater party, and the President's bodyguard, John Parker left his post.¹²⁰ There seemed to be only one conclusion: the inside operative was Stanton, who, out of his own dislike for Lincoln and fueled by selfish ambition, had been involved in the conspiracy and then orchestrated a cover-up.

Similar theories have been inspired by Eisenschiml's interpretation, including Theodore Roscoe's *The Web of Conspiracy: The Complete Story of the Men Who Murdered Abraham Lincoln* (1959) and *The Lincoln Conspiracy* by David Balsiger and Charles Sellier (1977, on which the motion picture was based).¹²¹ The book by Balsiger and Sellier claims to answer many of Eisenschiml's questions with "new" evidence to prove a massive government conspiracy and subsequent cover-up.¹²² The most significant of the sources were the eighteen pages missing from Booth's diary, but also includes papers from Stanton, Lafayette C. Baker (Chief of the National Detective Police), and Andrew Potter (Union Secret Service Division Director).¹²³ Balsiger and Sellier identify multiple plots targeting Lincoln. One was organized by Southern Planters Dr. William Queen, Patrick C. Martin, and Dr. Samuel Mudd. The Confederate government had, in fact, also developed a separate scheme. Northern bankers and financiers were planning another. And finally, even within the federal government, Radical Republicans and members of Lincoln's own party were plotting against him--headed by Stanton and Baker. Amazingly, Booth was associated with conspiracies in both the North and the South.¹²⁴

In addition to incriminating Stanton and other Republicans and Union officials in the conspiracy, Balsiger and Sellier renew suspicions about whether Booth escaped his supposed fate at Garrett's farm. That Booth may not have died in Virginia was a popular myth that spread for years following the events of 1865. Questions arose as to the identity

¹²⁰Hanchett, *The Lincoln Murder Conspiracies*, 163-6, 174, 175.

¹²¹Hanchett, *The Lincoln Murder Conspiracies*, 193, 227.

¹²²David Balsiger and Charles E. Sellier, Jr., *The Lincoln Conspiracy* (Los Angeles: Schick Sunn Classic Books, 1977), 8-10.

¹²³Balsiger, *The Lincoln Conspiracy*, 10.

¹²⁴Balsiger, *The Lincoln Conspiracy*, 38, 56, 41-2, 48.

of the corpse even as it arrived in Washington for inspection and positive identification. The fact that the body was secretly buried also fueled suspicion that the government had made a mistake and was covering it up.¹²⁵ Balsiger and Sellier argue that the man killed at Garrett's farm was actually James William Boyd. Boyd had been a Confederate Secret Service agent and a former prisoner of war. According to Balsiger and Sellier, Baker released Boyd from prison and assigned him to replace Booth in the Federal plot.¹²⁶ Amazingly, Booth and Boyd shared more than the initials J.W.B., but also bore an eerie resemblance to one another. Both had tattooed their initials onto one hand. Boyd suffered from an old wound above his left ankle, in roughly the same place that Booth's leg was broken from his fall.¹²⁷ They both wore long mustaches, although Booth's hair was black, and Boyd's a reddish-brown. Although Boyd was in his 40s, whereas Booth was in his late 20s, their common features caused a misidentification of Boyd as Booth. Dr. May, who had once operated on Booth's neck, was brought in to identify a surgical scar, and forced to swear it was the same man.¹²⁸

How had Boyd come to be at Garrett's farm instead of Booth? And how was it that David Herold accompanied Boyd--who was Booth's companion? According to the Grand Conspiracy theory, Booth had actually escaped and met up with another friend, Ed Henson (incredibly a Herold look-alike!), and it was with this man that he continued his flight.¹²⁹ Herold had actually been discovered in Maryland on Saturday morning, having been in the company of yet another (!) friend named Johnny Booth.¹³⁰ Herold was arrested, but then released to the National Detective Police to help find Booth. This unit was also using Boyd to pursue Booth's trail. Boyd and Herold slipped away from the investigators, and proceeded to shadow the route of Booth and Henson. Boyd and Herold were discovered at Garrett's farm, where Herold surrendered and Boyd was mistaken for

¹²⁵See Lewis, *Myths After Lincoln*, 232-46.

¹²⁶Balsiger, *The Lincoln Conspiracy*, 54, 82-5.

¹²⁷Balsiger, *The Lincoln Conspiracy*, 82, 232, 251.

¹²⁸Lewis, *Myths After Lincoln*, 236; Balsiger, *The Lincoln Conspiracy*, 251-4.

¹²⁹Balsiger, *The Lincoln Conspiracy*, 175.

¹³⁰Balsiger, *The Lincoln Conspiracy*, 187, 195.

Booth and killed.¹³¹ Having already announced that Booth was dead, the government was forced to continue the charade.¹³² Thus the conspiracy turned to cover-up.

Investigators had found some of Booth's things, including his diary, left behind at one of his stops. According to the Grand Conspiracy theory, the diary incriminated Union officials and was therefore suppressed from the trial. When it was rediscovered several years later, 18 pages were missing from the book.¹³³ The authors of *The Lincoln Conspiracy* claim to have seen transcripts of the 18 pages, however, the originals (conveniently) no longer exist.¹³⁴ In fact, most of the documents and evidence purported by Balsiger and Sellier to exist is not available to the public. As Hanchett remarked, "they do not give their readers any evidence to judge, they simply state that it exists."¹³⁵

There are explanations for many of the questions Eisenschiml, Balsiger, and Sellier raised. Only the commercial telegraph lines were interrupted the night of the murder; the military telegraphs were fully operational and at Stanton's and the government's disposal.¹³⁶ One of the telegraph officials later said that he had brought the lines down to prevent conspirators from communicating with each other.¹³⁷ Stanton did close all available exits from Washington, although he may not have specifically directed the closure of the Navy Yard Bridge. This was likely due to the fact that it was customarily secured at 9 p.m. and no persons were allowed to exit or enter. Knowing this, Stanton probably assumed that it was not the route used to escape.¹³⁸ Moreover, even if he had issued specific directions regarding the Navy Yard Bridge, by the time he had done so, it would have made no difference: Booth and Herold had already crossed.¹³⁹ There is a dispute as to whether soldiers at the Garrett farm were under any specific

¹³¹Balsiger, *The Lincoln Conspiracy*, 195, 201-203, 224-242.

¹³²Balsiger, *The Lincoln Conspiracy*, 248-9.

¹³³Balsiger, *The Lincoln Conspiracy*, 216-19, 219-24, 8.

¹³⁴Balsiger, *The Lincoln Conspiracy*, 10; Hanchett, *The Lincoln Murder Conspiracies*, 228-30

¹³⁵Hanchett, *The Lincoln Murder Conspiracies*, 228.

¹³⁶Steers, *Blood on the Moon*, 129.

¹³⁷Tidwell, *Come Retribution*, 436.

¹³⁸Tidwell, *Come Retribution*, 443.

¹³⁹Steers, *Blood on the Moon*, 129.

orders not to fire; some evidence indicates there was no standing order either way.¹⁴⁰ In spite of the misfiled picture of Edwin Booth, testimony of witnesses shown the picture of the assassin proves that the picture was of John Wilkes, as references to a mustache confirm.¹⁴¹ There was a Confederate named James Boyd, but his middle name was Ward not William. And although the photo identified in Balsiger's book resembles Booth, it does not fit the description on file for when he took the oath of allegiance. Boyd's family can also verify his death in January 1866.¹⁴²

Finally, the persistent threats against Lincoln did raise concern and in spite of his reluctance, he was forced to accept a higher level of security than most previous presidents probably endured. However, the duties of Lincoln's bodyguards were unclear, so Parker's apparent dereliction of duty is based on a modern understanding of his responsibility. As historian Edward Steers noted, "There is no known record that describes the duties and responsibilities of these bodyguards, and it remains unclear just what their precise duties were. From sketchy descriptions it seems that their principal responsibility was to accompany the president while traveling to and from various sites, but not attend the president while inside these sites."¹⁴³ Accusations that Parker neglected his duty when he failed to secure Lincoln's theater box from intruders must be reconsidered in light of the fact that his duties were apparently only to escort the party to the box, not necessarily to remain stationed there.¹⁴⁴ And although the danger to Lincoln was taken seriously, the fact that an assassination was successful makes the warnings more significant only in retrospect. The fact that the War Department was aware of plots against Lincoln, even the one that was ultimately successful, must be considered in light of the fact had Booth's plot failed his conspiracy would have been as unknown to history as most of the others are.

¹⁴⁰Steers, *Blood on the Moon*, 204.

¹⁴¹Hanchett, *The Lincoln Murder Conspiracies*, 175-6; Steers, *Blood on the Moon*, 153-4.

¹⁴²Hanchett, *The Lincoln Murder Conspiracies*, 231.

¹⁴³Steers, *Blood on the Moon*, 23.

¹⁴⁴The other police escort was Charles Forbes, whose responsibility also did not apparently encompass the President's safety, only his comfort. Steers, *Blood on the Moon*, 116.

As the various conspiracy theories illustrate, the events surrounding assassination of Abraham Lincoln defy a single interpretation. The Confederate, Simple, and Grand Conspiracy theories are based on the same framework of essential facts and evidence; yet the conclusions that historians have drawn regarding the knowledge, responsibility, and complicity of individuals is markedly different. Throughout the past century, these theories and interpretations have co-existed with one another both in popular belief and academic research.

The Confederate Conspiracy theory, which the federal government pursued in 1865, lost favor among historians and Americans because several primary sources of the theory were the perjured testimony of fraudulent witnesses. With very little evidence to support their involvement, the government failed to convict or even prosecute the Confederate leaders they had identified as conspirators. However, historians have recently reexamined the possibility of Confederate complicity. They argue there was a pattern of clandestine activity that indicates an underground organization, supported by the Richmond government and Confederate military, engaged in a conspiracy to kidnap President Lincoln which ultimately led to his death and assisted his assassin's escape. The Simple Conspiracy theory, which filled the void left by the Confederate Conspiracy in the late nineteenth and early twentieth century, is still the history lesson taught to thousands of school children each year. Otto Eisenschiml's suggestion that a Grand Conspiracy and cover-up was at work in 1865 may not have gathered followers in the mid 1930s and 1940s. However, in the cynicism and disillusionment of the 1970s, borne of conspiracy theories and cover-up allegations related to John F. Kennedy's assassination, the Vietnam conflict, and Watergate, Eisenschiml's questions about the events on April 14, 1865 resurfaced with vigor. The American perception that their government was guilty of deliberately hiding information and misleading the public in the twentieth century cast doubt on the honor and integrity of past administrations and historical events. The idea that a sinister force within Lincoln's own Cabinet directed a complex assassination

conspiracy and subsequent cover-up is based less on actual evidence than on a willful inability to believe one man could enter a theater box and murder the President of the United States. Yet alarmingly, as historian William Hanchett remarked,

Eisenschiml-inspired works, with their titillating hints or assertions of conspiracy and betrayal, are the ones to which high school and college students, magazine freelancers, newspaper reporters, and the authors of TV scripts turn for material for their essays, articles, and dramatizations. Such productions, in turn, influence those who are exposed to them, thus further spreading the major and minor hypotheses of the Eisenschiml thesis, giving them additional authority with each additional repetition.¹⁴⁵

In his book, *The Lincoln Murder Conspiracies*, Hanchett observes with dismay that due to the various and contradictory interpretations, "what most Americans know about Lincoln's death...is simply not true."¹⁴⁶ One can appreciate the American public's confusion and misunderstanding of this tragic episode of history, when professionals seem disinclined to agree with one another about who was really involved, what really happened, and why it happened at all. The mystery is frustrating, fascinating, and ultimately irresistible, which is why the popular media has followed the academic debates and, as the next two chapters explore, engaged in their own method of "history-telling."

¹⁴⁵Hanchett, *The Lincoln Murder Conspiracies*, 209.

¹⁴⁶Hanchett, *The Lincoln Murder Conspiracies*, 2.

Chapter Three

Oppression and Injustice: *The Prisoner of Shark Island* (1936)

On the anniversary of Lincoln's birthday, February 12, 1936, Twentieth Century-Fox Film Corporation released *The Prisoner of Shark Island*. The movie is the story of Dr. Samuel A. Mudd, who in the early morning of April 15, 1865, provided medical assistance to an injured stranger. The stranger turned out to be John Wilkes Booth, the man who had shot Lincoln the night before. The United States government arrested and charged Dr. Mudd with conspiracy and aiding and abetting the assassin, tried and convicted him, though he insisted he was innocent, and sentenced him to life in prison at Fort Jefferson, on the Dry Tortugas Islands. Reviled as a traitor and unable to escape over the shark-infested moat or to obtain a new trial in a civil court, Mudd suffered in the hands of the sadistic warden. Along with the other prisoners, Mudd also endured the stifling heat and plagues of mosquitoes. When an epidemic of yellow fever ravaged the prison and claimed the lives of many inmates, as well as the Fort's only doctor, the Commandant released Mudd from his underground dungeon in exchange for his medical expertise. Heroically and unselfishly, Mudd calmed the fears of panicked guards, quarantined the sick, and cared for the stricken, even when he became ill himself. For his bravery, courage, and compassion, President Andrew Johnson granted Mudd an executive pardon in 1869. Free at last (though not exonerated), Mudd was finally able to return home.¹

In the February 12, 1936 issue of *Variety* magazine, 20th Century-Fox took out a full-page advertisement to promote its new film. The studio's president, Sidney Kent issued a "Statement to the Trade" and predicted the movie would be "one of the three great pictures of the year," dubbed it the "American 'Les Miserables' and Dr. Samuel A.

¹Joseph M. Schenk, *The Prisoner of Shark Island*, (Los Angeles, CA: Twentieth Century-Fox Film Corp.), 1936. Darryl F. Zanuck, Producer; Nunnally Johnson, Screenwriter and Associate Producer; John Ford, Director.

Mudd, its chief character, could well be called our own Jean Valjean."² A two-page spread advertisement in the same issue proclaimed the movie surpassed *I Am A Fugitive of a Chain Gang* and *Les Miserables*. The comparison is purposeful: the film portrayed Mudd as an innocent doctor, who, in following his Hippocratic oath, became a victim of the mass hysteria and public vengeance following Lincoln's death. Like James Allen in *Fugitive* and Jean Valjean in *Les Miserables*, *Shark Island* is about the miscarriage of justice--a man wrongly convicted and cruelly punished.³ Mudd, as the advertisement explains, was "torn from the woman he loves...unjustly condemned to a hell of torture for his act of mercy." The studio warned audiences to expect an "emotional avalanche," that they would be moved to tears. It sold Mudd's story as the "nation's hidden shame." *Shark Island*, "a bit of burning white hell in the Gulf of Mexico" where Mudd was imprisoned, was the "scene of the blackest blot on a nation's honor."⁴

The film's relationship to historical fact is problematic, but its portrayal of Mudd's innocence is supported by contemporary scholarship and reflects the predominant understanding of his case in the 1930s. *Shark Island* is the work of three influential individuals, and the film's message speaks as much about their concerns facing America and the world in 1935, as their understanding of the movie's hero. The movie is a product of its time and its authors. Doubts and uncertainties remain about Mudd's involvement with John Wilkes Booth and his plots against Lincoln, whether Mudd might have known his visitor that fateful morning and should have been more cautious about assisting him, as well as whether the military commission assembled to hear Mudd's case and the way in which the trial was conducted was appropriate. The movie is powerful in its defense of Samuel Mudd and is a dramatic story. As entertainment, audiences and critics appreciated it. As history, it may have been accepted by the audiences of 1936, but in the light of more recent scholarship and debate, it is one-sided and unquestioning in its interpretation.

²*Variety*, 12 February 1936, 13.

³George F. Custen, *Twentieth Century's Fox: Darryl F. Zanuck and the Culture of Hollywood* (New York: BasicBooks, 1997), 149-50, 189.

⁴*Variety*, 12 February, 1936, 15.

As a forum to communicate how the audience should interpret current events and issues of their time, it presented an opportunity for the filmmakers. As an artifact, historians can rediscover and appreciate its value.

Most film analysis focuses on the director, whose artistic vision usually wields the most influence on the finished product. *The Prisoner of Shark Island's* director, John Ford, is considered one of the best directors in film history, and his style is unmistakable. Ford biographer Scott Eyman commented that Ford's "subtlety of the photography and its sense of sympathetic intimacy" gives the feeling that "these are not actors we're watching, but friends."⁵ Ford often used the camera in subtle ways, so that the audience feels as if he simply lifted a curtain to allow viewers to watch the events as they happen. Thus the standard visual techniques in the film are subtle and unobtrusive, although Ford does employ them. High and low camera angles, lighting and shadows, dark and light costumes, all combine to signal villains and heroes and inspire the audience's sympathy or disgust. The soundtrack music is minimal, limited to patriotic songs, and plays mainly for emotional effect.⁶ Editing is also minimal, again the audience feels like they are watching the story as it unfolds. These cinematic elements help construct the film's historical interpretation of Dr. Mudd, however *Shark Island's* story is ultimately driven more by the narrative than the visual.⁷ Ford did not deviate very much from Nunnally Johnson's sympathetic script, and together with producer Darryl F. Zanuck, they created a powerful story of an innocent man persecuted by public hysteria and the vengeance of the U.S. government for a crime he did not commit.

The film credits open to the strains of "Dixie" and transitions into the song of Mudd's home state, "Maryland, My Maryland" which immediately identifies the movie's

⁵Scott Eyman, *Print the Legend: The Life and Times of John Ford* (New York: Simon and Schuster, 1999), 164.

⁶This was a preference and hallmark of Ford's. Ronald L. Davis, *John Ford: Hollywood's Old Master* (Norman, Oklahoma and London: University of Oklahoma Press, 1995), 108.

⁷Joseph McBride, *Searching for John Ford: A Life* (New York: St. Martin's Press, 2001), 257. McBride attributes this to the influence and style of producer Darryl F. Zanuck.

sympathy with the victim-hero.⁸ A statement from Maryland Senator George L. Radcliffe appears: "The years have at last removed the shadow which rested upon the name of Dr. Samuel Mudd of Maryland, and the nation which once condemned him now acknowledge the injustice it visited on one of the most unselfish and courageous men in American history" (00:01:00).⁹ The opening scene is April 9, 1865 and the crowds in the Union capital celebrate Lee's surrender. They arrive at the White House and ask Lincoln (Frank McGlynn, Sr.) for a speech. He declines, but asks the band to play a favorite song of his-- he declares it contraband of war--"Dixie." This magnanimous gesture to request "Dixie" dumbfounds the Southerners in the crowd, but they recognize his grace and show appreciation with a "rebel yell."¹⁰ The camera shoots Lincoln from a low angle, as if from the crowd's perspective, but also to imply that he is larger than life and a man who is looked up to. Although controversial during his lifetime and presidency, by the 1930s, Americans honored Lincoln as one of their greatest Presidents. The movie clearly plays on Lincoln's martyrdom and the numerous myths and legends associated with him that permeate the public consciousness.¹¹

The announcement for "Our American Cousin" at Ford's Theater accompanied by ominous music transitions to the fateful night of April 14, 1865. Lincoln and his guests are laughing and enjoying the performance. With his back to the camera, a deep focus shot catches Booth (Francis McDonald) as he watches both the play and the guard outside

⁸The tune is "O Tannenbaum," more well known to Americans as "O Christmas Tree." This is the only rendition in the movie where the lyrics are used, all other versions are instrumental.

⁹Film references will be identified by the hour:minute:second. These are based on the counter set when the 20th Century-Fox logo and theme begin, however, they should be considered approximate. In cases of scene summaries, the time indicates the start of the action. Screenplay references will be noted by the page number and scene number according to: Nunnally Johnson, *The Prisoner of Shark Island*, "Revised Final," October 23, 1935, Indiana University Lilly Library, Bloomington, Indiana.

¹⁰Nunnally Johnson, *The Prisoner of Shark Island*, screenplay "Revised Final" (Twentieth-Century Fox, October 23, 1935), 5: scene # 10.

¹¹See Lloyd Lewis, *Myths After Lincoln*. Refer to Chapter 2.

the President's box leave his post and move to a seat in the audience.¹² Booth enters the anteroom, dims the lights, and opens the door to the theater box. He aims and fires. The camera does not intrude on the moment Lincoln is wounded, but instead only shows his lower body sitting in the rocking chair, and a program in his hand--which goes limp as he is shot.¹³ Meanwhile, Booth leaps out of the box, catching his spur in the flag decorations, and he lands hard on the stage. Rising, he shouts dramatically, "Sic semper tyrannis!" and half-runs, half-hobbles off the stage. The camera returns to a medium shot of Lincoln, who in spite of the traumatic wound, appears peaceful. "Battle Hymn of the Republic" plays softly on the soundtrack and a lace curtain lowers in front of Lincoln, a "visual equivalent of saying, 'Now he belongs to the ages.'"¹⁴

Through a storm, Booth and his companion, David Herold (Paul Fix), ride away from Washington. Booth is in obvious pain, and despite Herold's urging to cross the Potomac, they pause at a cabin and ask for a nearby doctor. The black man at the door directs them to Dr. Mudd's. As described in the screenplay, the Mudd home is "as pleasant a Southern home as can be." Although the house shows some neglect, it is a "shabby gentility."¹⁵ The camera glimpses Mudd (Warner Baxter) through a window, asleep in a chair. On one hand it is a comforting shot of a man in his home, sheltered by the storm, asleep by the hearth fire. And yet, the window muntins create a pattern of bars across this man, foreshadowing his fate. Inside the clock strikes four o'clock, and the doctor barely stirs. A knock at the door brings Mrs. Peggy Mudd (Gloria Stuart)

¹²A deep focus shot is a technique that "permits all distance planes to remain clearly in focus, from close-up ranges to infinity." Louis Giannetti, *Understanding Movies*, 6th ed. (Englewood Cliffs, NJ: Prentice Hall, 1993), 483. In this case, Booth is in the foreground, the guard, audience and door to the box are in the middle ground, and the stage is in the background. All are in relative focus to permit the audience to observe Booth's attention divided between timing his crime around the play and the preoccupied guard.

¹³John M. Cassidy, *Civil War Cinema: A Pictorial History of Hollywood and the War Between the States* (Missoula, MT: Pictorial Histories Publishing Company, 1986), 88.

¹⁴A medium shot shows a person from the waist up, see Giannetti, *Understanding Movies*, 485. McBride, *Searching for John Ford*, 257.

¹⁵Johnson, *Shark Island* screenplay, 10: scenes #22 and #23.

downstairs, and she awakens her husband.¹⁶ Expecting a call to deliver the twelfth baby of one of his "hands," Mudd is not alarmed by the disturbance.

However, at the door are two "strangers," one is hurt. Booth has wrapped his cape high about his face to obscure his features, but does not wear a false beard or any disguise, as Mudd claimed in real life.¹⁷ The doctor invites them in to the parlor where he removes Booth's boot and diagnoses a serious break in the bone. Booth asks the doctor to hurry, insisting they must be going, but Mudd advises him against traveling with his injury. As he fashions a makeshift splint, Mudd asks if they are coming from Washington. They reply "Baltimore." At this point, Booth has noticed that his name is inscribed inside his boot and he motions Herold to retrieve it. With Mudd's knife, Booth begins to scratch out his name, but he will be interrupted by Mudd's return. As Mrs. Mudd picks up the room later, she takes the boot out and discards it.

In the meantime, Mudd chatters away as he works, remarking on Lincoln asking the band to play "Dixie." "I guess Old Abe's all right after all," he says, "Looks to me like he's the only salvation we Southerners can hope for. Him and...God's mercy" (00:10:15). Mrs. Mudd inquires why they are out so late, and Herold lies, claiming that his friend's mother is dying in Virginia. A fade-dissolve implies a time lapse, and the two strangers prepare to leave. At the door, Mudd offers again that they rest in a spare room, but they decline. He insists on giving his patient a prescription for pain medication. This evidence will help convict him, but here it is a gesture of compassionate care. At the door Booth apologizes for being abrupt and rude, but Mudd demurs, "Things like that can't matter to a doctor. His door's got to be open all the time--day or night--to anyone who's in trouble."¹⁸ This kind-hearted forgiveness of Booth's bad manners, and the protest that he is only doing his duty sets up Mudd's later defense.

¹⁶Dr. Mudd's wife was Sarah Frances [Dyer] Mudd, generally called Frances.

¹⁷Johnson, *Shark Island* screenplay, 8: scene #20.

¹⁸Johnson, *Shark Island* screenplay, 17, scene #36.

The film establishes that Mudd is a family man, a kind and helpful doctor who was not only oblivious to the identity and crime of his visitors, their journey's origin and purpose, the cause of the injury, but that he is also sympathetic to Lincoln and believes he will be fair and merciful with the South. The film portrays Booth in medium to close range shots, his features hard and set, looking sneaky or sinister either by expression or by shadow. He is dressed in dark clothes, befitting a villain, his manner cold, and he appears nervous and fidgety, as if anxious and guilty. It is a stark contrast to Mudd's warm compassion. Within fifteen minutes, the film has clearly defined the villain, and shown Mudd's innocence of the crime for which he will be convicted and punished.

Mudd asks only \$2 for his services, but after Booth is gone, realizes with surprise that he has been paid \$50. He and his wife begin playfully speculating that he must be a philanthropist just looking for "deserving families like us." As she sits down in his lap, he suggests that the stranger "probably said to himself 'Now here's a pretty good couple. 'Course, he don't amount to much--just a country doctor--but his wife! Poor little thing, pretty as a picture, too...stuck way out here in the piney woods, probably as unhappy as she can be, so I'll just give them \$50.'" She protests that he must have really said to himself "'Well my goodness, here's the luckiest woman in the world...And as for her husband, no matter how far out in the country he is, he set my leg better than any New York specialist could, so I'll just make this his lucky day'" (00:13:00). The irony of their happiness and affection is underscored by the audience's knowledge that the couple's supposed "philanthropist," who they believe to have blessed them with an unexpected windfall of money, has instead brought them more bad luck than they can even anticipate. "Maryland, My Maryland" emphasizes their domestic bliss. The next interruption is the call to deliver Rosabelle's baby.

The following morning, a blacksmith whose horse and buggy were stolen directs federal soldiers to Dr. Mudd's--where the tracks lead.¹⁹ The soldiers speculate that the assassins must have received help from the neighborhood and its Confederate sympathizers and proceed to arrest the blacksmith. He is one of the hundreds of people federal soldiers detain in the aftermath of Lincoln's death and in their pursuit of his assassins. Back at the Mudd home, Colonel Dyer (Claude Gillingwater, Sr.), Mrs. Mudd's father, is orating about the war, insisting that the war was not about slavery, but the state's Constitutional right to secede.²⁰ As the camera tracks backward from the "choleric old fire-eating Southerner" the Mudd's young daughter, Martha (Joyce Kay), comes into view and the black servant, Blanche (Beulah Hall Jones), attends to the table.²¹ The presence of adorable, curly-haired Martha provides yet another tug at the audience's heart-strings for the man who will soon be torn away from his home. Moreover, the sentiments of Mudd's father-in-law reiterate the fact that the doctor and his family were Confederates.

When the Yankee soldiers, Lieutenant Lovett (John McGuire) and Sergeant Cooper (Fred Kohler, Jr.), arrive at the house, Dyer introduces himself as a member of the 4th Virginia Cavalry, Confederate States Army. He bristles at Lovett's inquiries and demands that Cooper cease his poking about. Lovett sends Cooper outside to wait for Mudd. Meanwhile, inside with Lovett, Dyer continues to rail against the North and proclaims that he would "line up every dad-blamed official in the North, sir, and have 'em shot!" He also assures Lovett, in response to the question about his son-in-law's sentiments, that Dr. Mudd is a Southerner. At that moment, Cooper returns with the

¹⁹Other than to lead soldiers to Mudd and emphasize the rounding up of all suspects, this scene is a bit of a mystery. Booth and Herold arrived at Mudd's on horseback, and if they stole a horse and buggy after they left Mudd's, the tracks would not lead in the direction of his house.

²⁰By the 1930s the Glorious Cause had been resurrected and refurbished with the moonlight and magnolia image of the Old South, and the belief that the war was not about slavery or the economics and expansion of the institution was still firmly entrenched.

²¹Johnson, *Shark Island* screenplay, 23: scene #40. In fact, the Mudds had four small children in 1865. See Elden C. Weckesser, *His Name Was Mudd: The Life of Dr. Samuel A. Mudd, Who Treated the Fleeing John Wilkes Booth* (Jefferson, NC and London: McFarland & Company, Inc., 1991), 144.

incriminating boot, which he discovered outside. It bears the scratched out inscription "John Wilkes" followed by a clearly readable "Booth."

Meanwhile, Mudd returns from Rosabelle's and discovers a carpetbagger (Arthur Loft) on his property inciting his field hands, exhorting that they are free men--as good as whites, and friends of the Northerners. Mudd demands that the carpetbagger leave his property and cease distracting his hands from their work. The man accuses Mudd of being a "slaver" but the field hands show their loyalty to "Marse Sam" and when Mudd tells them to throw the carpetbagger off the property, they oblige. Fearful, the man threatens the black men not to dare lay a hand on a white man. One of the blacks, Buck (Ernest Whitman), recognizes the hypocrisy and reminds the carpetbagger that he just said they were as good as him, and in chasing him off, they clearly demonstrate that they are not taken in by the false overtures. Mudd then informs Buck of his newborn son and heads back home to his own family.

At the gate, a tearful Martha meets her father. She is upset because the soldier broke her doll. Mudd assures her that there are no soldiers around their neighborhood, but finds two waiting for him in the parlor of his own home. Lovett asks Mudd if he knows Booth, and Mudd replies he has seen him on stage in Washington and would probably recognize him, but insists that Booth was not in his home "last night."²² Mrs. Mudd descends the staircase, frightened, and asks what is happening. The family huddles together in the middle of the foyer, surrounded by soldiers, and lit from above (a sign of goodness and innocence and an emphasis of their entrapment). Lovett announces Mudd is under arrest. "For a moment, Mudd and Mrs. Mudd stand transfixed, unable to believe their ears, but from Lovett's expression and manner it is clear that this is a matter graver than anything they ever believed they could know."²³ Their incredulity, confusion, and fear are underscored by the soundtrack's ominous drums and piercing trumpets.

²²In fact, detectives did not arrive to question Mudd until Tuesday, three days after Booth departed. Refer to Chapter 2.

²³Johnson, *Shark Island* screenplay, 37: scene #56.

Over Lincoln's image, the movie informs the audience of transpiring events: "Killed while resisting arrest in Virginia, John Wilkes Booth left responsibility for his mad crime to fall on eight strangely assorted suspects, and the innocent as well as the guilty faced an angry and heart-broken people." This prepares the viewer for the scene of an angry mob shouting, and their ringleader yelling that if the court lacks the courage to hang the murderers, they will do it. In a room above the crowd, the nine members of the military commission gather and the Assistant Secretary of War, Mr. Erickson (Arthur Byron), addresses them. He is a "middle-aged, perfectly cold-blooded bureaucrat." "Earnestly" and "harshly" he explains that they have a grave responsibility, but that their job is not to determine the guilt or innocence of the accused. Their object is to "save this country from further bloodshed," ironically by imposing more of it. The Union is on the verge of "hysteria" and that is why the government assembled the military court, men of the sword who can be "hard" so they can deter "riots, mob rule, or even the resumption of the war itself" (00:24:05).²⁴

The Secretary tells Major General David Hunter (Paul McVey) and the commission asks not to let their judgment be swayed by any "trifling technicalities of the law or any pedantic regard for the customary rules of evidence" and not to be influenced by "that obnoxious creation of legal nonsense--reasonable doubt." The court assents. Furthermore, Erickson says, the voice of the court must be the voice of the people. To remove any doubt of the will of the people, he opens the window and the commission hears the mob outside shouting as they burn an effigy (00:24:45). The message is clear: the verdicts were determined before the cases are even heard. The accused will be found guilty without any chance of proving their innocence, and the commission will convict and punish them, because if they do not, anarchy will prevail.

The prisoners enter the courtroom manacled and hooded. Judge Advocate General Joseph Holt (Frank Shannon) reads the charges of conspiracy and murder, and a medium-

²⁴Johnson, *Shark Island* screenplay, 38: scene #57.

close shot reveals his visibly unrestrained anger and desire for vengeance against the perpetrators (00:26:24). One by one, the guards force each defendant to sit and remove their hoods as Holt reads the names of each of the accused. For this scene, Ford shot them from a high angle to accentuate their smallness and lack of power. They sit glumly behind a balustrade isolated from the court, blinking with the suddenness of light, shifting nervously in their surroundings. Dr. Mudd attempts to stand up, but a guard forces him to sit down. Of the accused, his expression is the most genuinely dazed, he looks bewildered. If he had any idea why he has been charged and brought before a court martial proceeding, he would not appear as confused and sincerely innocent. General Ewing (Douglas Wood) approaches Mudd, introduces himself and informs him that he will be his lawyer, "We'll fight together now, as we once fought each other" (00:28:05).²⁵

In the movie, the court decides each case individually. The instrumental music begins dramatic and low, but building as a sign of impending doom. First, the court "dispensed with" the case against George Atzerodt and a soldier posts the notice outside the court building. Desperate, Mrs. Mudd begs him for any news, but he insists he knows no more than the bulletins reveal. The music pitches higher and slower, with more melancholy tones, in sympathy with the frustration of a loving wife. As the prisoners march back to their quarters, Mrs. Mudd grasps Martha's hand, watching them through the bars. In an extreme close-up shot, the light is soft and direct on her face, though the bars cast a shadow. Her eyes glisten with sadness and worry as she whispers, "Goodnight Sam darling" (00:29:17). Here, as is often the case in movies, beauty represents goodness. The angelic Mrs. Mudd is emotionally distraught from being separated from her husband and frustrated with her inability to see or help him. She remains loyal and convinced of his innocence, and the film portrays her steadfast love as yet another piece of evidence that reiterates the tragedy and injustice of Mudd's situation.

²⁵Ewing was a Brigadier General in the Union Army and his comment refers to the fact that he and Mudd took different sides during the war. Sifakis, *Who Was Who in the Civil War*, 210.

When Mudd is brought into court for the commission to hear his case, he begs Ewing to let him speak in his own defense, "I can't let them treat me the way they've treated all these others" (00:29:38). In a symbolic *mise en scene*, there is a medium shot of Erickson, standing off center to the right, wearing a dark suit and his face stoic and impenetrable.²⁶ The window on the left side of the screen reflects Ewing conferring with Mudd. Again, the window muntins create the effect of the bars that imprison Mudd. Erickson instructs Ewing to silence his client and show respect for the court. Ewing assures the court that after witnessing its proceedings against the other defendants, Mudd has the utmost respect for the power of the court (00:29:58). Flashes of witnesses, none of whom are explicitly identified although a few are recognizable, give incriminating testimony against Mudd. They say that he was a "slaver," that he served in the Confederate army, that his name was on the prescription for Booth, that he denied he had seen Booth until the soldiers showed him Booth's boot in his own home, that he had confessed in prison to setting Booth's leg and aiding him with directions to the Potomac and Virginia (00:30:30).

The movie never shows whether Ewing attempted to cross-examine or discredit the witnesses or present evidence in Mudd's defense. Thus the case against Mudd hinges on his Southern sympathies and the fact that he did assist Booth with medical treatment and directions. However, these issues were never in doubt. Mudd never denied setting Booth's leg, so the "prison confession" carries more emotional weight than evidentiary interest. He did deny that Booth had been in his home the morning after the assassination, but since Booth did not give his name, nor did Mudd recognize him, in spite of his belief that he would have, Mudd believed he was telling the truth. The movie does not address the real question of Mudd's knowledge of or involvement with the crime, which is indicative of the film's obvious sympathy for Mudd. Between the Assistant Secretary of

²⁶Giannetti defines *mise en scene* as the "arrangement of visual weights and movements within a given space...in movies, it is defined by the frame that encloses the image. Cinematic *mise en scene* encompasses both the staging of the action and the way that it is photographed," 486. See also Giannetti, *Understanding Movies*, 37-78.

War's instructions regarding the accused and the apparent lack of defense for Mudd, the audience senses the farce and futility of the entire proceedings. The federal government only convened the commission to convict the defendants, appease the public outcry, and resolve the assassination conspiracy. The court announces the case has ended. Left unstated is the fact that the case was never heard.

Mudd senses this, too, and just as the viewer's hopelessness and frustration reaches a frenzy, he speaks up. "No!" he cries,

The case has not ended! This is one defense you're going to hear whether you want to or not....What more could you do to me? What threat have you got left? You can hang me. You can hang us all--the innocent as well as the guilty. But you, you nine gallant officers and gentlemen have stripped yourselves of your pride and your honor. But I'll not go without a fight. I'll not go without trying to blacken your memory with the insane injustice you'll carry on your souls until the day you die. And until the day you die, you ask yourselves three questions: Does an assassin confide his plans to anyone? Was I, a physician, in the plot because it was part of John Wilkes Booth's plan to break his leg and to need me? Does a man whose first devotion is no longer to a lost cause or to any flag that flies, but to his wife and his child risk any act that could only cause misery and heartbreak on their innocent lives? I swear to the Holy God I worship--I'm innocent! (00:31:13).

With this, Mudd reclaims his voice and his power. The appeal is pointed and moving, and Mudd's pride and desperation inspires sympathy. Moreover, he has articulated an accusation against the court for their crime of blind injustice. Many people, including historians, believe that the court did convict and even execute persons innocent of the conspiracy.²⁷ The commissioners in the film, however, are unmoved. Erickson instructs them to disregard the prisoner's remarks (00:32:25). As the guard leads Mudd out of the courtroom, the music pulsates and crescendos, the drums roll with impending doom.

The tune "Maryland, My Maryland" signifies a reunion of the family, but it is a melancholy dirge as they meet inside the prison walls. Mudd's wrists are still shackled, he cannot even embrace his wife as tries to comfort her and tells her that they will be together again soon. He does not even know the verdict was guilty. Still in disbelief, he says the events are like a nightmare from which he cannot run (00:33:24). The music

²⁷There is still considerable debate over Mrs. Mary Surratt. Refer to Chapter 2.

emphasizes Ewing's announcement of the guilty verdict with high-pitched, staccato strings that underscores the tension and anxiety, since they do not yet know his sentence. Ewing assures them he is pursuing all legal means to help him, but Mudd seems to resign himself to an unknown fate. He kneels down to Martha and explains he has to stay away a while longer, tells her she should look after her mother and dry her tears for her, and confides that there are debts owed him that can send her to school and buy some new dresses. Even though his future is uncertain, his concern is for his family. "Try not to forget Daddy," he says before his time is up. Mrs. Mudd encourages him as he is led away, that they will not give up (00:33:24).

The guards lead Mudd away, but past his cell, cackling that he won't need a cell anymore. Thus the audience (in spite of knowing the story does not end here) is still left with the tension and uncertainty of what will happen to Mudd. As his wife and her father exit the building, they enter the courtyard where the gallows stand, implying that Mudd will be hanged. Mrs. Mudd exclaims with horror that they cannot take him and hides her face, while Dyer urges her to have courage (00:36:42). They have a view of the condemned entering the yard, and each one is prefaced by an ominous drum roll, the massive doors open, and the legs of soldiers marching appear, until the camera reveals the prisoner and they ascend the gallows. Each time, Mrs. Mudd is terrified that it will be her husband, and the viewer cannot help but feel her torturous agony. Finally, all the condemned are present, and with relief Mrs. Mudd exclaims, "He's going to live!" (00:39:06).²⁸ The crowd gathered awaits the hanging, and shots of their tense and anticipatory faces flash on the screen. Some look stoic, others afraid, all appear to be both fascinated and yet repulsed by the scene, and unable to turn away. When the gallows floor is released, the crowd registers its horror and disgust and even the soldiers are unable bear the sight (00:39:20). The camera is kind to the movie audience: there are no

²⁸In the movie, only three prisoners are executed. In reality, four conspirators were hanged.

shots of the execution or its aftermath. The public appetite for vengeance is sated, but the reaction of the onlookers indicates that all feel the sting of regret for this judicial murder.

Inside the prison, Mudd's guards watch the hanging from the window. As they back away, Mudd appears seated below an opposite window, his head hanging and his shoulders slumped. "What about him?" says one soldier. "Life in prison on Dry Tortugas," replies the other as they exit. Slowly the lighting fades. Ford shows Mudd from a high angle and a light outside the window shines behind him. The shadow of the prison bars fall around his silhouette on the prison floor. Hopeless and powerless, Mudd will spend his life as a mere shadow of the man he was, trapped behind bars, alone in the dark (00:39:52).

An establishing shot of a map identifies south Florida, the Gulf of Mexico, Key West, and the Dry Tortugas. "In 1865," a statement reads, "America had its own Devil's Island, a bit of burning white hell in the Gulf of Mexico called the Dry Tortugas, where life imprisonment was an ironic term for slow death" (00:40:13).²⁹ Fort Jefferson is remote, surrounded by water, and has only one gate that opens to the bridge over the moat. The structure is "ponderous and armored" with giant doors, massive stone walls, and is crawling with soldiers.³⁰ The new arrivals trudge in, "horrible, brutal types," they are weary and hopeless, filthy and unshaven.³¹

During roll call, Mudd meets the sadistic Sergeant Rankin (John Carradine) who growls the government should have hanged him when they had the chance. Regardless, Rankin says Mudd will wish they had once he is through with him and then strikes him. In close-up, Rankin's menacing face is lit from the side, the shadowing effect creates an even more frightening expression. "It is a thin fanatical face and now there is an almost insane grin of exultation, nearly psychopathic, on it."³² He speaks out of the corner of his mouth, his eyes squint with hatred, and his face puckers into a scowl. He tells the other

²⁹America's Devil's Island refers to the Alfred Dreyfus affair.

³⁰Johnson, *Shark Island* screenplay, 57: scene #100-102.

³¹Johnson, *Shark Island* screenplay, 58: scene #102.

³²Johnson, *Shark Island* screenplay, 59: scene #106.

prisoners to look at Mudd, the man who killed Lincoln--"the greatest man who ever lived"--and encourages them to give Mudd what is coming to him (00:42:30). The fact that Rankin believes Mudd guilty of the actual crime serves to reiterate how much Mudd is misunderstood, and the sergeant emerges as the villain the audience will love to hate.

Rankin further demonstrates his warning to the prisoners against any attempts to escape. He marches them to the bridge over the moat and explains that it is 75 feet wide, 35 feet deep and is full of "pets." As an example of what would happen to any of them should they try to swim across it, Rankin throws a large piece of meat into the water. Immediately, sharks appear and devour it (00:43:20).

Mudd soon runs into his former field hand, Buck, who is now a guard at the Fort. Believing he has met a friend, Mudd greets him, but Buck's affection and loyalty appear to have disintegrated and he says only, "Move along, white man" --although he then looks sad about it (00:45:18). In the prison infirmary, Mudd meets Dr. McIntyre, another hope for a friend since they are both physicians. However, McIntyre rebuffs him, refusing to shake his hand. Mudd implores the doctor to understand, that as a physician he provides aid regardless of the patient's identity. McIntyre is unsympathetic, though, and crushes Mudd by telling him that the profession he has dishonored is ashamed of him. Mudd swears he had nothing to do with Lincoln's death, but McIntyre is not persuaded (00:45:40). Cowed, friendless, and with no hope for escape, Mudd is forlorn. A solitary bugle begins to play "Taps" and as Mudd enters his cell, the camera pans up to an inscription that reads: "Leave hope behind who enters here." The screen is engulfed by the fort's massive doors closing (00:47:10).

Mudd is not deserted, though. As he reads by candlelight in his cell, Buck sneaks to his door and whispers for "Marse Sam." Buck apologizes for their earlier encounter and explains that he has come down to the Fort to help him. Buck gives Mudd a bar of soap to help deter the mosquitoes and assures him that they will get him out. Mudd begins a letter to his wife writing that he now believes if they are to see each other again,

he must take matters into his own hands. "On his face now is not discouragement, but, for the first time, a steady alert gaze of determination. He sees hope ahead. Abandoning faith in justice, he is prepared now to fight for himself."³³ The scene foreshadows both his attempt to escape as well as the epidemic of yellow fever.

Meanwhile, Mrs. Mudd has enlisted the help of Judge Maiben from Key West. He believes that the evidence presented at Mudd's trial would not have held him for ten minutes in a civil court. If Mudd can deliver himself to a civil municipality, Maiben can obtain a writ of habeus corpus, which was denied at trial because Washington was under martial law. Ewing joins the discussion, but realizes the implication is either rescue or escape and warns that the risk is too great. Mrs. Mudd will not be persuaded, however, and she insists that there is nothing she would not dare for her husband--that she wants not only his freedom but an exoneration. She will not wait for the government to kill him, and this is the only way, their only hope. Colonel Dyer supports the plan by brandishing the sword Stonewall Jackson gave him, and the soundtrack strikes up "Dixie" (00:50:10).

Back at the fort, Buck gives Mudd the letter indicating the plans are ready; they have a boat waiting for him to escape. Buck will get posted on bridge duty to allow him to cross and they will escape together. The music creeps along alternating between high and low notes as Mudd prepares, then slow and ominous cello strings as Rankin becomes suspicious, and short, fast violins and horns that build as Mudd flees. One of Ford's biographers described Mudd's prison break sequence as exhibiting an expressionistic style, with "starkly expressionistic camera angles, subtly distorting wide-angle lenses, and heavily shadowed compositions."³⁴ Mudd uses a crude key that Buck pressed into the soap to unlock his cell, and scampers through the fort, hiding in corners, behind columns, and in the shadows. He dodges searchlights and soldiers, avoiding several near discoveries. Rankin realizes Mudd has broken out, arrests Buck, and sends the guards to

³³Johnson, *Shark Island* screenplay, 66: scene #120.

³⁴McBride, *Searching for John Ford*, 257.

the bridge to await Mudd's reappearance outside the fort's walls with the order to shoot him on sight (00:54:45).

Precariously, Mudd climbs the fortress walls to the top and lowers himself down from a cannon bay to a ledge on the outside of the prison. The music has ended and there is only the sound of waves crashing against the fort. The silence is disconcerting, emphasizing that any noise could give him away. At the bridge, the guard sees him and begins to fire. Mudd drops into the moat and the soldiers proceed to shoot into the water. Mudd is able to escape and swim to the awaiting boat, but the soldiers are still in pursuit (1:00:00). Reunited with his wife, Mrs. Mudd tells him that he is going to get a new trial, and Martha is waiting for him. Exhausted, Mudd can only breathe, "Martha." But the reunion is brief, as the soldiers have boarded the boat. Dyer is killed in a scuffle off-screen, and Rankin enters the cabin and greets Mudd with a sinister smile, calling him "Judas." Mrs. Mudd is heart-broken and Rankin appears sadistically satisfied with apprehending Mudd and tearing him away from his wife (1:08:25).

Back on Shark Island, the soldiers lead Mudd to a door in the floor of the fortress. The music pulses like an anxious heartbeat, broken with desperate violins. The soldiers pull back the heavy doors and reveal a staircase leading down into the dungeon. Mudd looks up in disbelief at this punishment, but Rankin again takes pride in torturing this prisoner. They throw Mudd into the cell, and the sad, slow dirge of "Maryland, My Maryland" haunts the soundtrack (1:09:52). This scene is juxtaposed with Mrs. Mudd's return to Martha, who asks about her father and grandfather. Daddy could not come yet, her mother explains, but he will--she promises. Grandpa has gone away and will never come back. The news is too much for the little girl and she weeps as the melancholy violins play a mournful tune (1:10:40).

Down in the dungeon together, Mudd and Buck do not know how many days they have been confined, without food and little water. The cell is dark and damp, and Buck has either been beaten or is sick. Mudd attends to him and tries to ease his suffering.

Meanwhile, the epidemic of yellow fever rages above, and supply ships refuse to put in for fear of exposure to the disease. The Commandant (Harry Carey) is desperate for supplies, but to no avail (1:12:59). The fort's only doctor, McIntyre, is charged with caring for the 1,000 hospital cases, but he collapses, and no one else will help (1:13:38). Their only hope is Dr. Mudd. The Commandant visits Mudd and asks for his help. He explains he will understand if Mudd refuses, he would if the circumstances were reversed. The Commandant acknowledges that he cannot offer Mudd anything except exposure to possible death, but he begs for his help. Nobly, Mudd responds, "One night four years ago, sir, I was--a doctor (smiling ironically). I'm still a doctor" (1:17:33).³⁵ The message is clear: Mudd responds to the crisis of those who have tortured him with compassion, mercy and forgiveness, in spite of how they have treated him. He is as he has always claimed: a doctor willing to help whoever requires his care.

Mudd, now clean-shaven and dressed in a crisp white shirt, prepares to deal with the epidemic. The Commandant assures Mudd he has the authority to issue orders and he will take all the responsibility. First, Mudd must calm the fears of the black soldiers who have barricaded themselves in a section of the fort out of sheer terror and refuse to budge. Mudd warns them that they have deserted their posts, disobeyed orders, and shot at officers. He informs them they will have to build their own gallows and dig their own graves before they are hanged. The audience knows to believe him, after all, he should know, he was the victim of the government's injustice himself. He assures them he needs their labor, but they will not minister to the sick. The blacks listen to him because he is a white man and a Southerner. "That ain't no Yankee talkin'...that's a Southern man and he mean it. Yes sir!" one exclaims (1:19:37).

There is still one man who will not be moved by Mudd's selflessness. Rankin is down with the fever, but still calls the doctor "Judas." Mudd is not vengeful, and begins to care for Rankin first. Soon a storm moves in, symbolic of the disease, and bears down

³⁵Johnson, *Shark Island* screenplay, 110: scene #225.

on the prison. Mudd orders the windows knocked out to air out the infirmary, which incidentally helps chase the mosquitoes away, and fervently attends to the stricken. As he ministers to Buck they reminisce about home. The Commandant arrives to see how Mudd is doing, and for the first time Mudd displays anger and frustration. He needs medicine and supplies and more doctors to help him. It is significant that the only outburst from Mudd is provoked by his inability to care for the sick properly. In spite of his treatment, he has never spoken harshly to Rankin or any of the soldiers. His speech in the courtroom was a plea out of desperation, not an angry tirade such as he exhibits during the storm. Exhausted, he tries to rest, but manifests symptoms of the fever. Driven to near madness, he ascends to the cannon bays and awakens the artillery crew. He orders the ship at anchor to put in, but they repeatedly refuse. Mudd is obviously fevered, rambling that he has "yellow jack," that he has 1,000 patients, but he is sick like all of them, and they need the medicine. He must have it, because he must look out for them, "I gotta take care of things," he says. Mudd orders the artillery to fire near the ship, so the ship heads out to sea. Finally, Mudd orders the gun crew to hit the ship. After the first shell, they turn about to put in (1:23:45).

Having stemmed the epidemic, saved many of the fort's guards and prisoners, and obtained much needed supplies, Mudd rests. The Commandant and several officers visit his bedside to thank him for his service. The Commandant reads a letter he has written to the President describing Mudd's heroic, selfless, and compassionate actions, and urges executive clemency for him as gratitude for going above and beyond the call of duty. The Commandant assures Mudd that there are many men at Fort Jefferson who will happily sign the petition for his pardon. Sergeant Rankin, who has fully recovered thanks to Mudd, steps forward and asks his permission to be the first to sign. Mudd graciously accepts the repentance of his nemesis and shows his forgiveness by grasping Rankin's hand (1:30:25). The victim becomes the savior and the persecutor becomes the penitent.

The closing scenes are ones of joyful reunion, though tainted by the sorrow of lost years. Mrs. Mudd prepares Martha for her father's homecoming and explains that he may look different: thin, tired, sad, old. This is what the government has done to him: aged him, wearied him, made him a stranger to his child. In spite of the tragedy, Mrs. Mudd urges her to embrace and kiss him--in effect, to forgive what has happened to him (1:32:35). The buggy rolls up the drive as "Dixie" begins to play, and Buck helps the weary doctor descend with a "Thank you, Marse Sam." In a long shot, Mudd approaches the gate of his home. The garden is in bloom, and the birds are chirping. He pauses, perhaps as if it is a dream. Then little Martha runs down the path and into his arms. The shot switches to Mudd and Martha in the foreground as Mrs. Mudd comes into the doorway of the house in the background. They meet and embrace, finally together again, and domestic happiness is restored. As expected "Dixie" fades into "Maryland, My Maryland." Standing back at the gate is Buck, who turns to see Rosabelle, and their 12 children ready to welcome him home. He, too, is happy to be back in "Dixie" and the soundtrack obliges (1:33:25).

The message the movie presents about the history of Dr. Mudd is threefold. First, he was innocent of the crime for which he was accused; second, by setting Booth's leg he was doing his duty as a doctor; third; he was a loving and kind husband, father, and man who did not deserve what happened to him, but who bore it all with dignity and without malice. Most important, he did not know John Wilkes Booth, either personally or conspiratorially. He did not know the identity of the man or have knowledge of his crime when Booth stopped at his home early morning April 15, 1865. Having no reason to suspect the strangers, Mudd was not remiss in failing to report their visit. Authorities arrested him based on circumstantial evidence and although a civilian, he was tried by a military court, which prohibited him from defending himself. Thus, Mudd, whose name became one of the most derogatory of epithets, was the victim of public hysteria and government injustice.

The script actually emphasizes this in some scenes absent from the film. For example, after the scene when Booth shoots Lincoln, the screenplay describes four flashes of faces and dialogue shouting "Call out the Army!" "Hang the traitors and assassins!" "Carry on the War!" and "Burn down the whole South!"³⁶ The atmosphere of hysteria and terror is revealed when the blacksmith who directs the soldiers to Mudd's is also arrested, he protests: "Don't think you're going to arrest me--for nothing!" But the soldiers proceed, "Lock him up. To hear *them* tell it, they're *all* innocent."³⁷ The leader of the mob outside the military commission's windows had additional dialogue cut from the print: "We'll take over the law! We'll show the South what's what--if we have to burn it down from the Mississippi to Savannah!"³⁸ By the time the commission hears Mudd's case they are "weary and disheveled, exhausted and indifferent after their long days of trial."³⁹ It is as if they convict Mudd partially because they are too tired to consider his case fairly.

The script stresses the mistreatment Mudd endures from the authorities, and the extent of their cruelty. When Rankin threatens the prisoners with the sharks in the moat, he uses a cat, not a piece of meat. Furthermore, the script calls for a trick shot in which Rankin shows Mudd an underwater scope that reveals a skeleton--the fate of the last prisoner to attempt escape.⁴⁰ Written shots describe Mudd's body to show mistreatment, his scarred and swollen wrist and ankles.⁴¹ In the dungeon, "dank and dreadful as it can be made," there is an inch of sea water, and Buck is "sick and suffering, having been beaten terrifically." When the Commandant comes for Mudd, he is face down on the floor, his and Buck's hollering unanswered, they believed themselves left for dead.⁴²

³⁶Johnson, *Shark Island* screenplay, 8, scene #17.

³⁷Johnson, *Shark Island* screenplay, 22, scene #38. Emphasis in original.

³⁸Johnson, *Shark Island* screenplay, 40, scene #59.

³⁹Johnson, *Shark Island* screenplay, 46, scene #72.

⁴⁰Johnson, *Shark Island* screenplay, 62, scene #111.

⁴¹Johnson, *Shark Island* screenplay, 76, scene #137.

⁴²Johnson, *Shark Island* screenplay, 96, scene #204; Johnson, *Shark Island* screenplay, 97, scene #205; Johnson, *Shark Island* screenplay, 107, scene #222.

Mudd's letters home indicate that he was, indeed, poorly treated at Fort Jefferson. Aside from the heat and humidity, the barely edible food, the swarms of mosquitoes, and strict discipline, Mudd worked long hours in the hospital or cleaning bricks. In response to a rumor that a rescue attempt was planned, Mudd and the other two conspirators imprisoned there (Spangler and O'Laughlen who do not appear in the movie) were put in chains and confined under heavy guard. After the arrival of a black regiment to guard the prison, Mudd finally attempted an escape. Less thrilling than the movie's version, Mudd dressed in civilian clothes and managed to board a ship, the *Thomas A. Scott*. Before he could slip into his hiding place, he was recognized and returned. For this attempt, the prison officers imprisoned and chained Mudd in the dungeon for two days. His ankles and wrists were sore and bruised, he had not eaten anything besides bread and water, and without exercise, he was extremely weak. The white officers and black guards imposed new rules on the prison inmates and eliminated the remainder of their relative freedom.⁴³

The second message of the film is that, as a physician, Mudd was bound by his Hippocratic oath to treat any patient in need. So when Booth arrived with a broken leg, Mudd set it, which was as much his responsibility as delivering Rosabelle's baby. When Booth and Herold arrived at his door in the wee hours of the morning, Mudd did not refuse to help even though they were strangers. He recognized that one of them was hurt and he invited them inside. Concerned about Booth's leg, he advised him not to travel, and offered him a room in his own home to rest. Although Booth was rude and abrupt, Mudd remained friendly and compassionate, insisting that he provide a proscription for medicine to ease the pain. As Mudd said to Booth, that as a doctor his door was open day or night to anyone hurt or in trouble.

Mudd's duty as a doctor and loyalty to his profession was so strong that even having been mistreated in prison, he offered to care for Fort Jefferson's yellow fever victims. When the Commandant asks for his help, even he acknowledges that if Mudd

⁴³Weckesser, *His Name is Mudd*, 145-148.

refused, he would understand. Instead, Mudd does not harbor ill-will, and he agrees to minister to the stricken. His mercy and willingness to put himself at risk all stems from his sense of honor and duty: "I'm still a doctor," Mudd says with pride. He accepts the responsibility of hundreds of patients without additional assistance or adequate supplies. As he assesses the situation, Mudd comes face to face with his nemesis, Sergeant Rankin. Rankin is incapacitated with yellow fever, but his hatred for Mudd burns as hot as his fever, and he spurns the doctor's help. As he did with Booth, Mudd ignores Rankin's rudeness and administers to him before any of the other patients. His compassion knew no boundaries, not excluding an assassin, or his own persecutors.

Finally, as a man, Mudd was honest, caring, compassionate, brave, and selfless. He was the epitome of a loving and decent husband and father, a country farmer and physician just making a living and taking care of his home. In the scenes with his wife, Mudd is affectionate and attentive and reassuring. After Booth departed, leaving them flush with an unexpected \$50, their speculative exchange shows their mutual admiration and high regard for the other. When they meet in the prison after Mudd's trial, he reassures his wife that all will be well, and yet it is from her that he derives much of his strength and determination. Mudd adores his daughter, Martha, and tries to protect her from the sadness and shame of his situation. At the prison, unsure of his fate, he tells her about debts owed to him that will provide her with new clothes and an education. Mudd feels keenly that he will be absent from his family and tells Martha to assuage her mother's loneliness and sadness. Thrust into the tragedy of Lincoln's death, through no knowledge of his own, he suffered grievous hardships with dignity, integrity, and character. Rather than a traitor, Mudd was a hero.

The movie portrays Mudd as a kind manager to his field hands. He cares for their families and protects them from the underhanded tactics of Northerners who will take advantage of them. The screenplay emphasizes Mudd's virtuous and heroic qualities in a scene not included in the movie. When the carpetbagger is trespassing on Mudd's

property and telling them that they are free, Mudd informs him: "There isn't a man on my plantation who isn't here because he wants to be. There isn't a man who isn't going to get a chance to vote on election day. Because they weren't freed yesterday, Mister--they were freed four years ago! And any one of them that wants to leave can draw his money at any time and quit." The carpetbagger counters that he knows the Southern tricks, they put their black field hands in debt so that they are forced to stay. But Mudd is not a typical Southerner oppressing his workers. He asks the men gathered if any of them owe him money, or if any of them want to leave. All respond "no" to both questions.⁴⁴ The carpetbagger is revealed as the hypocritical, no-good trickster. Mudd is an upstanding and honest farmer and businessman, and he is rewarded with the loyalty of his former slaves.

Unfortunately, this version of Mudd's attitudes toward blacks is less than truthful. He did own slaves, though he did not emancipate them through his own free will, but when Maryland abolished slavery. In fact, Mudd believed that "Christ, our Saviour, found slavery at his coming yet he made no command against its practices. Therefore I think it is a great presumption in man to supply the omissions which God in his infinity thought proper to make."⁴⁵ Since the institution of slavery did not offend God, Mudd felt justified in owning slaves and dismissed abolition as human arrogance making laws that God had not, in His omniscient wisdom, made Himself. Fearing rebellion of his own slaves, Mudd resorted to harsh discipline and intimidation, once even wounding a field hand for refusing to obey an order. This violent act lost Mudd the loyalty of some of his other slaves.⁴⁶ The Emancipation Proclamation in 1863 and Maryland's abolition of slavery forced Mudd to hire his former slaves at "twice what he considered their rightful wage." Some of the newly freed blackmen [sic] refused to work for 'Old Marse and Miss,' even

⁴⁴Johnson, *Shark Island* screenplay, 32-33, scene #52.

⁴⁵Samuel Mudd to Orestes A. Brownson, 13 January 1862. Quoted in Samuel Carter III, *The Riddle of Dr. Mudd* (New York: G.P. Putnam's Sons, 1974), 40.

⁴⁶Carter, *The Riddle of Dr. Mudd*, 54.

for inflated wages."⁴⁷ However, this information would have complicated the film's story of a sympathetic hero.

Although the film does not credit it, the movie was based on Nettie Mudd Monroe's book about her father, *The Life of Dr. Mudd*, the rights to which 20th Century-Fox had purchased. The film also borrowed from Lloyd Lewis' *Myths After Lincoln*.⁴⁸ Thus, the interpretation of his story was automatically biased in his favor. Another impetus for a movie version of Dr. Mudd's life was producer Darryl F. Zanuck's tendency to glean story ideas from newspaper headlines and magazine articles. Screenwriter Nunnally Johnson's biographer described how Zanuck gave Johnson a magazine clipping about Dr. Mudd and asked him if it sounded like a good picture and told him to give it a go. Fascinated by the story, Johnson researched Mudd using the court transcripts, Lloyd Lewis' *Myths After Lincoln*, and probably Nettie Mudd's book as well. Johnson relied heavily on Lewis' book. His biographer referred to it as the basis for the script, even borrowing "*in toto*" the story of Lincoln asking the band to play "Dixie."⁴⁹

Lewis' portrayal of Mudd reveals the influence of his judgment of the doctor's guilt on Johnson's interpretation, and the screenwriter borrowed several more scenes from Lewis for his script. Lewis described Booth's visit to Mudd's in two sentences, basically saying that he set the broken leg and provided a place to rest. "That constituted Dr. Mudd's part in the great conspiracy so far as any evidence went," Lewis proclaimed, "but the physician, badly rattled, sought to keep the visit secret, denied it to detectives until he broke down and was, for his little lies, rushed to prison."⁵⁰ Johnson also borrowed from Lewis the information that Mudd had not known his verdict or his sentence, as well as the

⁴⁷Hal Higdon, *The Union vs. Dr. Mudd* (Chicago: Follett Publishing Company, 1964), 21.

⁴⁸Nettie Mudd Monroe sold the rights to the story for \$2,000, but stipulated that she was to review and approve the film before the studio released it. She later claimed that 20th Century-Fox violated the contract. See Forest J. Bowman, "The Curious Case of Dr. Mudd" John Paul Jones, ed., *Dr. Mudd and the Lincoln Assassination: The Case Reopened* (Pennsylvania: Combined Books, 1995), 205 n. 3. Also, "Anyway, It's Good Publicity: Dr. Mudd's Two Daughters' Views Keeping 'Shark Island' to Fore," *Variety*, 4 March 1936, 2.

⁴⁹Tom Stempel, *Screenwriter: The Life and Times of Nunnally Johnson* (San Diego, California: A.S. Barnes & Company, Inc., 1980), 52-54.

⁵⁰Lewis, *Myths After Lincoln*, 182.

horror stories of Fort Jefferson--including the practice of feeding cats to the moat's sharks, and the plaque inscription at the prison.⁵¹ Furthermore, according to *Time* magazine's review of the film in 1936, the article that had inspired Zanuck was one of their own, published in February 1935.⁵² The article describes Mudd as a "kindly, cultured young physician...well established in his country practice, well-liked and well-to-do." Although the article acknowledges that Mudd had met Booth socially on at least two occasions, it supports Mudd's contention that Booth had worn a disguise and used a false name on April 15, and that Mudd did not recognize him. No one would believe Mudd's claims, though, because the "whole land cried for quick, blind revenge."⁵³

Clara Laughlin's *The Death of Lincoln* indicated, as does Lewis, that Mudd probably never really liked Booth.⁵⁴ She suggested that Mudd might have known of the earlier plot to kidnap Lincoln. Even still, the only action (or lack thereof) for which Laughlin held Mudd accountable was his failure to notify the authorities of his suspicious guests as soon as he learned of the assassination. For the most part, she also assessed that "There was not a particle of evidence that he knew anything of the plot to kill...If he recognized Booth when the assassin was at his house, it was before he had heard of Booth's mad deed; and if he 'aided or assisted' in his 'concealment or escape,' it was five days before Stanton's proclamation made that treasonable. There was nothing to show that Booth had told Dr. Mudd of his crime, and everything to show that he had not."⁵⁵

Contemporary historiography reinforces that the hysteria and vengeance of both the Northern people and the federal government set the tone for the trial, conviction, and punishment of the alleged conspirators. As word spread that Lincoln had been shot, Laughlin described, so did the "frenzy of feeling against the South, against actors, against Copperheads. The panic-stricken mob in Ford's Theatre had begun to shout 'Burn the

⁵¹Lewis, *Myths After Lincoln*, 213-215.

⁵²*Time*, 24 February 1936, 57.

⁵³*Time*, 4 February 1935, 21-22.

⁵⁴Clara Laughlin, *The Death of Lincoln: The Story of Booth's Plot, His Deed and the Penalty* (New York: Doubleday, Page & Company, 1909), 27; Lewis, *Myths After Lincoln*, 161.

⁵⁵Laughlin, *Death of Lincoln*, 127-128, 185.

theatre!'...And the same unthinking fury characterized many of the mobs that surged through the streets all night."⁵⁶ As for the trial, Laughlin described the conditions in which the prisoners were held, shackled and hooded, how they were denied separate trials, and that there were witnesses "who thought they saw things we know they could never have seen, suborned witnesses who were willing to have seen anything."⁵⁷ The trial "which seems hideously unfair to us now," said Laughlin, bore the mark of the "outraged North [that] cried loudly for vengeance" and the "inflammatory articles...which represented that oddly assorted little band of prisoners as the most desperate and bloodthirsty villains."⁵⁸ Lewis agreed that at the time "Whether the accused were guilty or not guilty became of secondary importance."⁵⁹ The film's overall interpretation of Dr. Mudd's involvement in the Lincoln assassination conspiracy, and the manner in which he was tried and convicted, clearly reflects most of the historiography and public opinion of the early twentieth century.

As historians Edward Steers, Jr. and William Tidwell have argued, however, there is evidence that suggests Mudd may not have been as innocent as he claimed to be.⁶⁰ Nor was Mudd as victimized by the system as his defenders, past and present, have alleged. The debate is not merely an historical one about Mudd's innocence or guilt--his knowing, willing, involvement, in the crime or his poor judgment in failing to report Booth's visit. There is also a legal argument over the jurisdiction, procedure and evidence in the court that tried, convicted, and sentenced him.

Although President Johnson had pardoned Mudd in 1869 and released him from his life sentence, the conviction of guilt remained a stain on Mudd and his family. In the 1990s, Mudd's descendants appealed to the United States government to revisit their ancestor's case in the hope of an exoneration. In 1992, the Army Board for the Correction

⁵⁶Laughlin, *Death of Lincoln*, 110-11.

⁵⁷Laughlin, *Death of Lincoln*, 173, 176, 179.

⁵⁸Laughlin, *Death of Lincoln*, 179, 180, 181.

⁵⁹Lewis, *Myths After Lincoln*, 204.

⁶⁰See the discussion in Chapter 2.

of Military Records agreed to consider the case. The Board itself had no authority to change the military records, however, it could recommend action and advise the Secretary of the Army of its findings. The Board did not address the question of Mudd's guilt or innocence, merely the jurisdiction of the 1865 military commission to try a civilian. The Board, though admitting it had the benefit of historical hindsight, concluded that the military commission did not have jurisdiction in Mudd's case and recommended that the Army set aside Mudd's conviction.⁶¹ The Acting Assistant Secretary of the Army denied the recommendation to declare Mudd innocent, however, on the basis that, "It is not the role of the ABCMR to attempt to settle historical disputes."⁶²

Mudd's case provided an opportunity for debate by a mock judicial panel assembled by the University of Richmond Law School on February 12, 1993. The hearing encompassed the legal issues of whether or not the Hunter Commission had jurisdiction in the case, whether or not the trial's procedures were appropriate, and whether or not the evidence presented against Mudd fulfilled a burden of proof. However, "In accordance with a fundamental principle of judicial review, the moot court's judges and advocates would be asked to limit themselves to addressing the commission's 1865 decision, and therefore only those facts and legal rules available to the commission at the time."⁶³ Law students Catherine Stuart Greer, W. Scott Magargee, and John Thurston Pendleton submitted the "Brief on Behalf of Samuel A. Mudd," and Candida Ewing Steel and F. Lee Bailey represented the petitioner, Dr. Samuel A. Mudd, in oral arguments. Law students Bradford Clark Jacob, Sarah Christian Johnson, and Lisa S. Spickler submitted the "Brief for the United States in Reply," and Rear Admiral John S. Jenkins and Colonel John Jay Douglass represented the federal government in oral arguments.

⁶¹See Jones, ed., *Dr. Mudd and the Lincoln Assassination: The Case Reopened*, ix; "The Report of the Board for Correction of Military Records," Jones, ed., *Dr. Mudd and the Lincoln Assassination: The Case Reopened*, 259-71.

⁶²"The Decision of the Assistant Secretary of the Army," Jones, ed., *Dr. Mudd and the Lincoln Assassination: The Case Reopened*, 273-5.

⁶³Jones, ed., *Dr. Mudd and the Lincoln Assassination: The Case Reopened*, x.

The Honorables Robinson O. Everett and Edward D. Re, and Judge Walter Thompson Cox III served as the Special Court of Military Appeal.

Mudd's representatives argued that the military commission lacked the jurisdiction to try a civilian, under the precedent *Ex parte Milligan*.⁶⁴ In addition, they argued the "law of war applies only in a state of war," and the Civil War constituted only an insurrection because the United States never formally declared war.⁶⁵ The petitioners argued that the commission's procedures were unconstitutional, and had deprived Mudd of his 5th and 6th Amendment rights. The government had denied Mudd a trial by a jury of his peers and denied a trial in Maryland where civil courts were functioning. Furthermore, he was arraigned without a lawyer and provided only one night with counsel to prepare a defense. The petitioners also claimed that the government violated Mudd's right to due process on the basis that the case against him was too vague and the criminal charges were not sufficiently specified to mount an adequate defense. The Commission had denied his lawyer's motions for a separate trial, and did not allow Mrs. Mudd to testify on his behalf.⁶⁶ Counsel for Mudd also argued that the government had failed to meet its burden of proof with the evidence presented. One main point was that even if Mudd had known about the kidnapping plot, the government did not present compelling evidence that Mudd knew about the conspiracy to murder Lincoln, and his assistance to the assassin was not an intentional involvement in the conspiracy with which he was charged. Furthermore, Mudd's trial was conducted in an atmosphere of

⁶⁴The United States Supreme Court reviewed the military trial and conviction of a civilian resident of Indiana convicted of various traitorous and rebellious activity. The Court overturned the decision on the basis that a civilian could not be tried by a military court where civil courts were operating and martial law did not exist. See Jones, ed., *Dr. Mudd and the Lincoln Assassination*; Steers, *Blood on the Moon*, 213-4.

⁶⁵Catherine Stuart Greer, W. Scott Magargee, and John Thurston Pendleton, "Brief on Behalf of Samuel A. Mudd," Jones, ed., *Dr. Mudd and the Lincoln Assassination: The Case Reopened*, 8-9.

⁶⁶See Greer, et al. "Brief on Behalf of Samuel A. Mudd," Jones, ed., *Dr. Mudd and the Lincoln Assassination: The Case Reopened*.

public hysteria by subordinates of the victim, which compromised the impartiality of the court.⁶⁷

The government's representatives argued that the military commission had jurisdiction to try civilians accused of criminal acts during a time of war, that the Constitution recognizes the law of war by reference, although the federal government never formally recognized the Confederacy as a belligerent state, "and that Lee's surrender of the Army of Northern Virginia did not constitute the cessation of all hostilities."⁶⁸ Moreover, because the conspirators acted outside the organized armed forces, they constituted "an armed band of bushwhackers....Against such a band...the law of war operates unmitigated by privileges associated with the status of belligerency. So, ...its absence [a state of belligerency] has no bearing on the decision in this case."⁶⁹ The President was the Commander-in-Chief of armies engaged in conflict, Washington DC was a military target and under martial law. Therefore, an attack on Lincoln constituted a war crime and fell under the jurisdiction of a military court. Furthermore, martial law does not require a state of war, but can be declared in the event of natural disasters, as well. The procedures of the military court followed common law, in which defendants accused of joint charges are not necessarily entitled to separate trials. In addition, Mudd and his counsel had the opportunity to request more particular charges and specificity of evidence to which their defense must respond, and when they finally did so, the government complied.

In regard to the issue of evidence, the U.S. argued that the commission had the right to set the standard of proof. The government argued that Mudd was a party to the

⁶⁷Jeffrey F. Addicott, "The Appeal of Dr. Samuel A. Mudd," Jones, ed., *Dr. Mudd and the Lincoln Assassination: The Case Reopened*, 224.

⁶⁸Testimony also suggested that Mudd was not merely a "civilian," but that he was a member of a Rebel militia, which would classify him as a combatant and enemy belligerent. Bowman, "The Curious Case of Dr. Mudd," Jones, ed., *Dr. Mudd and the Lincoln Assassination: The Case Reopened*, 191.

⁶⁹Bradford Clark Jacob, Sarah Christian Johnson, and Lisa S. Spickler, "Brief for the United States in Reply," Jones, ed., *Dr. Mudd and the Lincoln Assassination: The Case Reopened*, 41.

kidnap conspiracy as a safe haven, as evidence proved.⁷⁰ For example, Booth and Herold found their way to Mudd's home, off the main road, at 4 o'clock in the morning, rested in an upstairs bedroom until 5 o'clock in the afternoon, and received directions to another safe haven.⁷¹ Mudd delayed notifying the authorities, was reticent in his statements, and withheld and misrepresented information. Even without evidence that connected him to the capture scheme, Mudd was guilty of aiding and abetting Booth's escape, and was an accessory after the fact.⁷²

The government representatives argued that "Conspiracy, like any other controverted fact, can be proven by circumstances."⁷³ And the evidence did suggest Mudd's knowledge of and involvement of the kidnap conspiracy. Mudd's defenders countered that whether or not Mudd was party to the kidnap conspiracy is irrelevant to the assassination conspiracy, and therefore he should not have been tried for the murder. However, the laws regarding conspiracy, which have changed little in the past 140 years, are significant to this case and to the trial and conviction of Mudd and the other defendants. As Edward Steers, Jr. has pointed out, there are four circumstances that constitute a conspiracy: an agreement between a minimum of two parties; to achieve an illegal goal; a knowledge of the conspiracy and participation in it, and; at least one conspirator's action to further the conspiracy.⁷⁴ Therefore, Mudd's knowledge of or involvement with a kidnap conspiracy is not irrelevant; he was a party to a conspiracy to do Lincoln illegal harm. Booth's actions furthered that goal, and although the result was different than the original aim, it was still one conspiracy. All parties, including at least seven of the eight defendants, could be held accountable for Booth's crime under the

⁷⁰Jacob, et al. "Brief for the United States in Reply," Jones, ed., *Dr. Mudd and the Lincoln Assassination: The Case Reopened*, 33-50.

⁷¹Candida Ewing Steel, F. Lee Bailey, John Jay Douglass, John S. Jenkins, "Oral Arguments," Jones, ed., *Dr. Mudd and the Lincoln Assassination: The Case Reopened*, 78.

⁷²Bowman, "The Curious Case of Dr. Mudd," Jones, ed., *Dr. Mudd and the Lincoln Assassination: The Case Reopened*, 199.

⁷³Steel, et al., "Oral Arguments," Jones, ed., *Dr. Mudd and the Lincoln Assassination: The Case Reopened*, 47.

⁷⁴Steers, *Blood on the Moon*, 210. Refer also to chapter 2.

concept of vicarious liability, because none of them actively attempted to prevent the conspiracy from taking place.⁷⁵ Colonel Douglass, as well as recent historians, argued that the circumstances provided evidence to support a conspiracy existed and under relevant laws, Mudd and his fellow conspirators were rightfully tried as parties to Booth's crime.

In regard to the petitioner's argument that the government denied Mudd his right to testify in his own defense, and that Mrs. Mudd should have been allowed to testify on her husband's behalf, the testimonial rights in 1865 were different than they are as we know them. First of all, the right of a person accused of a crime to testify in his defense is not a right guaranteed by the Constitution. In 1865, a defendant in a military or civil trial was specifically restricted from testifying because a person accused of a crime was not considered a "competent witness." In other words, he would have incentive to perjure himself. Congress did not enact a law providing the right to testify in one's own defense until 1878.⁷⁶ In regard to Mrs. Mudd's testimony, the records indicate that the defense never sought to introduce her as a witness during the trial. Possibly because Mrs. Mudd would probably have not made a good witness for the defense. Her statements differed from Mudd's on several points, and it was likely that she would "have tripped up on a material fact under cross-examination."⁷⁷

In spite of the historical and legal debates, the real and moot recommendations, the case against Mudd will probably remain unresolved. The historical evidence and subsequent trial record is obviously subject to interpretation. It may not be possible to resolve whether Mudd was involved in the initial conspiracy or had knowledge of the murder conspiracy, whether Mudd recognized Booth on April 15, whether his statements

⁷⁵Steers, *Blood on the Moon*, 210-11. Refer also to chapter 2.

⁷⁶Frederick Bernays Wiener, "His Name was Mudd," Jones, ed., *Dr. Mudd and the Lincoln Assassination: The Case Reopened*, 119; Carington and Risvold, "Vanity Does Not Justify Rewriting Dr. Mudd's Story," Jones, ed., *Dr. Mudd and the Lincoln Assassination: The Case Reopened*, 237.

⁷⁷Carington and Risvold, "Vanity Does Not Justify Rewriting Dr. Mudd's Story," Jones, ed., *Dr. Mudd and the Lincoln Assassination: The Case Reopened*, 237. See also Bowman, "The Curious Case of Dr. Mudd," Jones, ed., *Dr. Mudd and the Lincoln Assassination: The Case Reopened*, 192.

regarding his previous association with Booth and the material facts of their meeting after the assassination were truthful, and whether his delay in notifying the authorities was intentional and constituted the aiding, abetting, and accessory charges. Furthermore, historians and legal analysts will continue to debate the issues of the jurisdiction, procedure, and impartiality of the military commission assembled to try the conspirators, and whether the convictions and sentences were ultimately a miscarriage of justice.

The Prisoner of Shark Island is a moving portrayal of Mudd's innocence, his wrongful conviction and unjust punishment, as well as a powerful condemnation of the mass hysteria and the government vengeance that ended one of America's tragedies with shame and dishonor. More than a historical interpretation, however, the movie is, itself, an artifact of its time. Certainly the representation of the events coincides with contemporary interpretations, but the movie is also a reflection of broader events and issues of the 1930s. The producer, screenwriter, and director did not simply tell a story about the past; their film is also a story of themselves and the world around them. Their message is not just what was, but also a mirror of what is, and a challenge and a warning to be aware of what could be. The 1930s were a turbulent and terrifying decade. After the Roaring Twenties, the Great Depression ushered in what one historian called "a dark valley inhabited by the giants of unemployment, hardship, strife and fear.... Totalitarianism won adherents across frontiers, for the failures of capitalism were palpable during the Depression and the democracies suffered a sharp crisis of confidence."⁷⁸

In America, the Great Depression was wreaking havoc on the nation's economy, forcing millions out of their jobs, out of their homes, and into the unemployment and soup lines. Anxiety, hopelessness, and desolation weighed heavily on Americans, exacerbating conflicts of race, ethnicity, and class. Even the international crises developing in Europe and Asia could not shake the domestic priorities or reverse the

⁷⁸Piers Brendon, *The Dark Valley: A Panorama of the 1930s* (New York: Vintage Books/Random House, Inc., 2000), xiii, xvii.

isolationist foreign policy. In the British Isles, England continued its subjugation of the Irish people. In Japan, Spain, Italy, and Germany fascist, militaristic dictatorships rose to power, in some cases replacing democratic governments. These regimes used their armies to repress their own people and invade neighboring nations. The filmmakers who wrote, directed, and produced *Shark Island* lived in the shadow of domestic crisis and international upheaval, and their project reflected its influence. To their film, they also brought their own political and social ideas and convictions. *Shark Island*, then, is not merely an attempt to resurrect the image of Dr. Mudd, its themes also reflect its creators and its era.

The film is the first of three projects made by perhaps the greatest and most influential film triumvirate of their times: Darryl F. Zanuck (producer and studio executive), Nunnally Johnson (screenwriter), and John Ford (director). Their triumvirate collaboration resulted in one of the most widely respected films of the twentieth century, *The Grapes of Wrath* (1940).⁷⁹ Johnson was one of Zanuck's most prolific and successful screenwriters at 20th Century-Fox, and Johnson held deep admiration and respect for Zanuck. Though their strong personalities occasionally collided, Zanuck and Ford were also a successful pair. Together they were responsible for *How Green Was My Valley* (1941), which beat *Citizen Kane* to win the Academy Award for Best Picture. Ford is regarded as one of the greatest film directors of all time, extremely prolific and yet eminently artistic. Among his most honored and remembered films are *The Hurricane* (1937), *Stagecoach* (1939), *Young Mr. Lincoln* (1939), *Drums Along the Mohawk* (1939), *My Darling Clementine* (1946), *The Quiet Man* (1952), *The Searchers* (1956), *The Man Who Shot Liberty Valance* (1962), and *Cheyenne Autumn* (1964).

The genesis for *The Prisoner of Shark Island* came from producer and studio executive Darryl F. Zanuck. The profitability of his studio's popular stars Will Rogers and Shirley Temple, gave Zanuck the freedom to choose special projects with a message. His

⁷⁹The three also collaborated on *Tobacco Road* (1941).

biographer, George Custen, noted that "Zanuck seemed to thrive when he was tackling subjects--racism, anti-Semitism, crime, mental illness--that American movies were supposed to approach with gentility, if at all."⁸⁰ He was careful not to offend an audience, after all, movies were a business. But he was frequently able to offer "social criticism...[if] he could dress it up as a love story."⁸¹ During the Great Depression, Zanuck tapped into Americans desire to escape their troubles, and recognized that they craved inspiration and hope.

Moreover, as Custen points out, Zanuck realized that "movie-goers were no longer content with taboo-breaking titillation or the distraction of artificial enthusiasm...*'They want interpretive, analytical, educational information on the screen, or any place else.'*"⁸² In a speech at the Writers Congress held by the University of California and the Hollywood Writers Mobilization in 1943, Zanuck delivered a challenge to writers to script movies that guide, enlighten and educate. He believed that audiences were ready for movies with that purpose, and that producers would be more willing to take financial risks if those films were well-written. Box office success for message movies was important, Zanuck insisted, not because of mere profit, but because maximum turnout meant that the great numbers of people had heard the message.⁸³ He found ways to use film to address present-day issues, as in *The Grapes of Wrath* (1940), and to protest 1930s American isolationism and support the creation of the United Nations, as he did with *Wilson* (1944). "These pictures," said Zanuck, "have something of importance to say to the world....we [filmmakers and screenwriters] must play our part in the solution to the problems that torture the world. We must begin to deal realistically in film with the causes of wars and panics, with social upheavals and depression, with starvation and want

⁸⁰Custen, *Twentieth Century's Fox*, 2.

⁸¹Custen, *Twentieth Century's Fox*, 15.

⁸²Custen, *Twentieth Century's Fox*, 189. Emphasis in original.

⁸³Colonel Darryl F. Zanuck, "Do Writers Know Hollywood? The Message Cannot Overwhelm the Technique," *The Saturday Review*, 30 October 1943, 12-13.

and injustice and barbarism under whatever guise."⁸⁴ His own political and social agenda often determined his projects and the product reflected his values, which was one of the reasons he chose Mudd's story for a film. Not only would it be a dramatic and entertaining movie, *Shark Island* was an opportunity for Zanuck to comment on serious political and social issues and events of the time.

Zanuck assigned the movie script to Nunnally Johnson, a former newspaper reporter. Johnson's career as a journalist had lacked success, but he found it in the movie industry. A Southerner by birth, Johnson brought a geographical sympathy to Mudd's story. Moreover, his particular talent in movie scripts was telling the story of the married-family-man hero when most popular films were carried by quirky or attractive bachelors. His depiction of Mudd as the devoted husband and doting father not only humanized the Maryland doctor, but characterized the kind of man that Johnson admired and aspired to be.⁸⁵ He also gave Mrs. Mudd more than the mere supporting role, to which most women in "men's films" were relegated. Her determination and perseverance gave the role some dimension, and was relatively true to life, since Mrs. Mudd had been tireless in her efforts to obtain his release.⁸⁶ Johnson's ability to write roles for women helped balance out Zanuck and director, John Ford, who were both less interested in women artistically and preferred male oriented and dominated films.⁸⁷

John Ford was the son of Irish immigrants, born and raised in Maine, and had wanted to join the military. Instead, he followed his brother Francis to Hollywood. He started as a stuntman and had some small acting roles, but it was ultimately as a director that John Ford made his mark. His deep respect for the military continued throughout his life, and he became a member of the Naval Reserve in 1940, serving throughout WWII as

⁸⁴Zanuck, "Do Writers Know Hollywood? The Message Cannot Overwhelm the Technique," *The Saturday Review*, 30 October 1943, 13.

⁸⁵Stempel, *Nunnally Johnson*, 53.

⁸⁶Weckesser, *His Name Was Mudd*, 145.

⁸⁷Custen, *Twentieth Century's Fox*, 9. John Ford is well known for his Westerns with John Wayne, and his drinking and carousing escapades with male friends were also legendary.

a documentary filmmaker.⁸⁸ As a director, Ford could be difficult to work for. He was fond of ruffling actors and crew, developed an on-set reputation as hardworking and cantankerous, and an off-set reputation as a heavy drinker. By all accounts, he was a complex and enigmatic man. His biographers acknowledge Ford was a complicated and elusive man and difficult to understand because, in what became typical Ford fashion, he invariably obscured inquiries about his background and beliefs with exaggerations and fabrications.

In a career that spanned more than 50 years, John Ford produced 136 films (of which 54 were Westerns), won six Academy Awards, four New York Critic Awards, and was the first recipient of the American Film Institute's Life Achievement Award. Jimmy Stewart remembered that "He had this deep abiding love of the business of motion pictures and the way he told the story, the way he got the story up on the screen was pretty much his own personal thing."⁸⁹ Ford tended to be wary of social content films, because he recognized that movies were a business.⁹⁰ "Films are made for money and entertainment," Ford told a Seattle newspaper in 1960. However, Ford would have liked to have made more historical films. He was fascinated by the U.S. History, particularly the Civil War and the American West, and was especially intrigued by Abraham Lincoln, who was his political idol.⁹¹ But he did not believe there was much interest in those movies.⁹² Although admired for his expansive scenic shots and poetic visual style, he tended to downplay his artistry, and insisted that he was just doing his job.

At the time that Zanuck, Johnson, and Ford came together to make *The Prisoner of Shark Island*, America had been mired for six years in the nation's worst economic depression. The stock market's crash in 1929 had created financial panic, destabilized the

⁸⁸He won Academy Awards for two war-time documentaries, *The Battle of Midway* and *December 7th*.

⁸⁹Jimmy Stewart, interview by Dan Ford, transcript, John Ford Collection, Indiana University, Box 12, folder 16.

⁹⁰Davis, *John Ford*, 78.

⁹¹Davis, *John Ford*, 103.

⁹²Jack de Yonge, "Ford Stresses Film as Entertainment," *The Seattle Times*, Friday 3 June 1960, 43. In John Ford Collection, Lilly Library, Indiana University (Bloomington), Box 11, folder 1.

economy, devalued the dollar, and resulted in massive unemployment. Combined with the environmental disaster of the Dust Bowl, the Great Depression drained the country's earlier prosperity and dealt a serious psychological blow to the American people.⁹³ A sense of hopelessness pervaded society. Hollywood and the movies provided a place for people to escape their troubles and the grim reality of their lives. Motion picture fare tended toward escapist fantasy, banal sentimentality, elaborate musicals, romantic or screwball comedy, and comforting nostalgia.⁹⁴ "Hollywood manufactured optimistic myths to cheer a depressed civilisation."⁹⁵

Some films, like *The Grapes of Wrath* (1940) or *Duck Soup* (1933), tackled present-day issues, either through drama or through satire. Although *The Prisoner of Shark Island* was not necessarily intended as social or political commentary, it nevertheless reflects the concerns and events of its time. The film is a message to a discouraged and anxious world of faith in the American ideals and democratic values embodied in Mudd's work ethic, perseverance, leadership, and compassion for his fellow man. His paternalism in taking care of the prison in crisis, cajoling and threatening the supply ship, insisting that "I gotta take care of things," reflects Roosevelt's approach to the American people, Congress, and New Deal legislation. In spite of his situation, as hopeless and permanent as it seemed, Mudd manifested Ford's belief that "human beings should survive until bad times changed for the better."⁹⁶ Mudd was beaten and broken-down by the futility of his fight, but he prevailed because of his dedication to American (and Fordian) ideals: "family, justice, traditional morality, personal integrity, sacrifice, work well done." The victim of circumstances and the American system in crisis, Mudd

⁹³Paul Boyer, et al., *The Enduring Vision: A History of the American People, Vol. II: From 1865*, 4th ed. (Boston/New York: Houghton Mifflin Company, 2000), 711; Alan Brinkley, *The Unfinished Nation: A Concise History of the American People, Vol. II: From 1865* (New York: Overture Books/McGraw Hill, Inc., 1993), 654-55, 658.

⁹⁴Boyer, *Enduring Vision*, 745; Brinkley, *Unfinished Nation*, 666; Brendon, *The Dark Valley*, 499, 502. Examples include: *The Wizard of Oz* (1937), *It Happened One Night* (1933), *Top Hat* (1935), *State Fair* (1933).

⁹⁵Brendon, *The Dark Valley*, 502.

⁹⁶Sinclair, *John Ford*, 73.

kept the faith and, like the Biblical Job, was ultimately rewarded with liberation from his suffering and sacrifice. Joseph McBride commented in his biography of Ford that "*Shark Island* perhaps should be approached more for its mythic qualities than for its claims of historical accuracy. If taken with that large grain of salt...*Shark Island* can be taken on its own terms, as an allegory about the need to 'bind up the nation's wounds.'"⁹⁷

The victimization of a white Southern doctor may have inspired sympathy among mainstream Americans, but for African Americans victimization had always been a part of life in the United States. Though persistent and pervasive throughout America and particularly in the South, racism was on the rise in the 1920s and 1930s. The Ku Klux Klan gained in membership and visibility, terrorizing blacks throughout the American South and Midwest. In some ways, *Shark Island* reflected the reigning cultural attitude and cinematic tendency to patronize and demean blacks. Particularly in historical representations, movies portrayed blacks as inferior yet loyal to whites and content with their low station in society. In other respects, the film presented its main black character, Buck, in ways that were progressive for the 1930s.

The *Shark Island* script and the film depict blacks as stereotypical caricatures. As a representation of Civil War-era racial hierarchy, there is a certain expectation and truthfulness in young white men calling an old black man "Boy" as Booth does (00:07:08), and in Buck's persistent use of "Marse" when referring to Mudd. However, the movie's portrayal of black characters also reflects the 1930s attitudes. Other films of the time also depict black slaves as ignorant, content, and ultimately loyal; the O'Hara's servants in *Gone With the Wind* are a perfect example. In some respects the screenplay for *Shark Island* is more racist and condescending towards blacks than the movie. This may be attributed to some degree to the Southern origins of Nunnally Johnson, who was born and raised in Columbus, Georgia. For instance, as Colonel Dyer exhorts that the war was not about slavery, but about the constitutional right of an individual state to secede,

⁹⁷McBride, *Searching for John Ford*, 256

the black servant Blanche listens and "her eyes, *wide with admiration*, never leave the Colonel's face."⁹⁸ Buck and Rosabelle are not married in spite of their 12 children, a stereotypical assessment of the lack of family unity among slaves, even though the institution in practice tended to discourage marriage. In a scene not included in the film, Mudd emerges from the cabin where Rosabelle has delivered, the script describes the "largest and blackest" of family's waiting outside, the children are called "pickaninnies." Even Mudd's reaction to blacks is more racist in the screenplay. Stage directions for the character include: Mudd "shakes his head at the general irresponsibility of negroes, " and "Mudd shrugs hopelessly, as though to say, what can you do about such childlike people?"⁹⁹ Certainly for a former slaveowner during the mid-nineteenth century these suggestions of Mudd's attitudes are appropriate. And yet these attitudes written into a 1930s movie script also reiterate a time when Jim Crow dominated the South, de facto segregation characterized the North, and blacks nationwide endured discrimination, prejudice, and second-class citizenship.

One of Ford's biographers credited the director with tempering the script's racism in the screen translation.¹⁰⁰ Another also commented that the main black character, Buck, is an exception to the movie stereotypes of his race, and that the actor, Ernest Whitman, infused his role with dignity, playing loyalty and charity with honesty. He also attributed Ford with a moving depiction of "the growing bond between Dr. Mudd and his former slave, Buckingham Montmorency 'Buck' Milford." "The turning point in Buck's relationship with Dr. Mudd," he continues, "comes when they are left to die together in solitary confinement and Mudd ministers to his stricken friend."¹⁰¹ Yet another Ford biographer interpreted the racial aspects of the *Shark Island* as Ford's commentary on the "rising tide of bigotry and lynch law in the American thirties."¹⁰² Resisting the easy and

⁹⁸Johnson, *Shark Island* screenplay, 23, scene #40. Emphasis mine.

⁹⁹Johnson, *Shark Island* screenplay, 30-31, scene #49, 34, scene #52.

¹⁰⁰Eyman, *Print the Legend*, 164.

¹⁰¹McBride, *Searching for John Ford*, 257.

¹⁰²Sinclair, *John Ford*, 73-74.

common black stereotypes most filmmakers employed, Ford presents Buck as a loyal and helpful friend, willing to endure hardship and suffering at Mudd's side. Buck does this without coercion, but because he likes and respects Mudd. More importantly, though, Ford shows that the friendship between the two men is based on kindness and compassion. When Mudd and Buck are shut up together in the dungeon, race and color matter not at all.

Ford was certainly sympathetic to victims of oppression, and did not tolerate discrimination based on race, religion, or sexuality. He did not, however, hide the world's bigotry in the worlds of his films.¹⁰³ His empathy may have stemmed from having grown up Irish and Catholic and faced discrimination himself. Although Mudd does not fit the usual description of a victim of prejudice, the movie presents him as a victim of oppression and persecution: a Southern sympathizer in a land overrun by carpetbaggers, and a victim of a faulty justice system blinded by bitterness, outrage, and a desire for vengeance after the Civil War. This theme made sense to Americans in the 1930s. The failures of the judicial system had been on display in the 1920s and 1930s with the infamous Sacco and Vanzetti trial, and the Scottsboro Nine case. Targeted by nativists and political conservatives, Sacco and Vanzetti, both immigrants and anarchists, were accused of murder, though the charges against them were "questionable and suffused with nativist prejudices and fears." Public support, appeals and pleas for a pardon went unheeded, and although they never wavered from their innocence, they were put to death.¹⁰⁴ Ford's good friend and an outspoken liberal, screenwriter Dudley Nichols, had reported the case for a New York newspaper and undoubtedly influenced Ford's view of the trial.¹⁰⁵ In 1931, the "Scottsboro boys," nine black teenagers, were charged with vagrancy, disorder, and rape. Despite evidence that the alleged rapes never occurred, the all-white Alabama jury convicted all nine and sentenced eight to death. The Supreme

¹⁰³Sinclair, *John Ford*, 56-7; Eyman, *Print the Legend*, 20-21.

¹⁰⁴Brinkley, *Unfinished Nation*, 627.

¹⁰⁵McBride, *Searching for John Ford*, 173.

Court overturned the verdicts in 1932 and new trials continued throughout the 1930s. The charges against four were dropped, four obtained early parole, and one escaped. However, the Southern juries never acquitted any of the defendants.¹⁰⁶ *Shark Island* mirrors the injustices of the court system because the defendants accused of conspiracy in Lincoln's murder were also unable to obtain a fair trial. They were Southern sympathizers, associated with the assassin, and civilians who were tried in a military court by Northern officers, who were subordinates of Lincoln.

In addition to the pervasive sense of hopelessness that characterized Americans in the 1930s, there was also an overwhelming sense that domestic priorities took precedence over international turmoil. This collective turn inward manifested itself in strict isolationist foreign policy. Although events abroad became more and more dangerous and urgent as fascist and totalitarian regimes came to power in Europe and Asia, the United States resisted involvement in international affairs. This stemmed primarily from the disillusionment caused by World War I. This war had been waged on a scale unknown to that point, with technology designed for mass casualties, and it took an enormous human (and economic) price. Americans believed that the country had made a mistake by entering the war, had been tricked into it by banks, business interests, and munitions manufacturers, and that its involvement had been sustained by war propaganda. Between 1934 and 1936, Congress investigated U.S. banks, corporations, and military industries that had financed and supplied the war effort, and documented their lobbying and public relations efforts to support and maintain U.S. intervention. The result of the investigations was a strengthened resolve to avoid future involvement in world crises, characterized in peace movements and antiwar literature. By 1937, 70% of Americans believed that the United States should not have gotten involved in WWI. To prevent future entanglement, Congress passed the Neutrality Acts in 1935 and 1937, and even attempted to ratify the

¹⁰⁶Brinkley, *Unfinished Nation*, 660, 686-87; Douglas O. Linder, "The Trials of the Scottsboro Boys," Louise I. Gerdes, ed. *The 1930s* (San Diego, California: Greenhaven Press, Inc., 2000), 246-260.

Ludlow Amendment to the Constitution which would require a national referendum on declarations of war.¹⁰⁷

Overseas, however, the situations were worsening. Of particular concern to John Ford was the British repression of Ireland. After the Easter Rebellion in 1916, Ireland proclaimed itself a republic, but England continued its brutal subjugation of the Celtic nation and executed fifteen Irish leaders. The Irish Republican Army (IRA) waged a guerrilla war against Britain's occupying force since 1919. Ford's family, though deeply patriotic, maintained a loyalty to their homeland and continued to support Irish independence. Ford contributed money to the IRA to maintain their war against the English, and even traveled to Ireland in 1921 to visit the war-torn country and meet his relatives, including a cousin who was a member of the IRA. Ford's boat to Dublin carried the IRA leader, Michael Collins, who was returning from treaty negotiations in London. However, the Irish people were not just at war with Britain; there was factionalism and turmoil within the political coalitions and ranks of the IRA as well. Collins had unwillingly, but without much choice, accepted the partition of the Ireland Free State and the six northern counties, and IRA extremists later assassinated him for it in 1922.¹⁰⁸ Ford's passion for Celtic resistance is embodied in his trilogy of Irish rebellion with screenwriter Dudley Nichols: *The Informer* (1935), *Mary of Scotland* (1936), *The Plough and the Stars* (1936).¹⁰⁹

Ford's political sympathy for the Irish may have contributed to *Shark Island's* depiction of the South's occupation and repression by Northern forces. Maryland's proximity to Washington DC and Virginia made it strategically important and it was frequently occupied by Union soldiers. One of the significant battles of the war was fought at Sharpsburg, Maryland. Although Maryland was a Union state, most of its citizens were sympathetic to the Confederacy, and federal soldiers were likely to take out

¹⁰⁷Boyer, *Enduring Vision*, 752-755; Brinkley, *Unfinished Nation*, 714.

¹⁰⁸McBride, *Searching for John Ford*, 135-44.

¹⁰⁹Sinclair, *John Ford*, 69-70.

their anger, frustration, and bitterness on people with Southern loyalties. In *Shark Island* federal investigators pursuing the assassins arrest the blacksmith whose horse and buggy were stolen simply because they suspect him, and indeed all of his neighbors, of being Confederate sympathizers and assisting the fugitives. Union forces occupied the South during Reconstruction, and for "many white Southerners, it was a vicious and destructive experience--a period when vindictive Northerners inflicted humiliation and revenge on the prostrate South."¹¹⁰ Lincoln's assassination further enflamed Union soldiers against the South since Southern sympathizers and possibly the Confederate government were responsible for his murder.

Shark Island's themes of occupation and repression were issues that became more and more urgent throughout the 1930s. Fascist and militaristic governments replaced democracies, and aggressively sought to expand their power of influence. Leaders sent their armies into neighboring nations and subjugated the native populations, stripped them of their rights, and unleashed unspeakable violence. In Japan, for example, imperialism and nationalism became increasingly aggressive and militaristic. After a 1931 coup d'état by Japan's military leaders, the island nation invaded northern Manchuria, and by 1932 had launched further into China and invaded Shanghai. Thousands of civilians were killed as Japanese forces attacked and occupied mainland China.¹¹¹ These actions were not limited to the Far East, and throughout the decade the world would watch in horror as the belligerent tactics of dictators became more and more shocking.

Fascism, totalitarianism, and aggression was on the rise throughout Europe as well. In Italy, Benito Mussolini and the Fascist Party seized control in 1922, largely the result of that country's economic instability and social unrest.¹¹² Historian Piers Brendon called Mussolini's "March on Rome" the signal of "the victory of despotism over

¹¹⁰Brinkley, *Unfinished Nation*, 419.

¹¹¹Boyer, *Enduring Vision*, 751-52; Brinkley, *Unfinished Nation*, 711-12; Brendon, *The Dark Valley*, 43-4, 208-11, 219-21.

¹¹²Boyer, *Enduring Vision*, 752; Brinkley, *Unfinished Nation*, 711.

democracy." Mussolini "snuffed out parliamentary power....encouraged acts of violence against his opponents.... suppressed civil liberties, expropriated property, imposed censorship, tapped telephones, destroyed independent trade unions, imprisoned people without trial." Mussolini's brand of fascism was not merely a threat to democracy, it was "government by terror."¹¹³ In the summer of 1935, Italy invaded Ethiopia, yet another sign of the militarism and aggression that was gripping Europe.

In Germany, the humiliating terms and reparations burdens of the Versailles agreement after the First World War were taking their toll. Economic depression, growing nationalism, and the ineffectiveness of the Weimar Republic would eventually have catastrophic impact on Germany and the rest of the world. In 1933, Adolf Hitler, of the National Socialist (Nazi) party, became Germany's Chancellor, swiftly dismissed the parliamentary Reichstag, and ordered new elections; it was the beginning of his consolidation of power. Hitler initiated the Enabling Act, which would provide the basis for his dictatorship, and sanctioned emergency orders suppressing "fundamental freedoms of speech, press, assembly, freedom from invasion of privacy...and from house search without warrant."¹¹⁴ In violation of the Versailles terms, Hitler began a program of remilitarization, and signaled his militaristic aggression and Aryan version of manifest destiny with the German occupation of the Rhineland in 1936.¹¹⁵

The most frightening program Hitler instituted was the systematic oppression, and later extermination, of the Jews. He began by enacting anti-Jewish laws, excluding Jews from German life, issuing a decree to define a "non-Aryan" and once defined, passed the 1935 Nuremberg Laws that "legitimated racist anti-Semitism," disenfranchised Jews and stripped them of citizenship and civil rights.¹¹⁶ Violence against Jews escalated,

¹¹³Brendon, *The Dark Valley*, 28-30.

¹¹⁴Lucy S. Dawidowicz, *The War Against the Jews, 1933-1945* (New York: Bantam Books, 1975), 50-51.

¹¹⁵Brendon, *The Dark Valley*, 281; Brinkley, *Unfinished Nation*, 715.

¹¹⁶Dawidowicz, *War Against the Jews*, 48-69.

culminating in November 1938 with Kristallnacht, a "spontaneous" demonstration of destruction of Jew's property, businesses, institutions, and synagogues.¹¹⁷

Anti-Semitism was not unusual in the United States, either, and although Jews dominated the upper echelons of the motion picture industry, movie-makers tended to avoid the subject. Except Zanuck and Johnson. Their film *The House of Rothschild* (1934) dramatized the struggle of the Jewish Rothschild family against anti-Semitism to become one of Europe's most prominent banking empires. The film begins with a sequence depicting the Jewish ghetto closing and locking at curfew.¹¹⁸ Ford was also sympathetic to the oppression of the Jews. He protested German fascism through his involvement with the Hollywood Anti-Nazi League, and in 1938 addressed a rally whose theme was "The Nazi Menace in America."¹¹⁹ In a 1942 letter to his agent, Harry Wurtzel, Ford wrote, "Confidentially, Harry, the next twelve months are going to be tough, but we will win a glorious victory eventually. We have got to because Jews like you and Catholics like myself and family, who have no place in the world, can't let these bastards succeed."¹²⁰ The filmmaker's sympathy for European Jews living under Germany's subjugation was perhaps a motivating factor for *Shark Island's* portrayal of Mudd. His position was tenuous as a Southern sympathizer living in a Union state, just as the situation of the Jews was precarious in Germany. When the federal government accused him of conspiracy, they stripped him of his civil rights and citizenship and railroaded him through a sham trial and into prison, just as the Jews were systematically denied their rights and citizenship and corralled into labor and concentration camps.

In the mid-1930s, as Zanuck, Johnson and Ford were creating *Shark Island*, the Spanish Civil War was reaching a climax. Piers Brendon called it the "defining episode of the period and the dress rehearsal for the Second World War."¹²¹ Spain's troubles also

¹¹⁷Dawidowicz, *War Against the Jews*, 100-02.

¹¹⁸Stempel, *Nunnally Johnson*, 49-50, 204-05; Custen, *Twentieth Century's Fox*, 26, 185-87.

¹¹⁹McBride, *Searching for John Ford*, 272.

¹²⁰John Ford to Harry Wurtzel, 12 January 1942, John Ford Collection, Indiana University, Box 1.

¹²¹Brendon, *The Dark Valley*, xiv.

"alerted Americans to the rise of fascism in Europe."¹²² Twentieth century Spain was hardly a modern country, transportation and communication lagged far behind Europe, half of the population lived hungry and impoverished, regional villages and the hierarchy of the Church wielded more power and allegiance than the successive governments in Madrid. Politically unstable, and at the mercy of extremists and anarchists, the economic crisis of the 1930s became a catalyst for Spain. The country became a Republic in 1931, but for the next two years it struggled under Prime Minister Manuel Azana. A left-wing proletariat uprising erupted in parts of Spain. Francisco Franco's army terrorized and brutalized the uprisers to squash the revolt. The Spanish left formed a coalition to protest the violence, corruption, and incompetence of the government, but the country, choked by economic depression and unemployment, continued to battle internal conflict: civil war ensued. The Nationalists, under Franco, embraced fascism and received support from Italy and Germany's dictators; the Loyalists or Republicans embraced democratic ideas, and appealed to the nations of freedom for support.¹²³

Like most Hollywood liberals, Ford sided with the Spanish Loyalists in the civil war against Francisco Franco's fascist Nationalist coalition, and helped found the Motion Picture Artists Committee to Aid Republican Spain. The organization eventually boasted a 15,000 membership, and actively raised support for the Loyalist cause.¹²⁴ Ford's nephew, Bob, one of Francis Ford's sons, was a volunteer in the International Brigade. Bob's letter to Ford in September 1937 thanked him for donating an ambulance to the Spanish government and expressed gratitude for his interest and the support of other "liberals in the States" for their cause.¹²⁵

According to Brendon, the significance of the Spanish Civil War was as a

¹²²Boyer, *Enduring Vision*, 747.

¹²³Brendon, *The Dark Valley*, 360-70; Brinkley, *Unfinished Nation*, 667; Boyer, *Enduring Vision*, 747.

¹²⁴McBride, *Searching for John Ford*, 270-71.

¹²⁵Bob Ford to John Ford, 30 September 1937, John Ford Collection, Indiana University, Box 1. There is some controversy over this donation, since an unsigned typed statement included with the correspondence indicated that Ford never donated an ambulance, only money. In addition, Bob mentioned to his uncle that there were several former IRA men serving in the British Battalion.

a microcosm of the world-wide struggle against fascism....It seemed to crystallize the universal opposition between bosses and workers, between Church and State, between obscurantism and enlightenment...In retrospect, then...[it] can be seen as the hinge between global slump and global war. For the Depression not only fostered extremism, it also undermined liberalism. It sapped the will of Britain, France and (to a lesser extent) the United States to resist fascist aggression.¹²⁶

However, to the extent that it mobilized writers, intellectuals, and artists (including filmmakers) to support anti-fascist resistance, the Spanish Civil War provided an opportunity for American liberals to learn the political and social tactics to engage an otherwise distracted population. In the meantime, vicious propaganda, relentless violence, and brutal subjugation by fascist dictatorships was enfolding Europe. It is apparent by their political affiliations and professional work that Zanuck and Ford recognized the threat posed by events in Europe. His biographer, Joseph McBride, wrote that "Ford was well ahead of most other Americans in his concern about the probability of war between the democracies and the fascist powers. That concern was reflected not only in his filmmaking but also in his service in the Navy Reserve and his involvement in Hollywood political organizations."¹²⁷

Zanuck also infused his special projects with his own method of political and social persuasion. For instance, with *Wilson* (1944), Zanuck aimed to "argue convincingly for the brand of internationalism espoused by his political idol, Wendell Willkie."¹²⁸ The movie *The Grapes of Wrath* tells the story of the Joad family's plight during the Depression on their farm in the Dust Bowl and their journey west through migrant camps in search of work. Zanuck's production and research team amassed information on the lives of migrants and Okies, newspaper articles that showed little sympathy for their plight, handbills and advertisements that deceived desperate workers and lured them west, and studied Dorothea Lange's WPA photographs to present honest

¹²⁶Brendon, *The Dark Valley*, 339, 359, 409.

¹²⁷McBride, *Searching for John Ford*, 270

¹²⁸Custen, *Twentieth Century's Fox*, 275.

and real visual images.¹²⁹ Although Ford claimed that both he and Zanuck were "apolitical," it is clear that they were not.¹³⁰ And while they may have been careful about using film as a soapbox instead of simple entertainment, the projects that they chose nevertheless reflected their beliefs, values, and ideals.

These events and issues were the contemporary context in which Zanuck, Johnson and Ford made *The Prisoner of Shark Island*. The movie not only entered the debate on the side of Mudd's innocence, it provided the filmmakers with the opportunity to comment on current political and social issues. In the depths of the Great Depression, *Shark Island* reassured audiences that hard times could be overcome. The film counseled determination, perseverance, hard work, and compassion. Oppression was a main theme of the movie. Mudd's home state was occupied by Union soldiers who took out their bitterness and frustration on Southern sympathizers; just as the Irish endured the occupying forces of the British army. A nation in mourning accused him of conspiracy for helping an injured man, and an ostensibly democratic government stripped him of his civil rights; just as Jews in Europe and African Americans in the United States were denied the privileges and protections of true citizenship. The military arm of the federal government wielded enormous power and exercised its iron will in dealing with its opposition; just as Franco's army in Spain, Mussolini in Ethiopia, and Japan in Manchuria and China. The government denied Mudd his right to speak, to defend himself, and to be tried by a jury of his peers. Instead, a vengeful military commission convicted him based on impartial and circumstantial evidence, and sentenced him to a life of persecution and torture on Shark Island. The movie warns that even democratic governments are capable of abusing power when the military becomes the arm of law and justice. The federal government's dismissal of judicial procedures and guarantees mirrored the tactics of Mussolini and Hitler. Moreover, the mob mentality and hysteria that followed the

¹²⁹Custen, *Twentieth Century's Fox*, 231-32; McBride, *Searching for John Ford*, 314.

¹³⁰Custen, *Twentieth Century's Fox*, 231.

national tragedy of Lincoln's death blinded people to the persecution of innocent people. Mudd, an innocent man, found guilty by a government and people burning "white-hot with outrage," was the victim of mass hysteria.¹³¹ As the hysteria of economic depression, political instability, and social upheaval mounted throughout the United States, Europe, and Asia, *The Prisoner of Shark Island* becomes an example not merely of escapist entertainment or a history lesson; it was the filmmaker's message of urgent caution to a world on the verge of global crisis.

Audiences and film critics responded positively and sympathetically to Mudd's story, the movie, and its messages. The week after *The Prisoner of Shark Island* opened, 20th Century-Fox took out a full-page advertisement in *Variety* magazine to declare the movie a success. The ad proclaimed the film a "SMASH!" and reproduced a telegram from Detroit announcing that the movie opened to overwhelming business, in spite of frigid mid-winter temperatures. Opening day had been a tremendous success and Detroit's Fox Theatre was doing the best business in town, the house was "jammed."¹³² The same issue that ran the advertisement listed the estimated gross in Detroit at \$26,000.¹³³ Around the country *Shark Island* was doing good business in its first week of release. Including Detroit, Philadelphia, Washington DC, and Baltimore it grossed a total of \$76,200.¹³⁴ The second, third, and fourth week grosses indicated continued interest in the movie. Louisville, Boston, Cincinnati, Pittsburgh, Chicago, Brooklyn, and Los Angeles, among other cities reported good returns that contributed to grosses that totaled over \$200,000 for *Shark Island's* first month.¹³⁵

While *The Prisoner of Shark Island* did not make or break any box office records, it did respectable business throughout the country considering that it was a rather dark story about a man unjustly persecuted and condemned to a hellish prison for life.

¹³¹ McBride, *Searching for John Ford*, 255

¹³² *Variety*, 26 February 1936, 26.

¹³³ *Variety*, 26 February 1936, 9.

¹³⁴ *Variety*, 4 March 1936, 9.

¹³⁵ *Variety*, 4 March, 1936, 9.

The box office estimate for the year was approximately \$750,000, which was fair, but not a blockbuster success.¹³⁶ It opened with a bang and did swift business for the first few weeks, but ultimately slowed down, as the *Variety's* film review had predicted, citing minimal appeal to women.¹³⁷ The film probably was more appealing to men and boys, such as at Los Angeles' Graumann's Chinese and State Theaters where they accounted for a large portion of the patrons.¹³⁸ Cleveland's radio promotions and giveaways helped attract patrons.¹³⁹ In Indianapolis, the Lyric Theater plugged the film over the accompanying vaudeville stage show, even though the subject matter was "a bit heavy."¹⁴⁰ The controversy reported in Washington DC that two of Mudd's daughters disagreed about their father's story in *Shark Island* apparently helped gain business for the film.¹⁴¹

In Baltimore, the movie's historical theme contributed greatly to its success. Patrons were excited to see a movie about fellow Marylander Mudd, since he had "always had from the localities the sympathy with which the film treats him.... customers are especially joyed at seeing the physician get proper recognish [sic]."¹⁴² Undoubtedly the most compelling aspect of the movie was that it was a "true story," similar to *I Am A Fugitive of a Chain Gang*. History, because it is real, is often more dramatic than fiction. *Shark Island*, and other examples demonstrate how compelling historical films can be. Furthermore, audiences had the opportunity to survive and triumph with the characters through their dire circumstances, like Jean Valjean in *Les Miserables*, but they did so vicariously in the comfort of the movie palace. Although by today's standards a return of

¹³⁶Tag Gallagher, *John Ford: The Man and His Films* (Berkeley: University of California Press, 1986), 498.

¹³⁷*Variety*, 19 February 1936, 12.

¹³⁸*Variety*, 8 April 1936, 8.

¹³⁹*Variety*, 18 March 1936, #.

¹⁴⁰*Variety*, 11 March 1936, 10. The film opened on March 6, 1936 and ran for eight days in Indianapolis with Eddie Peabody, the "King of the Banjo" and "The Original Aunt Jemima, Tess Gardelle--Famous Crooner of the Blues" headlined the vaudeville show. See *The Indianapolis Star*, Friday, 6 March 1936, p. 17 through Thursday, 12 March, 1936, p. 13.

¹⁴¹*Variety*, 4 March 1936, 9.

¹⁴²*Variety*, 26 February, 1936, 9.

less than a million seems paltry, in 1936 movie tickets cost twenty-five cents, so approximately 3 million people were interested in, entertained by, and learned the "true" story of Dr. Samuel A. Mudd from *Shark Island* that year.

Film critics were also drawn to the historical aspects of *Shark Island*, and were impressed by the "true story" aspect of this tale of an innocent man unjustly persecuted. By and large they wrote positive reviews of the story and the film. The industry's major trade magazine, *Variety*, noted that "its interest is widespread and its exploitive values limitless.... [It is] a page out of history which the 20th-Fox exploiters punchily ballyhoo as 'the true story of America's hidden shame!'"¹⁴³ *Time* magazine's review was particularly proud of their 1935 article having been one of the inspirations for the screenplay. Overall, the reviewer called *Shark Island* "a splendid example of biographical melodrama which should...remind Hollywood that U.S. History...contains rich veins of screen material which deserve to be mined by able writers."¹⁴⁴ *The New Republic* critic proclaimed *Shark Island* "a powerful film, rarely false or slow," and the story of the "national scapegoat...[was] far enough removed in time and implication so that injustice can be handled straight, with no need for temporizing and prettification."¹⁴⁵ The reviewer remarked that an able writer had mined the story of Dr. Mudd with a more literary flair than most movie screenplays, "thanks to Nunnally Johnson's script, a bit of screenwriting that...will certainly stand up among the year's best."¹⁴⁶

The Nation's review expressed the most dazzling praise yet. "No story can be more interesting than the story of a person who is underestimated or misunderstood. There is no anxiety like that which we feel as we watch a victim of human error," the critic began. "All we need to know about the hero is something which his enemies do not know; or his friends, or his superiors, or the world in general. Then we are ready for the tale of how he is scorned, despised, and wrongfully accused." The review recounted

¹⁴³*Variety*, 19 February 1936, 12.

¹⁴⁴*Time*, 24 February 1936, 58.

¹⁴⁵*Time*, 24 February 1936, 58.

¹⁴⁶*The New Republic*, 4 March 1936, 110.

Mudd's conviction and sentence for the conspiracy, even using quotation marks around "crime," to reinforce Mudd's innocence, which the movie patrons "know" to be true.¹⁴⁷ Watching the dramatization of this "virtuous victim" is "painful, but the pleasure which comes with the hero's vindication at last is enough." The critic called *Shark Island* one of the "more completely interesting" films he has seen.¹⁴⁸

Although these reviews received Mudd's story with the appropriate shock and sympathy *Shark Island's* creators undoubtedly hoped to elicit, once the critics summarized the historical plot they moved on to the cinematic and entertainment aspects of the film. None of the reviewers made any effort to dissect the subtle parallels and messages about the historical events and the contemporary crises at home and abroad. Perhaps critics in the 1930s were more concerned with movies as entertainment, since that was their primary function, and less interested in the nuances of layered film analysis or perhaps these aspects are only apparent in hindsight.

At any rate, *Shark Island's* reviews for entertainment value were decent, but not glowing. *Variety* complimented the performances of John Carradine (Rankin), Ernest Whitman (Buck), and particularly Warner Baxter (Mudd). *The New Republic* critic also praised Baxter with kind words for his "first-class piece of acting." The reviewer for *Time* disagreed about Baxter's acting, although the hero was adept at "rolling his eyes with suitable agony at the world's injustice."¹⁴⁹ The *Variety* reviewer also described the musical score as "highly effective," and was apparently undisturbed by the repetition of "Maryland, My Maryland."

News-week and *The New York Times* offered more temperate reviews of the film. Despite Ford's direction, *News-week* commented that "the picture lacks a lot it in its obvious sprint for greatness....And the screen story, even though highlighted with suspense, misses the intrinsic drama of the historical facts."¹⁵⁰ Baxter, Carradine, and

¹⁴⁷Mark Van Doren, *The Nation*, 4 March 1936, 193. Emphasis in original.

¹⁴⁸Mark Van Doren, *The Nation*, 4 March 1936, 193.

¹⁴⁹*The New Republic*, 4 March 1936, 110;*Time*, 24 February 1936, 58.

¹⁵⁰*News-week*, 22 February 1936, 31.

Gloria Stuart gave good, sincere performances, but overall the critic was not enthusiastic about the film. *The New York Times* found it "distressingly familiar" to other Dreyfus-Devil's Island series, and that in spite of its "directness" and "sincerity" still "reads like a typical Hollywood scenario."¹⁵¹

Although each review focused its commentary on and seemed most impressed with *Shark Island's* version of Mudd's story, none of them questioned its authenticity or historical accuracy. The critics accepted Mudd as *The New York Times* reviewer did: a "victim of mob hysteria and of a court-martial that was less concerned with justice than with making human sacrifice to the blood lust of a vengeful public."¹⁵² However, *The New York Times* along with *News-week* asserted (probably correctly), that Mudd's pardon was likely due more to the abatement of that public vengeance and hysteria than his heroic assistance during the yellow fever epidemic. *News-week* noted other minor inaccuracies, including an incorrect postmark and the fact that Martha does not age from her father's initial imprisonment to his return, supposedly, four years later.¹⁵³ Aside from those quibbles, the controversy of Mudd's involvement is conspicuously absent, and the complex legal issues of his trial are summarily dismissed by accusations that the commission committed "judicial murder."¹⁵⁴ Clearly the film did not challenge the accepted historical interpretation and public understanding regarding Dr. Samuel A. Mudd, nor did the public feel compelled to challenge 20th Century-Fox's understanding and interpretation when they watched it on screen.

As entertainment, the movie studio promoted *The Prisoner of Shark Island* as more than just cinematic diversion. It was a moving and emotional drama based on actual historical events. Critical reception varied from moderate to enthusiastic, but the consensus was that the film was good, a solid story, visually interesting, well-acted, and

¹⁵¹*The New York Times Film Reviews* (1932-1938), Vol. 2 (New York: New York Times & Arno Press, 1970), 1255.

¹⁵²*The New York Times Film Reviews*, 1255.

¹⁵³*News-week*, 31.

¹⁵⁴*The Nation*, 293.

overall entertaining. Patrons apparently agreed and the film did decent business. As an interpreter of history, *Shark Island* is less impressive. Its version of history reflects the contemporary attitudes of both historians of the events and the general public. Its consensus regarding Mudd's innocence, his impartial trial, barbaric sentence, and cruel suffering ultimately played it safe, because it failed to examine these foregone conclusions. As an advocate regarding contemporary issues, the film addressed the hopelessness of the Depression-era audiences and expressed faith in the ability of the downtrodden to triumph. It addressed the worldwide oppression and injustice visited upon helpless groups and individuals including blacks, Catholics, Irish, and Jews, and it addressed the growing threat to democracy posed by the rise of fascism and militarism throughout Europe and Asia. Given the background and ideology of the filmmakers, it is probable that unconsciously, if not purposefully, the movie used the past to provide insight into and caution regarding these problems of the present. Although *Shark Island* did not receive any Academy Award nominations, nor did its box office returns break \$1 million, many moviegoers spent the precious twenty-five cents or so to see it. For them, it was probably both a powerful motion picture and a lesson in history.

Chapter Four

Corruption and Cover-Up: *The Lincoln Conspiracy* (1977)

The *Prisoner of Shark Island* provides an example of how history has been dramatized on film for entertainment, how the dramatization can reinforce contemporary historical interpretations, and also how the movie's message is an artifact of its time. *The Lincoln Conspiracy* (1977) also portrays Lincoln's assassination in the mass media.¹ However, with this film, education was an explicit and primary function. The filmmakers believed that the contemporary historiography was not the truth and should not be reiterated. Instead, they set out to tell their interpretation of the "real" truth, thereby challenging widespread understandings of and assumptions about the events surrounding Lincoln's assassination. Although the company also published a companion book, the film undoubtedly intended to reach a broader audience through mass entertainment. By "reenacting" the events, the movie, much like *Shark Island*, gives the viewer a sense of witnessing what really happened. However, according to *The Lincoln Conspiracy*, what really happened in regard to the Lincoln assassination and who was really responsible has never been revealed--until now. The filmmakers assumed a cinematic dramatization would attract a large audience, and once comfortable in their seats with theater concessions, the filmmakers could reveal the true story of Lincoln's death, the conspirators who killed him, and the cover-up that ensued.

The Lincoln Conspiracy provides an example, similar to *Shark Island*, of how a film reflects its own contemporary context. *Shark Island's* creators used the movie to send subtle signals to the audience about domestic and international issues of the 1930s. The *Lincoln Conspiracy's* message invoked the events of the 1960s and 1970s that had disillusioned many Americans. Its historical interpretation of Lincoln's assassination

¹*The Lincoln Conspiracy* (Sunn Classic Pictures, 1977). Jonathan Cobbler, Screenwriter; James L. Conway, Director; Raylan D. Jensen and Charles E. Sellier, Jr., Producers; David W. Balsiger, Historical Researcher.

parallels, in many ways, the contemporary cultural and political context of its time, and while the movie seeks to tell the truth about historical events, it also advocates telling the truth about current events.

In 1963, another presidential assassination claimed the life of the youthful and energetic John F. Kennedy, shocked the world, and plunged Americans once again into national mourning. Police arrested the alleged assassin, Lee Harvey Oswald, whom they believed had acted alone. Two days later, Jack Ruby shot Oswald on live television. The Warren Commission's investigation into Kennedy and Oswald's deaths has been criticized for its secretive method of conduct and its conclusions dismissed theories that both Kennedy and Oswald were murdered as the result of an elaborate conspiracy--possibly even within the United States government. To the dismay and outrage of reporters, historians, and the general public, much of the evidence and testimony that the Commission collected has been classified until nearly 2038. *The Lincoln Conspiracy* criticizes the government's undemocratic tendency to withhold evidence and truth from the American people by arguing that the government did not reveal important information relevant to Lincoln's death and covered-up the real conspiracy for over a hundred years.

The film also reflects a growing lack of faith in authority and distrust of government information. The quagmire known as the Vietnam War reinforced this phenomenon. The first episode of confirmed deception of the American citizenry regarding the escalation of U.S. involvement in Vietnam broke in the *New York Times* in June 1971 when the Pentagon Papers became public. Defense Secretary Robert McNamara had issued a directive in 1967 for the Department of Defense to collect information related to the Vietnam conflict and the United States involvement. The Papers revealed that the U.S. government deliberately deceived the American public regarding the nation's increasing involvement in Vietnam.

The behavior of some American combat troops engaged in Vietnam further horrified the homefront when news of the March 16, 1968 massacre of innocent civilians

at My Lai broke in the fall of 1969. The investigation into the slaughter of 347 Vietnamese women, children, and elderly revealed an extensive cover-up that hinted not only at the atrocities at My Lai, but of other war crimes incidents. The investigation revealed fundamental flaws in the quantification of "victory" in Vietnam, namely the reporting of enemy casualty body counts. And, more shockingly, it uncovered the deficiencies in "the military attitudes; the caliber of officers; the training techniques; the promotion system--these and other factors basic to the Army itself."² By the early 1970s, American leaders began to realize the futility of the war, and initiated a process of de-escalation and "Vietnamization." It may have been too little, too late-- for American trust in politicians and government had already been killed in action.

American cynicism and disillusionment peaked with the Watergate burglary and cover-up scandal in which some of the highest officials in the White House, including the President, had participated and directed. A break-in at the Democratic headquarters in Washington DC led to the arrest of members of President Nixon's Committee to Re-elect the President (CREEP). The "burglars" were working on wiretaps to spy on the Republican party's opponents, but the cover-up would reveal much more extensive efforts in political harassment and sabotage. Although Nixon denied knowledge of or involvement in the break-in, behind the scenes he was actively engaged in the cover up of many other "dirty tricks" that CREEP had played. He tried to blackmail people into silence, attempted to coerce his own staff to take the blame, condoned perjury, and generally obstructed the investigation. Nixon's web of lies, attempts to circumvent the law, and flagrant disregard for the Constitution brought about his downfall.

The American response to Kennedy's assassination, the Pentagon Papers, My Lai, and Watergate, was not unnatural. Many people simply no longer trusted the actions of their government or what their leaders told them. With politicians engaged in illegal and unethical activity in the twentieth century, citizens became less convinced that the

²Seymour M. Hersh, *Cover-Up: The Army's Secret Investigation of the Massacre at My Lai 4* (New York: Random House, 1972), 251-52.

historical explanations of national events and tragedies were truthful as well. In an era of cynicism, conspiracies were a real possibility and even the past was not above suspicion.

In this chapter, I will examine the interpretation *The Lincoln Conspiracy* presented to its 1977 audience and its challenge to the general understanding of the events of Lincoln's death. The movie based its claims on newly discovered evidence, however many historians were skeptical of the documentation and questioned the validity of the interpretation. This film used unusual cinematic devices to convince viewers of its believability. The movie's revelation of the "true" conspiracy resonated with its audience partly because of the recent events of the 1960s and 70s. By playing on America's popular beliefs in the Kennedy assassination conspiracies, the Vietnam nightmare, the Watergate cover-ups, and the general distrust of government information, *The Lincoln Conspiracy* cast doubt on historical events that had previously been explained away. The film more than reflected American cynicism and disillusionment, it articulated the outrage of a democratic nation for the deceptions of its leaders and demanded that the country have access to the truth about both its past and its present.

The Lincoln Conspiracy film is based on the book by the same name written David W. Balsiger and Charles E. Sellier, Jr. who served as Historical Researcher and Producer, respectively, for the movie.³ Schick Sunn Classic Books published the book and Sunn Classic Pictures produced the movie. Balsiger and Sellier's version of the assassination of Abraham Lincoln challenged both the Confederate and Simple Conspiracy interpretations of the events. The book asks specific questions of these theories, and both the book and the film address these aspects that the previous interpretations have failed to explain. Among the major questions are: Was there a larger conspiracy to get rid of Lincoln? Was Booth a lone self-appointed assassin or did he act on the instructions of other people? Why did Stanton, knowing the threats against Lincoln, deny the President's request for Major Eckert to accompany the theater party?

³David Balsiger and Charles E. Sellier, Jr. *The Lincoln Conspiracy* (Los Angeles: Schick Sunn Classics Books, 1977).

Why did Lincoln's bodyguard leave his post and why was he never punished? Why were all escape routes from the capital secured except the one that Booth used? Who shut down the commercial telegraph lines after the assassination? Was Booth really shot at Garrett's farm? Why was Booth's diary not introduced at the 1865 trial? Why were 18 pages missing when it reappeared and who removed them?⁴ In *The Lincoln Conspiracy*, these suggestive questions met with fairly shocking answers, both in print and on celluloid.

The film begins in 1865, Lincoln has already been assassinated, and Booth is already supposed dead. The Hunter Commission assembles the eight alleged conspirators for trial. This is where Booth's conspiracy and its links to the Confederacy were proved before the nation as well as the court. But, asks the film, "were the defendants really guilty? To find out we must look at the events leading up to the trial" (00:04:20). Flashbacks to the fall of 1864 set the stage for the Union's eventual victory, and a scene shows Lincoln remarking to Secretary of War Edwin Stanton that he has no joy in starving the South, as General Sherman is doing, and urging him that the North needs not to hate the South, but to trust in order to win the peace (00:06:20). According to *The Lincoln Conspiracy* Stanton was threatened by Lincoln's generosity toward the Confederacy and conspired with the Chief of the National Detective Police (NDP) Lafayette Baker and other Northern officials and businessmen to get rid of President Lincoln in order to vouchsafe the fruits of Union victory. They believed that Lincoln's plans for Reconstruction of the South were too generous, and that although the President had won the war, he would lose the peace. Lincoln's amnesty program would allow former Confederates to return to their state assemblies and to Congress. Mostly Democrats, the Southerners would ally themselves with their Northern compatriots, the reviled Peace Democrats, and secure a majority in federal government once again. The Republicans found this scenario unthinkable. Moreover, Lincoln was prepared to offer

⁴Balsiger and Sellier, *The Lincoln Conspiracy*, 8.

compensation to the Southern elite for the emancipation of their slaves. For some Republicans in 1865 the problem was not the South, but the President (00:15:09).⁵

Luckily, according to the film, Baker and Stanton had discovered a plot involving John Wilkes Booth to capture Lincoln and turn him over to Richmond to negotiate prisoner exchanges. Booth was part of a Confederate underground smuggling ring and had ties with Southern agents, including high ranking officials (00:08:20, 00:12:08). They sensed an opportunity to deal with Lincoln without having to dirty their own hands by assisting Booth. However, they doubted that Booth would be able to accomplish the daring scheme to kidnap Lincoln and carry him South since he and his inept recruits had already failed several times (00:16:47). So, Baker released a former Confederate secret agent, James William Boyd, on the condition that he would work for the Union and complete the mission (00:21:19). Baker assured him that on the appointed night, Lincoln would be unguarded, an escape route via the Navy Yard Bridge would allow Boyd to take the President from the city, and that the pursuit would be hampered by the disruption of the telegraph. Baker and Stanton still only intended for Boyd to kidnap Lincoln, not kill him (00:39:38). Unfortunately, Booth, infuriated that Baker and Stanton usurped his plan and replaced him, changed the mission from kidnapping to murder. Moreover, with only Lewis Paine and George Atzerodt responding to his summons, Booth was too shorthanded to successfully capture Lincoln. Instead, they would wreak havoc through assassination. Booth assigned Atzerodt to kill Vice President Johnson, Paine would murder Secretary of State Seward, and he would assassinate Lincoln himself. The attack would occur between 10 o'clock and a quarter after on the evening of April 14 (00:45:42).

According to the film, Booth meets a member of his smuggling operation, Eddie Henson, on his way to Ford's Theater. Booth invites Henson to meet him on Good Hope Hill at midnight, since Henson is looking for some excitement (00:47:18). Inside the

⁵The summary of *The Lincoln Conspiracy's* interpretation reflects both the book and the movie versions. Counter references (hour:minute:second) are approximate, and are based on a start time as the opening prologue begins. Counter references usually indicate the beginning of the scene being discussed.

President's box, Booth, not Boyd, executes his mission successfully and mortally wounds Lincoln. Using the route left open for Boyd, Booth escapes Washington and meets up with Henson. They veer off their intended path to stop at Dr. Mudd's because of Booth's broken leg (00:51:55). Since Mudd calls Henson by name, they apparently did not use aliases. Nor does Booth wear a disguise of any kind in Mudd's presence, but he does shave his mustache in order to alter his known appearance (00:54:52). Although they are still ahead of the pursuit, the delay at Mudd's has cost them time and travel. However, Booth knows the back roads and secret pathways through his associates in Southern Maryland's Confederate underground. Rebel sympathizers Samuel Cox and Thomas Jones help the fugitives hide out for six days in a remote thicket, and provide them with supplies and information (00:56:00).

Meanwhile Baker arrests thousands of people to divert the investigation so that he can pursue Booth and regain control of the situation. Alleged conspirators are rounded up including O'Laughlen, Paine, Spangler, Mrs. Surratt, Atzerodt, Mudd, and Arnold (01:01:25). But Booth is still at large and he must be captured or killed otherwise he could implicate Baker, Stanton, and the others who plotted against the President. Baker and Stanton's other cohort in the War Department, Major Thomas Eckert, announces that one of Booth's intimates, David Herold, has been arrested and he might know his route into the South. They decide to send Herold and Boyd with Earl Potter, Administrative Director of the NDP, and his brother Andrew Potter, Secret Service Division Director, and track Booth through Maryland (00:56:47). Baker threatens both of them, Herold and Boyd realize they must help find Booth or pay with their lives. Despite his assurances, Herold and Boyd fear that Baker is not to be trusted and they escape the Potter brothers and make a run on their own (01:04:41). Unfortunately, federal detectives pick up their trail, believing it is Booth's, and they trap Boyd and Herold at Garrett's farm in Virginia. Herold surrenders, but Boyd is killed (01:11:27).

The Union announced that Lincoln's murderer was dead, but those called in to identify the body discovered that it was not Booth. The man killed at Garrett's farm was in his 40s, with reddish-brown hair, retained his mustache, and had an injury on his right leg, not his left. Stanton is horrified. If the government announces that Booth is still at large they will be a laughingstock, and it is more likely that he will be caught alive and testify, giving evidence against the real conspirators. If they let the country believe that Booth is dead, eventually, the nation will move on. Stanton decides to let Boyd pass as Booth (01:16:08). The government issues secret bribes to anyone directly involved and obtaining a signed quit claim from all investigators that they will not reveal any questions that linger about the identity of the corpse, thereby buying their silence (01:17:44).

When the trial against the other conspirators in custody began, the government did everything within its power to assure guilty verdicts. The public wanted vengeance for Lincoln's death, and Stanton was intent on blaming the Confederacy for the assassination. The government called numerous witnesses to testify to the guilt of the defendants and to implicate Southern leaders in the crime. These witnesses were coached in their testimony, and several of them including Richard Montgomery, James Merritt and Sandford Conover (alias James Watson Wallace, right name Charles Dunham), were later exposed as frauds and prosecuted for perjury (01:18:10). The military commission, though, knew its duty and convicted all eight of the defendants, sentencing four to death, including Herold who had been threatening to expose the real identity of the man killed in the barn. Stanton did not waste time. The capital sentence was set for the following day and forever silenced Mrs. Surratt, Lewis Paine, George Atzerodt, and David Herold (01:21:13). The remaining four were transferred from a state penitentiary in nearby Albany, New York, to the remote and isolated Fort Jefferson federal prison on the Dry Tortugas off of the Florida Keys.

What then, of Booth? According to the film, the Potters traced him to Harpers Ferry, then to Philadelphia, but lost his trail in New York. Rumors persisted that he had

escaped to Canada, England, and finally India. Some reports indicated he was living in California. A man in Enid, Oklahoma, claimed to be John Wilkes Booth, although he was known as either David George or John St. Helen. This man died in 1900, and his body was apparently mummified to preserve the famous assassin of President Lincoln (01:25:20).

The film continues into 1868 when Stanton's cover up began to unravel. Booth's diary had been discovered in the War Department and although complete when first taken as evidence, 18 pages were now missing. During a Congressional investigation one Congressman suggested that the perjured testimony and suppressed evidence were attempts to cover up the real conspirators in Lincoln's assassination. When people demand to see documents and papers regarding the case, they are denied because the government claims that releasing the sensitive information is not in the public interest. The Congressman insisted that truth is always in the public interest, and that the nation had the right to know who were Booth's accomplices. Stanton attempted to deflect the persistent inquiry as speculation that in its continuation dishonored the President, and claimed that the relevant facts were already known. The questions were not easily dismissed, though, and Congressman Rogers demanded to know why the diary was not submitted as evidence during the trial and what became of the 18 pages missing from the book. He also accused Stanton of hiding something. The member of the committee panel interrupts; it is Senator Conness who had once assisted Booth with passwords to pass through Union lines. At this point, Conness announces that Rogers is making a mountain out of a mole hill, that Booth shot Lincoln, and a few Southern Rebels helped him. Therefore, the case should be closed. The chairman agrees that nothing can be accomplished by pursuing the matter further and adjourns (01:22:00). According to the film, the cover up succeeds for another ninety years, until *The Lincoln Conspiracy* revealed the truth (01:24:42).

Shark Island was a more intricately constructed visual interpretation, and *The Lincoln Conspiracy* is less cinematically interesting in its presentation. The visualization in *The Lincoln Conspiracy* is straightforward. Interior and daytime scenes are well-lit and for the most part do not take advantage of the visual signs, such as shadowing effects, that filmmakers often employ to suggest villains, to foreshadow ominous or threatening situations, or to build suspense. The darkness of night scenes rarely symbolizes anything other than to indicate the time of day. Camera angles usually signify a point of view rather than a subtle message about the authority or helplessness of the character in focus. The movement of the camera and of the characters is standard, and the editing lacks any innovative techniques. In general the acting is rather stiff and unnatural and the drama of the plot, in spite of the breakthrough regarding the conspiracy, is prosaic. Musical accompaniment is predominantly militaristic in tone, mostly percussion and horns, but what the filmmakers intend to be foreboding does not quicken the pulse or develop the drama. Other background music is predictably patriotic, "Battle Hymn of the Republic" is the most obvious tune. There is perhaps some subtle irony to the songs meant to inspire devotion and allegiance to the United States, since it was the nation's leaders who, out of selfishness and political ambition, betrayed their President and then dishonored the justice system with the farcical military trial and judicial murder of innocent scapegoats.

While *The Lincoln Conspiracy* is lacking as interesting visual history or even an entertaining movie, it is useful to examine the methods the filmmakers intended to authenticate its version of the past. These methods include the consistent voice-over of a detached narrator to explain the people and events, written introductory remarks, and the inclusion of a list of sources. Usually voice-over in film is from one or more of the main characters in the plot and it serves as a device to get the audience into the mind of that character. Voice-over often functions as an inner monologue or commentary (*The Piano* for example), as a way for the audience to "read" a letter or diary (as in *Dances With Wolves*), or as an accompaniment to a flashback (as with Old Rose in *Titanic*). In the case

of *The Lincoln Conspiracy*, the narration is none of these. This is a dramatic and convincing, though incorporeal, voice that guides the viewer through the movie's conspiracy theory. The voice is not a historical character and is therefore detached from the events. It is the only "character" the audience feels comfortable trusting because he is the only link to the ultimate explanation for the course of events. The narrator, then, is the incarnation of fact and truth--apparently omniscient--and therefore the audience takes his information and explanation at face value. In a sense, the narrator of the film is a sort of God: all-knowing and above question.

Of course, the movie's introduction could hardly leave room for a viewer to challenge the validity of the narrator's story. The film begins with a written prologue that scrolls up the screen, accompanied by the forceful voice of the narrator:

Ladies and Gentlemen: Everyone sitting in this audience has been exposed to the traditional story of the assassination of President Lincoln. For over a century history books have taught us that the murder was committed by a crazed actor named John Wilkes Booth. The history books go on to say a few southern rebels helped him, and no one else.

The motion picture you are about to see will shock you. Because the true story of Lincoln's assassination can not be found in any history book. It is a story of corruption, treachery, and cover-up. It is a story every American has the right to know. (00:00:01)

The understanding then, is that the movie is essentially a dramatic documentary, reenacted in the historic setting of Savannah, Georgia (yet another authentication method), not for entertainment--but for education.⁶ Had the film been presented without this preface, many viewers may have dismissed the interpretation out of hand as ridiculous and far-fetched--especially since historians have taught of the "crazed actor" theory for almost a century. The force of generations of perception is difficult to dislodge. Unless, as the filmmakers did with *The Lincoln Conspiracy*, they state their intent to reverse historical brainwashing upfront. In a case such as this, the filmmakers replace the power of suggestion with the power of revelation. Sunn Classic issued their theory's challenge to other accepted interpretations with an innovative and shocking prologue that

⁶John M. Cassidy, in *Civil War Cinema*, suggested that *The Lincoln Conspiracy* presented the events in a "documentary-like fashion," 90.

accomplishes exactly what it is meant to do: convince the audience through sheer audacity to forget all they thought they knew so that the film can rewrite history.

After this preface, *The Lincoln Conspiracy* fills that blank slate with its suggestive questions and shocking answers. But having caught the attention of the audience with the right watch-words ("corruption, treachery, and cover-up") and offering supposedly "newly discovered" documents as a basis and an explanation for its accusations, *The Lincoln Conspiracy*'s evidence and interpretation must prove valid in a scholarly evaluation. The movie takes an unusual tactic in this regard. Instead of merely indicating that the film is based on the book, *The Lincoln Conspiracy*, and referring the audience to its source notes and citations, the movie actually lists them at the end of the show. The bibliography is prefaced by the reiteration, "The story have just seen is true. It has been authenticated with the following documents" (01:26:49). Among them are the papers of Lafayette C. Baker, James William Boyd, Andrew Potter, Edwin M. Stanton, John Wilkes Booth, Dr. Samuel Mudd, Richard D. Mudd, and Ray A. Neff.⁷ Another source for the film (and the book) are the 18 missing pages from Booth's diary. What the book acknowledges, though the film does not, is that the diary pages are only transcripts of what are purported to be the missing eighteen. The originals are in the possession of Stanton's descendants, but have not been verified by the authors or filmmakers.⁸ Nevertheless, the diary pages are listed as a source that contributed to the "true story" in conjunction with other seemingly trustworthy evidence, including Representative George Julian's diary.⁹ *The Lincoln Conspiracy*'s secondary sources include Theodore Roscoe's *Web of Conspiracy* (1959) and Otto Eisenschiml's *Why Was Lincoln Murdered?* (1937) and *In the Shadow of Lincoln's Death* (1940). It is unusual for dramatic entertainment to list sources that contributed to its interpretation. This device serves as another attempt to

⁷Richard Mudd is the grandson of Dr. Samuel A. Mudd. Ray A. Neff is listed in the book as a professor at Indiana State University. Balsiger and Sellier, *The Lincoln Conspiracy*, 10.

⁸Balsiger and Sellier, *The Lincoln Conspiracy*, 11-12.

⁹Julian was a Republican Congressman from Indiana from 1861-1871. See Sifakis, *Who Was Who in the Civil War*, 352. According to Balsiger and Sellier, Julian was one of the Radical Republicans involved in a scheme to get rid of Lincoln.

validate the movie's version of history, and at the same time deemphasizes the entertainment aspect of the performance in favor of a more documentary-like presentation. Combined with the omniscient narrator, the revelations of the written prologue, and other minor devices like the historic set locations, the bibliography at the end of the movie helps to legitimize the interpretation and insulate it against accusations of reckless history with little foundation.

As the source list for the book and the film indicate, Balsiger and Sellier were not the first to suggest that there was a more powerful conspiracy and more sinister cover-up at work in the events of Lincoln's assassination. The chemist turned historian, Otto Eisenschiml, had suggested in his 1937 book, *Why Was Lincoln Murdered?* that there was a potentially damaging case against both the Republicans and Stanton for the death of the President and the subsequent trial, execution and imprisonment of Booth's alleged conspirators. Eisenschiml appears to be one of the first to question why John Parker had been assigned to protect Lincoln given his reputation for dereliction of duty and inappropriate behavior on the job.¹⁰ Eisenschiml also questioned why Stanton had refused Lincoln's request for Major Eckert's presence at Ford's Theater.¹¹ Stanton was also particularly suspect in his handling of the aftermath of the assassination. In spite of witness testimony, the Secretary delayed issuing information that Booth was the suspected assassin.¹² Eisenschiml also believed that Stanton's correspondence to individuals outside of Washington left out relevant information and often digressed to matters of less concern considering the grave circumstances. Eisenschiml hypothesized that Stanton was hiding something and argued that "his allusion to irrelevant matters, diverted the attention of his audience from the all important question: Who shot the President?"¹³ Eisenschiml was also responsible for identifying the primary questions

¹⁰Eisenschiml, *Why Was Lincoln Murdered?* (Boston: Little, Brown and Company, 1937), 12-13. Parker's record with the police department apparently included "loafing" while on duty, sleeping during his beat, and use of offensive language.

¹¹Eisenschiml, *Why Was Lincoln Murdered?*, 32-39.

¹²Eisenschiml, *Why Was Lincoln Murdered?*, 66-71.

¹³Eisenschiml, *Why Was Lincoln Murdered?*, 78.

relating to Stanton's possible guilt: the unsecured escape route across the Navy Yard Bridge, the interruption of the commercial telegraph lines, the identity of the man shot in Garrett's farm, and Booth's diary with its missing pages.¹⁴ William Hanchett's term "Grand Conspiracy" derives primarily from Eisenschiml's hypothesis that Stanton and the Republicans were involved in Lincoln's death and subsequently covered it up to avoid being implicated. Subsequent historians like Theodore Roscoe followed suit with similar, if not identical, theories.¹⁵

However, most academic historians, most notably William Hanchett, were not persuaded by the theories of Eisenschiml and Roscoe. There were too many holes in their assumptions and too many other possible explanations for questions they claimed had no other answers. There was witness testimony that Booth handed a card to a person outside the President's box before entering, though that person was likely Charles Forbes, another of the President's personal attendants. The accusation that Parker abandoned his post did not take into consideration that his duties may have been to escort the Presidential party to the theater, but did not encompass standing guard for the duration of the play.¹⁶ The Navy Yard Bridge was usually closed at nine o'clock which may have explained why Stanton did not specifically order it secured. In any event, it would have made little difference, for Booth and Herold were already across it when Stanton initiated a city-wide lockdown.¹⁷ The interruption of the telegraph was limited to the commercial lines only, not "all telegraphic communication" as Eisenschiml indicated, and an operator claimed he closed the lines to prevent conspirators from communicating.¹⁸ Stanton's delay in releasing Booth as the likely assassin was "perhaps not excessive" in Hanchett's opinion, considering that "it would have been inexcusable to send an angry citizenry after the wrong man." Although early witnesses indicated they "believed" the assassin to be Booth,

¹⁴See Eisenschiml, *Why Was Lincoln Murdered?*

¹⁵See William Hanchett, *The Lincoln Murder Conspiracies*, 158-184, 193-95.

¹⁶Hanchett, *The Lincoln Murder Conspiracies*, 172-73.

¹⁷William Tidwell, *Come Retribution*, 443; Hanchett, *The Lincoln Murder Conspiracies*, 173; Edward Steers, *Blood on the Moon*, 129. See also Chapter 2.

¹⁸Hanchett, *The Lincoln Murder Conspiracies*, 174; Tidwell, *Come Retribution*, 436..

none were certain beyond a doubt.¹⁹ Hanchett's examination of Eisenschiml's case is far more extensive than just these three refutations. The point is that Eisenschiml's theory is not without its weaknesses. Roscoe's *Web of Conspiracy* merely elaborates on Eisenschiml. His one original contribution was apparently the incorrect assertion that documents related to Lincoln's assassination were classified, which they were not.²⁰

Nor did Hanchett take seriously *The Lincoln Conspiracy's* authors and filmmakers declaration of evidence to substantiate the Grand Conspiracy interpretation. In an unprecedented stroke of research luck, Balsiger and Sellier had apparently uncovered evidence that had eluded or been ignored by academic historians for a hundred years. An appraiser and antiques dealer, Joseph Lynch, purportedly discovered the 18 missing pages from Booth's diary among the papers of one of Stanton's descendants. This unnamed descendant, however, is not known by Stanton's great-grandson. Moreover, Balsiger and Sellier were unable to gain access to the original pages. They settled for a transcript which they claim to have authenticated using lie detector tests during interviews of people associated with the documents.²¹ However this evidence cannot be positively authenticated. The incriminating portions of Representative Julian's diary were also transcripts and not original documents. These Balsiger and Sellier obtained from yet another third party, Julian's biographer Claude Bowers, and were also impossible to authenticate.²² Suffice to say that Hanchett's research skills and scrutiny of evidence proved more comprehensive and reliable than Balsiger's or Sellier's. He was thus able to expose the interpretation of *The Lincoln Conspiracy* --as "a fraud based upon twisted reasoning...[and] apparent hoaxes."²³

¹⁹Hanchett, *The Lincoln Murder Conspiracies*, 175.

²⁰Hanchett, *The Lincoln Murder Conspiracies*, 193-94.

²¹Hanchett, *The Lincoln Murder Conspiracies*, 228-29; Balsiger and Sellier, *The Lincoln Conspiracy*, 11-12.

²²Hanchett, *The Lincoln Murder Conspiracies*, 229-30; Balsiger and Sellier, *The Lincoln Conspiracy*, 11.

²³Hanchett, *The Lincoln Murder Conspiracies*, 228.

Hanchett was not alone in his criticism of *The Lincoln Conspiracy*. At the time Sunn Classic released the book and the film, William C. Davis, editor of the *Civil War Times Illustrated*, wrote two articles about them. In the August 1977 issue, Davis noted the evidentiary issue of the purported pages from Booth's diary and stated matter of factly that "basing any historical claims upon what is found in the transcript is irresponsible."²⁴ As for the claim that Booth was not killed at Garrett's farm he responded, "all such claims are spurious."²⁵ Davis is incredulous of *The Lincoln Conspiracy's* argument that Booth and Boyd bore such a significant resemblance to each other. According to information on a Confederate Captain J.W. Boyd contained in his release papers from Old Capitol Prison, Boyd and Booth differed in the following ways: "Six inches different in height; sixteen years in age; gray hair instead of black; blue eyes rather than brown. It strains credulity beyond the limits of reason," Davis argued, "to assert that Boyd could pass for Booth with anyone."²⁶ The picture of Boyd that *The Lincoln Conspiracy* book reproduced does resemble Booth, but does not resemble the description of Boyd.²⁷ Regarding the participation of George Julian, Davis found an *Indiana Magazine of History* article that included parts of Julian's diary from the dates the *Conspiracy* authors claimed contained the damaging information on the cover-up. The copied entries bore no such references.²⁸ Davis, like Hanchett five years later, systematically discredited the documentary evidence on which Balsiger and Sellier have based their interpretation, including the papers of Lafayette Baker and Andrew Potter, two key figures in the conspiracy and cover-up.²⁹ Davis' first article appeared before the film's release, and he warned his readers that the "startling claims in the film are based upon documents which, if not outright forgeries, are so highly suspect as to make them inadmissible as evidence

²⁴William C. Davis, "Caveat Emptor," *Civil War Times Illustrated* 15, no. 5 (Aug., 1977): 34.

²⁵Davis, "Caveat Emptor," *Civil War Times Illustrated*, 34

²⁶Davis, "Caveat Emptor," *Civil War Times Illustrated*, 35.

²⁷Ibid. Davis followed up on the Boyd controversy with another article, "The Lincoln Conspiracy -- Hoax?" *Civil War Times Illustrated* 15, no. 7 (Nov., 1977): 47-49.

²⁸Davis, "The Lincoln Conspiracy--Hoax?," 36; Hanchett, *The Lincoln Murder Conspiracies*, 229-30.

²⁹Davis, "Caveat Emptor," *Civil War Times Illustrated*, 35.

in any serious investigation."³⁰ However, given recent events, the claims in both the book and the film seemed plausible to the filmmakers and their audience.

In *Variety's* film review of *The Lincoln Conspiracy*, the critic astutely commented that the movie derives "perhaps from the never-ending interest in the Kennedy assassination, [and] it has reverted to yet another never-ending interest in who was or was not guilty of perpetrating the assassination of Lincoln."³¹ Indeed, the filmmakers had banked on the American consensus, fostered by recent events, that conspiracy and cover-up were rampant in government and politics. The contemporary experiences of a 1977 audience encouraged the perception that deceit and corruption were the norm, not the exception. With this attitude it was easy for moviegoers to believe the film's startling revelations about Lincoln's death. According to William Davis, Sunn Classic's promotion material openly played on contemporary parallels: "With the historical discoveries we've made, our film will make Watergate look like kindergarten plotting," the producers claimed.³² Though the movie ultimately fails as legitimate historical interpretation (and as quality entertainment), the film is indicative of the national mood in the 1970s: disillusionment, distrust, cynicism of all forms of the Establishment-- particularly the government and the military.

The accusations of "corruption, treachery, and cover-up" in the first minute of *The Lincoln Conspiracy* no doubt intrigued viewers, and considering the era, probably went far in legitimizing the following interpretation. Americans already suspected that government agencies were responsible for Kennedy's assassination and that a massive cover-up, rubber-stamped by none other than the Chief Justice of the Supreme Court, kept the truth hidden from public inquiry. President Nixon had participated in illegal activities that subverted the Constitution in direct defiance of his Oath of Office. He had used government agencies to spy on and harass his opponents and personal enemies,

³⁰Davis, "Caveat Emptor," *Civil War Times Illustrated*, 37.

³¹*Variety*, 14 October 1977.

³²Davis, "Caveat Emptor," *Civil War Times Illustrated*, 33.

repeatedly lied about his involvement, and then subsequently obstructed the ensuing investigation. Daniel Ellsberg's leak of the Pentagon Papers revealed that military leaders had misinformed and misled the nation and its government about the conflict in Vietnam, sacrificing thousands of American lives, millions of native Vietnamese both combatant and civilian, plus the landscape, economy, and political destiny of a nation. The violence of the guerrilla warfare and the frustration of an indeterminate enemy provoked murderous atrocities like those at My Lai, and the Army's internal though unspoken "CYA" policy also protected the guilty and not the innocent.³³ Again and again recent events revealed that the government hid the truth from the American people. *The Lincoln Conspiracy* claimed that contemporary incidents were not the first.

What is distinctive about *The Lincoln Conspiracy* is that it not only reflected the national mood, particularly the American willingness to believe in conspiracies and cover-ups, but that the movie openly advocated truth and freedom of information. In the movie the demand for access to evidence, and therefore truth, is made by a historical figure in the context of a specific historical event, but the message is clear. The American people have repeatedly been denied complete and accurate information in regard to significant (to say nothing of insignificant) national circumstances and issues--a practice that is undemocratic and fundamentally opposed to the principles on which the nation was founded. *The Lincoln Conspiracy's* themes of corruption, treachery, plotting, deception, perjury, suppression, and cover-up are all reflected in the perception or reality of current events: Kennedy's assassination, the Vietnam War, and the Watergate scandal.

On November 22, 1963, almost one hundred years after Lincoln's assassination, the United States again mourned the death of a President at the hands of an assassin. The alleged gunman was Lee Harvey Oswald, a one-time defector to the Soviet Union and an "embittered Marxist" who advocated "Fair Play for Cuba." Oswald had apparently killed

³³The My Lai whistle-blower Ronald Ridenhour testified during the Army's investigative panel that "a policy that was all-pervading within the division...was everybody's covering everybody's ass....We didn't learn 'Don't volunteer,' we learned, 'Cover your ass.'" Hersh, *Cover-Up*, 236-37.

John F. Kennedy from where he worked in the sixth floor window of the Texas School Book Depository in Dallas.³⁴ Oswald was also charged with the murder of a Dallas Police Officer, J.D. Tippit, which occurred shortly after the assassination. Questions that might have been answered in Oswald's trial, including why he killed Kennedy, where he was stationed for the assassination, how many shots he fired, what his movements were after leaving Dealey Plaza where the President was shot, and whether Oswald was indeed guilty of murdering Kennedy and Tippit, were left dangling when Jack Ruby, a Dallas nightclub owner, shot Oswald two days after the assassination. Chief Justice Earl Warren headed the subsequent investigation into the assassination of Kennedy and the murder of Oswald. The Warren Commission took on the responsibility to determine the facts of the case and conclude the investigation in order to "quell rumors and speculation" that were already distorting the reports of the event.³⁵

The Commission's conclusion was that Oswald was the lone assassin: he had fired four shots at the President from the Book Depository, killing him from behind, Oswald exited the building and fled the scene first on foot, then on a bus, then a taxi, and was again on foot when he encountered Officer Tippit and killed him, before he was recognized by a shoe salesman, and taken into custody in a movie theater. The Commission further determined that Ruby had acted of his own volition in killing Oswald, apparently to spare the widowed Mrs. Kennedy a trial, and had entered the basement of the jail undetected because of the many reporters and cameramen who were also thronging to see and question the alleged assassin.³⁶ The Commission claimed that the evidence and testimony supported these conclusions, and published a one-volume report of their findings. Because aspects of the assassination inquiry involved sources and

³⁴Alan Brinkley, *The Unfinished Nation: A Concise History of the American People*, 2nd ed. (New York: McGraw-Hill Companies, Inc., 1997), 831; David W. Belin, *Final Disclosure: The Full Truth About the Assassination of President Kennedy* (New York: Charles Scribner's Sons, 1988), 210.

³⁵Belin, *Final Disclosure*, 12-13.

³⁶See Belin, *Final Disclosure*. Belin was one of the lawyers assigned to the Warren Commission and he capably presents the Commissions findings and conclusions.

methods, particularly of the CIA, that were classified, much of the evidence and testimony regarding the events were sealed for 75 years.³⁷

For many Americans, the Warren Commission's hearings and conclusions, and the secrecy with which they were shrouded, indicated something was rotten in Washington. Conspiracy theories soon replaced the Commission's determination. One of the contested aspects of the case was where the shots actually came from. Witnesses indicated that there were shots fired from the grassy knoll and from behind the fence by the railroad tracks. This would have meant that the bullets would have hit the President from the front, not the back, a hypothesis that seemed supported by the photographic evidence of the Zapruder film, and possibly the autopsy. This would also have meant there was more than one assassin, constituting a conspiracy. Many people also questioned the firing capability of the murder weapon and the marksmanship of the alleged assassin, and suspected that given the number of shots heard and the time elapsed between shots that there was another shooter. Naysayers also disagreed with the Commission's conclusion that the bullet that struck Governor Connally was the same bullet that hit Kennedy, claiming to do so it must have been a "magic bullet." Moreover, Oswald's death constituted suspicious circumstances, as well. Jack Ruby was well known and well liked in the Dallas Police Department, and it seemed too coincidental that he was able to breach security in the city jail basement and approach the President's assassin so closely that he shot him at point-blank range.³⁸

Conspiracy theorists alleged that the Warren Commission had either ignored or suppressed evidence that suggested a wider conspiracy in the assassination of President Kennedy and the primary suspect.³⁹ But who would want the President dead? The Cubans, the Russians, possibly even agencies of the U.S. government. And why? Perhaps in retaliation for threats against Castro, perhaps because of the United States stance

³⁷Belin, *Final Disclosure*, 174; Mark Lane, *Rush to Judgment* 2nd ed. (New York: Thunder's Mouth Press, 1992, 1st ed., 1966), 398.

³⁸See Lane, *Rush To Judgment*.

³⁹See Lane, *Rush to Judgment*.

toward communism, perhaps because Kennedy was considering withdrawal from Vietnam, perhaps because of civil rights legislation. There are many theories. The significant point is that in 1977 Americans believed they might never discover the real conspirators and the real reasons for the assassination of John F. Kennedy.⁴⁰

Aside from the obvious correlation of a presidential assassination, *The Lincoln Conspiracy* insinuates other parallels between the cases of Kennedy and Lincoln. Conspiracy theorists in both cases have suggested that the assassins were not acting alone, or that their crimes were directed by other parties, possibly even at the behest of their own governments. Both assassins were killed before they could be tried, possibly because of the information they might have provided. Significant evidence that may have proved a conspiracy was not examined either in a judicial setting or presented to the American people, including Booth's diary and the autopsy photographs of Kennedy's body.⁴¹ Furthermore, in 1865 the Hunter Commission decided the case against the other alleged conspirators, just as in 1963 the Warren Commission investigated and concluded the facts of the Kennedy assassination. Both of these Commissions were directed from within the government, where possible conspirators were protected, where evidence could be suppressed, and where a cover-up could be maintained under the cloak of national security. *The Lincoln Conspiracy* does not merely point out these parallels, it openly advocates releasing pertinent information to either confirm or dispute the reported conclusions of the Hunter Commission, and by reference, the Warren Commission. Congressman Rogers says near the end of the movie that he is denied access to documents and papers because to release them is "incompatible with the public interest." "Tell me," he demands, "when is the truth incompatible with the public interest?" (01:22:38). The words from Rogers' mouth speak not only of Lincoln's death, but of Kennedy's. The situation is historical, but the meaning is contemporary.

⁴⁰See Lane, *Rush to Judgment*.

⁴¹Lane, *Rush to Judgment*, 60-62.

The perception that the United States government was repeatedly and unabashedly deceiving and suppressing relevant information from the American public carried over from the 1960s to the 1970s, where theories and suspicions of corruption and cover-up were replaced with two confirmed incidents related to the Vietnam War. Successive presidents and military advisors had escalated American involvement in the conflict, so that by 1969 more than 540,000 American troops were stationed in Southeast Asia.⁴² Anti-war sentiment in the United States had been vocal and persistent since the mid-1960s. American youth, in particular, sustained the opposition to the Vietnam War. They were philosophically opposed to the U.S. interfering in what was essentially a civil war. They were horrified with the methodology of search and destroy missions, napalm bombing, and defoliation with Agent Orange. They criticized the implementation of the Selective Service which sent mostly poor and minority kids to be maimed or killed. They were ashamed of the military, industrial, corporate, and even academic participation in the destruction of a nation and international genocide. And they were discouraged that with each administration, their pleas to withdraw went unheeded. Despite the statistics of high enemy body counts, the reports of successful pacification, and the new initiative of "Vietnamization," the war seemed endless. The graphic images on television and the horror stories of veterans fueled frustration and disillusionment that winning the war in Vietnam was not worth the price, if it was even possible.

In the summer of 1971 excerpts of a report known as the Pentagon Papers appeared in the *New York Times* and revealed that the U.S. government had consciously misled Americans about the Vietnam War. The report was a secret internal analysis of the Vietnam conflict from 1945 to 1968 ordered by Kennedy and Johnson's Defense Secretary, Robert McNamara, in order "to learn confidential lessons from confidential history."⁴³ He later wrote that "because the war was not going as hoped, future scholars

⁴²Brinkley, *The Unfinished Nation*, 2nd ed., 877.

⁴³Kim McQuaid, *The Anxious Years: America in the Watergate-Vietnam Era* (New York: Basic Books, Inc., 1989), 175.

would surely wish to know why. I thought we should seek to facilitate such study in order to help prevent similar errors in the future."⁴⁴ As they gathered the information, two Defense Department officials involved with the project, Daniel Ellsberg and Anthony Russo, realized the futility of the war in Vietnam. They made copies of the report, and Ellsberg subsequently contacted the *New York Times*.⁴⁵ Although McNamara claimed that the study was never secret, those working on it apparently believed otherwise.⁴⁶ Ellsberg went into hiding after leaking the "highly classified documents" to the press, fearing that "the government was going to go after him hard."⁴⁷

The reason for Ellsberg's concern was not only because he had effectively stolen and published government secrets, but because the information contained in the Pentagon Papers was a revelation in regard to the United States and Vietnam.⁴⁸ As historian Kim McQuaid summarized, "The Pentagon Papers proved the existence of deception that critics of the war had long suspected. The Johnson administration, for example, had played a dual game of affirming that it intended no massive American involvement in Vietnam as it was privately planning just such a war."⁴⁹ The documentation that the United States government engaged in a deliberate deception of the American people in order to sustain a war that was becoming highly unpopular contributed to the atmosphere of suspicion of what else the government might conceal from its citizens. This was part of the recent experience of *Lincoln Conspiracy* viewers, and as such, the interpretation of Lincoln's assassination was not so far-fetched.

Americans learned of another shocking cover-up in Vietnam in 1971 when Lieutenant William Calley of the Americal Division, Charlie Company, was found guilty of overseeing a massacre of Vietnamese civilians in the hamlet of My Lai on March 16,

⁴⁴Robert S. McNamara with Brian VanDeMark, *In Retrospect: The Tragedy and Lessons of Vietnam* (New York: Random House, 1995), 256.

⁴⁵David Obst, *Too Good To Be Forgotten: Changing America in the '60s and '70s* (New York: John Wiley and Sons, Inc., 1998), 181; McQuaid, *The Anxious Years*, 175.

⁴⁶McNamara, *In Retrospect*, 280.

⁴⁷Obst, *Too Good To Be Forgotten*, 182-3.

⁴⁸Obst, *Too Good To Be Forgotten*, 192, 182.

⁴⁹McQuaid, *The Anxious Years*, 175.

1968.⁵⁰ The massacre had occurred during a search and destroy mission in the Son My village in South Vietnam. Intelligence indicated it was the base of a Vietcong battalion, but when U.S. troops began the assault, they discovered only women, children, and elderly civilians. Over the next few hours in My Lai, and nearby My Khe, American soldiers raped and killed women and girls, ruthlessly murdered young children and old men, and burned their villages. Official reports identified 128 Vietcong casualties, approximately 20 inadvertent civilian casualties killed by artillery fire, three weapons captured, with only two American casualties and ten wounded.⁵¹ Although exaggerating enemy casualties was common practice, it seemed suspicious that in an engagement with a combat-experienced Vietcong battalion the U.S. troops sustained so few losses and captured so few weapons.⁵²

Some witnesses had reported indiscriminate killing of civilians almost immediately, in particular helicopter pilot Warrant Officer Hugh Thompson. During the operation, Thompson, sickened by the murders he was watching, broke protocol and landed his helicopter to confront one of the perpetrators, Calley, who was preparing to kill approximately ten women and children. Thompson and other aircraft assisted with the rescue of the civilians, but "Thompson was enraged; he had spent the morning watching Charlie Company murder."⁵³ Thompson's radio transmissions were one of the first indicators that unwarranted killing of innocents had occurred at My Lai, however, orders to retrace the operation and determine civilian casualties were countermanded and a cover-up began.

In spite of an almost immediate inquiry into the My Lai operation based on reports from within the division, information about what had really occurred was quickly falsified, suppressed, or contradicted. In his book on the events, Seymour Hersh wrote

⁵⁰Brinkley, *The Unfinished Nation* 2nd ed., 878.

⁵¹Hersh, *Cover-Up*, 101, 121, 204.

⁵²Hersh, *Cover-Up*, 119.

⁵³Hersh, *Cover-Up*, 103.

that in the weeks after March 16, "the growing evidence that a massacre had taken place at My Lai 4 was either disregarded or covered-up."⁵⁴ What was even more incredible than the mounting evidence, in Hersh's view, was the Army's willful naiveté about what the reports indicated. "The investigation had run the gamut from a two-star general to a battlefield captain, with one common denominator that would exist for the next two months: every denial was accepted at face value."⁵⁵ However, in March 1969 a former GI, Ronald Ridenhour, wrote to thirty Congressmen and government officials and disclosed information on the massacre at My Lai. His allegations of atrocities soon made their way into the press. A full-scale investigation resulted in Calley's conviction of the murder of 109 Vietnamese civilians. The Army and the Pentagon initiated another inquiry into how the initial investigations had failed to verify the atrocity and punish the perpetrators. The Peers Panel, named for its director, Lieutenant General William Peers, investigated the events of March 16, 1968 as well as the subsequent cover-up, particularly the disappearance of previous statements, correspondence, and official files related to the case.⁵⁶

The significance of these events, in addition to the shocking tragedy of rape, murder, and destruction in My Lai, was yet another well-publicized discovery of a government agency cover-up. The Army's old-boy network and "cover your ass" policy had quietly approved intimidating snitches, tampering with evidence and perjury in order to stonewall investigators and hide the war crimes committed in Vietnam. These kind of tactics started to seem commonplace among Americans of the 1970s. It was not a difficult leap of logic, then, to consider evidence that politicians and military leaders in the 1860s had done the same in order to protect or further their careers and hide their crimes against the Commander in Chief.

⁵⁴Hersh, *Cover-Up*, 146.

⁵⁵Hersh, *Cover-Up*, 161.

⁵⁶Hersh, *Cover-Up*, 218-20.

The American discovery of the depths of corruption, deceit, and cover-up had not yet hit rock-bottom, however. The Watergate scandal not only brought outrage, cynicism, disillusionment, and distrust of the government to a new high, it brought down a President. Richard Nixon was a fiercely ambitious man overwhelmed by insecurity, a feeling of inferiority, and paranoia. To combat the plots he believed were directed against him, he engaged in plotting against them.⁵⁷ The first indication of something amiss was the break-in at the Democratic National Committee offices in the Watergate building complex on June 17, 1972. Five "burglars" were on a mission to bug telephones of party leaders, but were discovered. Four were Cuban-Americans with connections to the CIA, and the fifth, James McCord, was a former CIA agent, now security director for Nixon's Committee to Re-Elect the President organization (CREEP). Also charged in connection with the break-in were Howard Hunt and Gordon Liddy, who had headed up Nixon's "Plumbers" to stop leaks and harass political opponents. These connections would eventually lead investigators to the White House and Nixon, either through McCord and CREEP or through Hunt, who was hired by one of Nixon's advisors. So a cover-up began.

In order to hide the involvement of the White House and the President, Nixon and his top aides lied publicly about their knowledge and privately worked furiously to silence the burglars and obstruct the investigation. Among those who assisted Nixon's efforts to stifle the Watergate situation were the White House chief of staff H.R. Haldeman, chief domestic policy advisor John Ehrlichman, White House head counsel John Dean, CREEP director and deputy director John Mitchell and Jeb Magruder, CIA deputy director Vernon Walters, and FBI acting director Patrick Gray. All the burglars, except McCord, received hush money from CREEP accounts, but before the FBI traced the money to CREEP, Haldeman directed the CIA to wave the FBI off of the case. Gray continued to stunt the investigation and funnel information to the White House, allowing Nixon's cover-up to stay ahead of the case.⁵⁸

⁵⁷McQuaid, *The Anxious Years*, 170-173.

⁵⁸The Watergate summary is based on McQuaid, *The Anxious Years*, 167-305.

Meanwhile a grand jury indicted the five burglars and Hunt and Liddy. Although they initially entered pleas of innocence, Hunt and the five Cuban-Americans eventually plead guilty. McCord and Liddy held out, claiming that they did not act out of personal gain, but refused to give information on whose direction they committed the crime. The judge for the case, John Sirica, suspected that payoffs are involved, but was unable to prove it, until Magruder gave perjured testimony implicating Liddy as the mastermind of the scheme. CREEP treasurer Hugh Sloan outed Magruder when he testified that Magruder authorized Liddy's expenditures indicating Magruder's knowledge of Liddy's activities. Before his sentencing, McCord wrote Sirica a letter, blowing the lid off the Watergate cover-up by providing general information about the operation, the hush money, perjured testimony, and other damaging tips. While the trial of the burglars took place under a gag order and in the relative privacy of the courtroom, Sirica indicated to the Justice Department prosecutors that he was not satisfied that all the relevant information had been presented and implied that a Congressional inquiry was imminent. When the Watergate inquiry landed in the Congressional chambers, the cover-up began to dissipate.

As a result of the criminal proceedings, Congress initiated its own investigation into the Watergate situation. In separate hearings regarding his appointment as FBI director, Patrick Gray testified that he believed Dean "probably lied" to the FBI during the Watergate investigation. The Judiciary Committee demanded that Dean, Haldeman, and Ehrlichman testify, but Nixon issued a blanket executive privilege for all current and former White House aides, a clear abuse of power and attempt to obstruct the investigation. When Dean met with Haldeman, Ehrlichman, and Nixon about how to proceed, Nixon ordered more hush money and directed Dean to write a report and backdate it. Dean quickly realized he was being set up to take the fall. He quietly began negotiating for immunity, when Nixon lifted the restriction on White House staff testimony, but directed that no one should receive immunity. Next, Nixon appointed a

Special Prosecutor Archibald Cox, to investigate his wayward advisors who had engaged in the illegal Watergate activities. Dean, sensing that the fight would become political as well as judicial, began negotiations with the politicians and lawyers with the Justice Department. The Senate Watergate Committee convened in May 1973 and lasted through August. Dean had agreed to testify against the President, and in his testimony during the last week of June, he noted his suspicion that Nixon had secretly taped their conversations. When called to testify in July, both Ehrlichman and Haldeman basically accused Dean of lying, maintained their own innocence, and effectively perjured themselves.

Initially, the Committee had not paid particular heed to Dean's reference to taped conversations. But when the Committee heard from former aide Alexander Butterfield, he confirmed that the Oval Office was equipped with taping devices. The Committee immediately demanded access to the tapes, and Nixon refused. Special Prosecutor Cox also wanted the tapes for his investigation, again Nixon refused. Cox then obtained a subpoena from Judge Sirica and Sirica ordered Nixon to turn over the tapes or face charges of contempt. Meanwhile, he fired Cox, prompting the resignation of Attorney General Richardson and his deputy. Finally, Nixon agreed to supply transcripts, but not the actual tapes. Although edited, the transcripts revealed that the White House had been less than honest and forthcoming in the Watergate investigation. Eventually the case for release of the tapes went to the Supreme Court and in July 1974 under *The United States v. Richard Nixon*, the Court ruled that Nixon must surrender them. The tapes contained gaps of about 18 minutes, but even still, they contained incontrovertible evidence that Nixon had knowledge of the Watergate cover-up and established his pattern of obfuscating and obstructing justice. By the end of July, the House Judiciary Committee had already voted on three articles of impeachment of President Nixon. Congress did not get the chance to put Nixon on political trial; he resigned on August 8, 1974. President

Gerald Ford then pardoned him. The Watergate scandal solidified the public distrust of politicians and the government.

The Lincoln Conspiracy contains several parallels to Watergate. A 1977 audience might have contemplated comparisons between Stanton as Nixon: both ambitious, relentless, and dictatorial. Like Nixon, Stanton tried to gather power to himself and guarded it fiercely. Both surrounded themselves with men more loyal to them than to anyone else and who would willingly do their bidding. For Nixon it was Haldeman and Ehrlichman. With their help, Nixon engaged in domestic espionage of his personal enemies and used government agencies to harass and neutralize political opponents. For Stanton it was Baker and Eckert. With these loyal sidekicks, Stanton conspired to eliminate Lincoln and then used the military judicial system to railroad eight scapegoats. Both engaged in obstructing investigations. Nixon used Haldeman to threaten the CIA to force the FBI's to lay off the Watergate trail. Nixon's loyal aides tried to bribe those who could implicate them into silence, and threw others to the judicial wolves when they were uncooperative. Stanton used Baker to manipulate the search for Booth, and authorized bribes for detectives who could corroborate the misidentification of Boyd's body for Booth. When Congressional inquiries ensued in both cases, Stanton and Nixon attempted again to obstruct their demands for evidence. Nixon refused to turn over the tapes; Stanton refused to turn over Booth's diary. Nixon's tapes contained 18 minutes of gaps to protect himself; Stanton removed 18 pages from the diary to do the same. The significant difference, of course, is that Stanton's cover-up was more successful for much longer than Nixon's, and Stanton survived political humiliation.

Another major parallel between *The Lincoln Conspiracy* and the Watergate scandal is the pattern of perjured testimony. During the trial of the Watergate burglars, CREEP Director Magruder lied under oath that responsibility for the break-in went no further than Liddy, but Sloan's testimony refuted Magruder's claim. Sloan testified that both Magruder and Mitchell had known of and authorized Liddy's expenditures, directing

Sloan to provide payments for "dirty tricks" in cash.⁵⁹ Ehrlichman and Haldeman both gave perjured testimony in their statements to the Senate Watergate Committee.⁶⁰ During the 1865 trial, Sandford Conover, James Merritt and Richard Montgomery were coached to give false testimony and paid for perjury. In the 1868 Congressional inquiry portrayed in *The Lincoln Conspiracy*, Congressman Rogers hurls accusations against "these frauds, these trained liars bought and paid for by the government...[Conover, Montgomery, and Merritt] and how many others--criminal perjurers in the employ of government officials no less criminal than they?" (1:22:12). The lies and fabrications of those witnesses during the trial of Booth's alleged conspirators helped the government "prove" its case against the Confederacy. Although the testimony in the Watergate case was designed to obfuscate information and the witnesses who committed perjury before the Hunter Commission in 1865 gave fabricated information, the purpose was the same: to deceive those charged with determining the truth. And the truth, as Rogers stated in the movie, is never incompatible with the public interest (1:22:38).

Film critics writing about *The Lincoln Conspiracy*, like most reviews, focused on describing the plot. In this movie particularly, the story was the most noteworthy and startling component. Once the reviews had outlined the new and complicated conspiratorial details, they turned to the quality of the entertainment. The *New York Times* remarked that it "is a competent enough piece of work." However the presentation, particularly the narration and explanatory dialogue were "Low-key and tending toward ponderous exposition."⁶¹ *Variety* complimented the color production and the period details as "reasonably good," the acting "competent or better," and found the directing "professional"⁶²

⁵⁹McQuaid, *The Anxious Years*, 197.

⁶⁰McQuaid, *The Anxious Years*, 229.

⁶¹Lawrence Van Gelder, review of *The Lincoln Conspiracy* in *The New York Times*, 6 October 1977, C22:4. *The New York Times Film Reviews, 1977-1978* (New York: New York Times and Arno Press, 1979), 118.

⁶²*Variety*, 12 October 1977.

Surprisingly, film critics for the *New York Times* and *Variety*, in addition to Davis' articles in *Civil War Times Illustrated*, also evaluated the validity of the movie's interpretation. The *New York Times* astutely noted that the film "is a one-sided case. Although a documentary source list is provided... 'The Lincoln Conspiracy' cannot help but leave anyone seriously interested in the subject wondering about the tangible proofs for the arguments it advances." *Variety* was considerably more scathing in its evaluation. The critic asked, given a decent enough film, "Why then are the historic facts so stretched, abused or neglected?" The suggestion that Booth escaped and survived his pursuers was "begging the facts for the sake of a cheesy final crawl on screen." As for the "true" interpretation that flies in the face of a hundred years of academic research and serious scholarship, *Variety* deemed it "the worst kind of travesty of truth, in that it occurs in the name of supposed truth-telling." A reviewer of historian William Hanchett's *The Lincoln Murder Conspiracies* in 1984 also weighed in with his own evaluation of the film. Harold Hyman dismissed it as "ghastly" an "atrocious film based on a pseudo-history...disguised as scholarship."⁶³

That the movie claimed to tell the truth about history, but based it on unreliable evidence convinced most critics that *The Lincoln Conspiracy* was merely a "pseudo expose of supposed assassination 'cover-up.'"⁶⁴ Film reviewers and historians, armed with the information to verify the interpretation, made an attempt to evaluate the veracity of the movie's version of the events and concluded that at the very least, the documentation could not be authenticated. If *Conspiracy's* filmmakers had been less adamant that their version was the truth, it might have held more weight with critics. There is always the possibility that new or previously undiscovered evidence will come to light and reveal different interpretations of traditional historical explanations. However, the filmmakers relied on information that was either second- or third-hand, and left themselves open to

⁶³Harold M. Hyman, "Hitting the Fan(s) Again: Or, Sic Semper Conspiracies," *Reviews in American History* 12, no. 3 (Sept., 1984): 388.

⁶⁴*Variety*, 12 October, 1977.

reasonable doubt. The power of suggestion under the guise of entertainment may have proved more effective with American audiences who are notoriously susceptible to conspiracy theories. Particularly because although they are constantly looking for "proof," the lack of proof remains the most alluring aspect of the unknown.⁶⁵

Only a couple of the reviews in 1977 commented on the movie's parallel to recent events. William Davis in *Civil War Times Illustrated* noted that the filmmakers argued that the cover-up they exposed would make Watergate pale in comparison.⁶⁶ *Variety's* reviewer also remarked that *The Lincoln Conspiracy* was obviously riding the coattails of the assassination conspiracy theories running rampant about Kennedy.⁶⁷ The movie was not as widely reviewed as *Shark Island*, so it is difficult to get a comparable sampling to assess whether critics related the movie's history to contemporary events. I suspect that in the film's promotion materials, as described by Davis and recalled by Hyman, the parallels to Kennedy and Watergate were copiously advertised and would have been hard for either critics or audiences to overlook.

The movie apparently made less than a million dollars at the box office, so it is also difficult to assess its impact as a theatrical release. When Sunn Classic released the picture, the company did not employ its usual method of distribution. Sunn Classic was normally a "four-wall" company distributing its films to theaters at a "fixed price above the house expense."⁶⁸ Instead, with *The Lincoln Conspiracy*, the production company asked exhibitors to bid for the film and provide a "base guarantee commitment for the initial run."⁶⁹ Then exhibitors would be able to share in a percentage of the gross and take advantage of Sunn's planned \$4 million advertising and promotion campaign.⁷⁰ Sunn also

⁶⁵For example, the tag line for *The X-Files* television series was "The Truth is Out There." To have actually revealed it, though, would have caused the show to lose its appeal. What was so fascinating to so many people was not knowing the truth, in spite of the fact that the characters were always looking for it.

⁶⁶Davis, "Caveat Emptor," *Civil War Times Illustrated*, 33.

⁶⁷*Variety*, 12 October, 1977.

⁶⁸"Four-Waller Sunn In Switch: Asks Bids And Fat Guarantees on Lincoln Assassination Film," *Variety*, 13 July 1977.

⁶⁹"Sunn Classic's 'Honey' Approach to Film Distrib'n," *Variety*, 7 June 1977.

⁷⁰"Sunn Classic's 'Honey' Approach to Film Distrib'n," *Variety*, 7 June 1977.

changed methods because the four-wall operation involved production investment risk (*Conspiracy* cost \$2 million to make) and the burden of advertisement costs, in addition to renting costs.⁷¹ Company deadlines were also a consideration. Sunn wanted to beat any other versions created specifically for television, and to do so with a four-wall distribution, they would need 3,000 prints but had only 900 to distribute. If the bid approach proved successful, Sunn would also generate cash flow for similarly ambitious projects in the future, as well.⁷² *Variety* noted that "Asking and getting are two different animals," and that the high bids and base guarantees Sunn was requesting were too high for the independent theaters and distributors to raise.⁷³ However, Sunn believed that *Conspiracy* held big profit potential, and by changing distribution strategies, they hoped to take full advantage of the American fascination with conspiracy theories.⁷⁴

The publicity campaign was intended to be one of the advantages for the bid approach. Sunn expected the companion book and the controversial historical interpretation to help sell the movie simply from word of mouth. Harold Hyman recalled that teachers received publicity packets from Sunn and students were "block-booked into theaters" for a film screening in order to "sell" the movie's version of history.⁷⁵ William Davis' first article also referred to press release documents.⁷⁶ Combined with an aggressive newspaper and advertising campaign, film revenue was expected to exceed one million. According to *Variety*, the film did not achieve those figures in theater release. However, a 1993 report on independent production companies listed the "film rental champions from independent distribution companies, 1970-1993." Among them was *The Lincoln Conspiracy* at \$5,614,000.⁷⁷ In addition, Harold Hyman commented in 1984 that *The Lincoln Conspiracy* often made for late-night or cable television fare.

⁷¹"Sunn Classic's Minor Triumph in Semantics," *Variety*, 6 July 1977.

⁷²*Variety*, 6 July 1977.

⁷³*Variety*, 13 July 1977.

⁷⁴*Variety*, 7 June 1977.

⁷⁵Hyman, *Reviews in American History* (Sept. 1984): 388.

⁷⁶Davis, "Caveat Emptor," *Civil War Times Illustrated*, 34.

⁷⁷"In Winner's Circle," *Daily Variety*; 19th Annual Special Report: Independents in Entertainment, 17 August 1993.

Video rental proved more lucrative, and late-night and cable television showings probably attract more viewers than the film's original release.

The Lincoln Conspiracy's version of the assassination has most likely continued to reach audiences through video release and television showings. Aspects of the conspiracy theory have also been recycled on other TV shows such as *Unsolved Mysteries*, which picked up on Americans' fascination with Lincoln's assassination and in one episode featured a segment on whether Booth was indeed the man killed at Garrett's farm. But the larger conspiracy theory involving Stanton and Baker and other Republicans does not seem to have penetrated the American understanding of who was really behind Lincoln's assassination and why they wanted to eliminate him. The conspiracy theories are fascinating to skeptics and even have mass appeal as entertainment, but the interpretation has no basis in reliable evidence. Thus the continual availability of irresponsible history is of particular concern to academic historians, and although filmmakers and television producers are not barred from plundering historical subjects, Gabor Boritt warned his colleagues that "Letting a subject that has captured the public imagination fall in to the dubious hands of the unprofessional, the speculator (financial or historical), and the honest paranoid has dire consequences."⁷⁸

Two examples of dire consequences were the honors awarded to *The Lincoln Conspiracy*. For their work in the Lincoln assassination events, David Balsiger and Charles Sellier, Jr. were honorary doctorates from Lincoln Memorial University in Tennessee. *The Lincoln Conspiracy's* producers also won the Freedom's Foundation's George Washington Medal of Honor Award.⁷⁹ Previous to their foray into the mysteries of Lincoln's death, Balsiger and Sellier had researched, written about, and also produced

⁷⁸Gabor S. Boritt, Review of *The Lincoln Murder Conspiracies* by William Hanchett, *The American Historical Review* 89, no. 5 (Dec., 1984), 1395.

⁷⁹Hyman, *Reviews in American History*, 388; Hanchett, *The Lincoln Murder Conspiracies*, 228; Gabor S. Boritt, "Review of *The Lincoln Murder Conspiracies*," *The American Historical Review* 89, no. 5 (Dec., 1984): 1395.

movies on Noah's Ark and Grizzly Adams.⁸⁰ Balsiger, who graduated from National University in San Diego, was formerly an investigative reporter and news photographer. He is currently listed as Supervisor of Broadcast and Video Licensing at Grizzly Adams Productions, Inc., which, according to their website, "produces family-friendly television specials and series for USA television networks and for international broadcast, video, DVD, licensed distribution." Among his recent productions are *The Miracle and Wonder of Prayer* (2000), *Uncovering the Truth About Jesus* (1997), and *Secrets of the Bible Revealed* (1998). Grizzly Adams Productions, Inc. also produces the series *Encounters with the Unexplained*, which has featured episodes on Roswell, crop circles, Easter Island, and the Shroud of Turin.⁸¹ Sellier has also continued to author and contribute to various books. Recently, he contributed to *UFO* and *The Paranormal Sourcebook: A Complete Guide to All Things Otherworldly* and author *Miracles and Other Wonders*, as well as *Mysteries of the Ancient World*.⁸² He also produced the film *K19: Hangar 18*, also known as *Invasion Force*, in 1980, which is about secret government research on alien bodies. Sellier directed horror films *Silent Night, Deadly Night* (1984) and *The Annihilators* (1986).

Obviously, the two individuals most involved with *The Lincoln Conspiracy*, both the book and the motion picture, are interested in mysteries, the unknown, and the unexplained. What they seek are answers to questions, whether thousands of years old or fifty. They sought to do the same with Lincoln's assassination: to take questions that seemed never to be satisfactorily answered, at least by the standards of the skeptical, and to answer them. They believed they had found evidence of a government conspiracy and cover-up. Considering the circumstances of the 1960s and 1970s, such a conclusion was not out of the realm of possibility. Most importantly, by emulating a scholarly approach,

⁸⁰Schick Sunn Classic Books also published Balsiger and Sellier's *In Search of Noah's Ark* and Sellier's *The Life and Times of Grizzly Adams*.

⁸¹See <www.grizzlyadams.tv>.

⁸²*UFO* (McGraw Hill, 1997); *The Paranormal Sourcebook* (McGraw-Hill, 1999); *Miracles and Other Wonders* (Bantam Books, 1994); *Mysteries of the Ancient World* (Dell Publishing Co., 1995).

they wanted to re-educate Americans about this part of their history, because as Kennedy's assassination, the Pentagon Papers, My Lai, and Watergate demonstrated, the nation had been denied the right to examine all the evidence and know the truth. *The Lincoln Conspiracy* was a serious, if ultimately laughable, attempt at scholarship. Academic historians and film critics alike questioned their evidence, their method, and their interpretation. The primary weakness of the movie was that its conclusions were untenable, despite how compelling conspiracy theories can be.

However, *The Lincoln Conspiracy* is not lacking entirely in strengths. First of all, it is a good example of how dynamic and ambiguous historical inquiry really is. If history were merely facts, then there would be no basis to question who was behind Lincoln's assassination and why. With different evidence, the filmmakers concluded a different interpretation than the academic version that Booth and eight other people conspired to kill Lincoln. If history were truth, then there would not be room for a different version of it. Secondly, the movie, and the companion book, demonstrate that history is interpretation of evidence, and that both the evidence and the conclusions historians draw from it must be carefully evaluated because neither are unqualified. The evidence on which *Conspiracy's* creators based their claims was fundamentally flawed and therefore their interpretation and conclusions were also faulty. Finally, the movie's parallels to recent events and its advocacy for the value of truth in a democratic society deserve credit. During a turbulent time marked by skepticism, paranoia, and cynicism, the appearance of conspiracy, corruption, and deception fostered distrust. The movie's message that full disclosure was the first step to remedying American disillusionment was significant.

Conclusion

In the foreword to *Hollywood As Historian*, a collection of essays on historical films, Ray Browne offered this insight on movies about the past:

Pictures as history are exceptionally effective because...it is difficult to miss messages carried in a motion picture as it explains a historical period or event....Most difficult of all to overlook is the power of the art. Indeed, the aesthetic power of a motion picture, historically correct or incorrect, is difficult to resist. Aesthetics in all artistic expressions is a great seducer, and must always be calmly surveyed, for it sells lies as well as truths, inaccuracies as well as accuracies. But then so do words; the only difference is that motion pictures propagate messages more massively, and effectively, and sometimes quite unexpectedly and surprisingly.¹

Browne's observation is at the heart of this project. I chose to explore historical films because I am both an historian and a movie fan. I chose these films because the historical event deals with a pivotal time that shaped our national identity as Americans in ways that still affect us every day. I wanted to examine the interpretations of Lincoln's assassination these films presented to viewers, to understand how the filmmakers made meaning of the past, to explore the messages they used history to send to contemporary audiences, and to gain insight into how movies can function as cultural artifacts.

In 1936 20th Century-Fox released *The Prisoner of Shark Island*. As a version of history, the movie merely reflected and reinforced the contemporary understanding of Mudd's limited involvement in and maximum punishment for Lincoln's death. The movie was based on a book one of Mudd's daughters wrote about her father, and displayed an unmistakable sympathy for Mudd's case. The filmmakers consulted other books about Lincoln's assassination, including Lloyd Lewis' popular *Myths After Lincoln*. Although the movie did not acknowledge any of these sources directly, the interpretation of Mudd's story clearly reflected the popular belief in his innocence and that the government had done him a disservice when out of revenge its military trial convicted him on circumstantial evidence. The *Time* magazine article that apparently prompted producer

¹Ray B. Browne, foreword to Peter C. Rollins, ed., *Hollywood As Historian: American Film in a Cultural Context* (Lexington: University Press of Kentucky, 1983), ix.

Darryl Zanuck to portray Mudd's story also represented him as a "kindly, cultured young physician" who had merely helped a stranger in need.² Like most historical films, the movie's version is one-sided. It clearly identifies with Mudd, portrays him as a devoted husband and father, a dedicated doctor, and a selfless and forgiving man. The government and military characters were appropriately villainous, they deliberately robbed him of his civil rights, met Mudd's pleas of innocence with stoicism, and tried to break his spirit with the most cruel punishment. The film did not reveal Mudd's previous acquaintance with Booth, watered down his Confederate sympathies, and did not even question whether Mudd may have known of Booth's plots to eliminate Lincoln either by kidnapping or assassination.

Shark Island used the past to send messages to its contemporary audiences about their own time. Its primary message was about the consequences of injustice when it occurs in a supposedly just and democratic nation. As an artifact of its time, this message is significant. Though subtle, the movie was a warning about the dangers of oppressive militarism and repressive fascism that was spreading in the world and threatening freedom and democracy. Dictators and military leaders were systematically or violently denying certain ethnic or religious groups and political opponents of their citizenship, suppressing their civil rights, arresting and confining them to work camps and prisons without cause. *Shark Island* reminded Americans that their government, too, had operated undemocratically, and that they should not ignore the international crisis. These were issues that the filmmakers, Darryl Zanuck, Nunnally Johnson, and John Ford had strong opinions about. Their message about the consequences of militarism, oppression, and injustice was as much about their own time as Mudd's.

The style with which these filmmakers presented their message was entertaining and artistic, due in large part to the talented director John Ford. Film critics and audiences agreed. Though not a blockbuster success the movie received good reviews and did

²*Time*, 4 February, 1935, 21-22.

tolerable business in theaters. Part of what made *Shark Island* reasonably successful was that the movie was a good story told well. Americans were engulfed in the Great Depression when *Shark Island* opened at movie theaters around the country, and although the story seemed dark and serious, the moral was ultimately uplifting. The filmmakers helped personalize and humanize one man's struggle against overwhelming odds. Mudd lived by principles of hard work, honesty, compassion, and forgiveness. Even when things seemed hopeless, he did not give up. He demonstrated that bad times were not the end and good times were around the corner. This message was reassuring during a time of uncertainty. Though persecuted by regional hatred, Mudd showed mercy. He demonstrated that even after civil strife, a nation once at war could unite. As world war loomed once again, this call to unite would be significant in the decade after *Shark Island's* release.

Although *The Lincoln Conspiracy* (1977) deals with the same historical event, the interpretation it offered and its method were radically different from *Shark Island*. First, *The Lincoln Conspiracy's* version of the events was a serious challenge to accepted history. It accused the United States government of conspiracy and cover-up, and criticized historians for perpetrating the government's false information for generations. *The Lincoln Conspiracy's* purpose was to educate Americans on what the filmmakers claimed was the true story of Lincoln's assassination and those responsible, not merely to entertain them. *The Lincoln Conspiracy* offered new evidence, mainly the 18 missing pages of Booth's diary, that disclosed the true conspirators. To accentuate this aspect of their case, the filmmakers used a documentary-like style to present their argument visually. They employed narration and explanatory dialogue, provided introductory and concluding remarks reiterating the veracity of the narrative, and even provided a list of sources to authenticate and support their interpretation.

The essential message of *The Lincoln Conspiracy* was that the history Americans had learned about these events were the results of treachery and deception. Although the

interpretation in the movie is shocking and a bit absurd, the audiences of the 1970s were receptive to conspiracy theories and evidence of cover-ups. After all, many Americans did not really believe that Lee Harvey Oswald was the lone assassin of President Kennedy. They believed that the Warren Commission classified documents related to the assassination for 75 years and essentially denied Americans the opportunity to examine and evaluate the evidence, learn the truth, and prosecute and punish those involved. American preoccupation with corruption and cover-ups was justifiable with confirmed incidents related to U.S. involvement in the Vietnam War and the way American soldiers behaved in combat, and most significantly the Watergate scandal.

In this respect, *The Lincoln Conspiracy* is clearly a product of its time. Theories of conspiracy and revelations of deception were par for the course in contemporary society and politics. It is of little surprise that the filmmakers revisited mysteries of history with these ideas based on recent experience. Not only did the movie serve as a vehicle to reeducate Americans about what really happened when Lincoln was assassinated and demand a Congressional inquiry into the historical events, it was also a vehicle to advocate for the release of documents and evidence related to recent events so that the truth could be revealed.

In spite of the movie's sensational interpretation, the film reviews of *The Lincoln Conspiracy's* version of history primarily ranged from qualified interest to unapologetic censure. Historians and film critics alike criticized the one-sided conclusions which were based on unreliable and questionable evidence. As history, the interpretation was dubious, as entertainment, the movie did not fare much better. The visual style lacked innovation and artistry, the narrative devices, particularly the narration, tended to weigh the story down with its supercilious explanations, and the dramatic components, such as acting, dialogue, and sound, were less than dramatic. Although the production company planned a massive barrage of publicity, the movie failed to gross half of its \$2 million price tag, but has had more success in video release and television showings.

Although both films differ in style, purpose, and most significantly in interpretation, these two disparate movies also have similarities beyond their subject matter and their function as cultural artifacts. The Civil War was a defining time in our nation's history, and while the final act of war--Lincoln's assassination--has been interpreted in many ways, both *Shark Island* and *The Lincoln Conspiracy* draw important lessons about the consequences of that event. *Shark Island* demonstrates how Lincoln's death widened the chasm of distrust and bitterness between North and South. The Union dealt severely with the accused accomplices of the assassin and for the next ten years punished the South for the years of war brought upon by their attempt to secede. Yet, by the end of the decade, the public outrage had waned and Dr. Mudd, who in *Shark Island* had met hatred with kindness and persecution with mercy, was pardoned and released. After having narrowly escaped the gallows, and being sentenced to life in prison, he was freed four years later. The movie indicates the binding of the nation's wounds.³ The ending of *The Lincoln Conspiracy* also offered hope. Although Lincoln was dead and the truth was buried, the movie reiterated that "President Lincoln's dream of a reunited nation did come to pass. Today, America is the symbol of freedom and equality to the rest of the world" (01:25:52).

The two movies also share a message about threats to democracy. *Shark Island* warned of the dangers of fascism, militarism, oppression, and injustice. *The Lincoln Conspiracy* warned of the dangers of corruption and cover-up. Both films addressed the threats to democracy because of national and international issues facing Americans at the time of their release. *Shark Island* addressed itself to Americans enduring the uncertainty of the Great Depression and a nation that nervously watched as another great war approached. *The Lincoln Conspiracy* addressed itself to the national ideals of freedom, equality, and truth which had been cheapened and denigrated by recent events. It advocated the need to defend what America should stand for, and to expose what it

³Joseph McBride, *Searching for John Ford: A Life* (New York: St. Martin's Press, 2001), 256.

should not stand for: conspiracy, treachery, and deception of the American people. The musical endings to *Shark Island* were patriotic songs that symbolize the American home: "Maryland, My Maryland," and "Dixie." The last lines of *The Lincoln Conspiracy* remind Americans of Lincoln's immortal words at Gettysburg: "that a government of the people, by the people, for the people shall not perish from the earth" (01:25:52). Even though both movies contained criticisms of the United States government, how it handled Mudd's case and how it has been abused by politicians, their message to America is one of faith, hope, respect, and patriotism for the ideals on which the Republic was founded.

The Prisoner of Shark Island (1936) and *The Lincoln Conspiracy* (1977) were useful not only because they provided examples of history in the mass media, but because being made forty years apart they represented very different historical contexts. As Peter Rollins observed about movies in general, they were "recorders of the national mood" both in terms of understanding Lincoln's assassination and of their respective contemporary issues.⁴ Historical films, particularly those made in the past themselves, are useful artifacts to evaluate what events captivated audiences, the historical interpretations they present, and how the past may have been a vehicle to understand or influence current issues. These opportunities have helped decrease the historian's concern about the anachronisms that occasionally appear in movies, and allow the overall interpretation to take precedence. Historians are now more focused on the message about the past that movies convey. Movies about the past are not dramatized non-fiction, often they are not motivated to educate, but merely to entertain. However, more and more filmmakers are approaching historical subjects out of a genuine interest and feeling a responsibility to portray the past with integrity. They may choose to reinforce our sense of past or celebrate our common heritage; or they may challenge our understanding of history with new perspectives or alternative interpretations of events. Their motivation and purpose, as

⁴Rollins, ed., *Hollywood As Historian*, 1.

well as the portrayal of the past, are integral to the subjects that filmmakers choose and the messages they convey.

The approach to this project is not necessarily new or innovative. Many historians in the last twenty years have explored the complicated relationship between history and film. Their questions and insights and conclusions have formed the basis for a continuing dialogue about how movies represent past events, whether historical films can provide viable interpretations of history, what attracts filmmakers to historical individuals and stories, whether historical films can be both good history and good movies, what motion pictures reveal about their own cultural context, and how movies about the past are valuable to the historian's study. Initially, I understood the general professional opinion about historical films as a decidedly negative consensus. Historians often dismissed movies for their simplistic and one-sided interpretations, their lack of consideration for the complicated and ambiguous nature of historical inquiry, and their penchant for romanticized, sanitized, and melodramatic depictions of the past. However, I discovered that while these and other criticisms are persistent and valid, historians have individually and collectively turned to historical films with diligence and interest, though still with skepticism, and begun to explore them. What they have discovered has surprised and fascinated them as often as it may have appalled them.

Shark Island and *The Lincoln Conspiracy* represent history and entertainment in varying degrees. In terms of historical interpretation, neither film functions as scholarship, even *Lincoln Conspiracy* which claimed so adamantly that it was. However, as history, *Shark Island* represented the dominant historical interpretation, while *Lincoln Conspiracy* provided an alternative challenge to accepted versions of the past. As entertainment, *Shark Island* achieved a higher level of visual artistry and was more dramatic and engaging. *The Lincoln Conspiracy* concentrated more on its compelling version of history, and left the entertainment components under-utilized. However, in a sense, both movies achieve a certain level of artistry. *Shark Island* put national events on

a human scale, and explored the effects on one individual who became swept up in them. It was moving to witness Mudd's struggle, humbling to see his perseverance and compassion, and humanizing to realize the impact that Lincoln's assassination had on his life and family. *The Lincoln Conspiracy* demonstrated how a few individuals affected national events and the course of history. It challenged the assumption that official history is the truth, enlightened Americans (or believed that it did) about the real conspiracy, and empowered them to demand for full disclosure from their government.

John O'Connor articulated an opportunity and a challenge for historians to help audiences be more "informed, critical viewers of historical film."⁵ First we must educate our students that history is a process of interpreting and making meaning of the past, and that there are many different mediums in which people and historians accomplish this. Then we need to understand that movies are a unique and visual medium that necessitate methods of analysis that are relevant to the form, and help moviegoers recognize how cinematic devices construct an historical interpretation. Finally, we must remind audiences that movies are only one source of information for understanding historical events. Rather than discouraging moviegoers because a historical film does not meet standards of scholarship, I recommend William C. Davis's advice to his readers about *The Lincoln Conspiracy*. Although for several pages he questioned the movie's historical interpretation, instead of suggesting that his readers avoid the film, he specifically suggested that they attend a screening. "Go and see it. See it twice," Davis advises,

Watch it carefully...Look with a careful eye and an open mind....But watch for the innuendo, the stretched truth. Keep in mind the evidence that the film is based upon, and what has been shown here about the evidence. Then decide for yourself. That is the point of this editorial. To urge you not to walk out of that theater unquestioningly accepting what you have seen as being the truth. Because once that happens, then we have all begun to lose touch with our past--and without that there can be no sure grip on the future.⁶

⁵John O'Connor, "History in Images/Images in History," *The American Historical Review* 93, no. 5 (Dec., 1988): 1201.

⁶William C. Davis, "Caveat Emptor," *Civil War Times Illustrated* 16, no. 5 (Aug. 1977):37.

The influence of historical films on the public perception of the past is too powerful to either ignore or conquer. Let people enjoy the emotional experience of sitting in a dark theater and being thrust back in time to encounter the people, places and events of the past, to experience history as sights and sounds, not just words. But also encourage movie patrons to employ critical thinking and educate them to use methods of evaluation and analysis to consider the film as one source of information. Perhaps they will return to historical scholarship for more.

Robert Rosenstone asked the question, "does the use of film necessitate a change in what we mean by history?"⁷ History is not a collection of names, dates, and other data. It is not static or unchanging, it is amorphous and dynamic, and alters through time and perspective. History is a process of interpreting, understanding, and finding meaning in the past. In any form it is a creative process, whether it is verbal or visual. The creativity of history gives shape, emotion, intellect, and soul to the skeleton of people, places, and events that construct the historical world. I do not believe that film necessitates a change in what we mean by history or in what history is. I think that film has an untapped potential to enhance our understanding of history by contributing a dynamic visual and aural sense of the past, and by creating emotional connections to it. I think that film has a remarkable ability to engage our interest in history, whether it represents our own experience or reveals the experiences of other races, cultures, social classes, or nations. Historical films remind us of the adage that we can learn from our past to understand our present and prepare for our future. At its best, history is an art, as well as a science. It can be enlightening, moving, challenging, humbling, empowering, and humanizing. At its best, historical film can be all of these things, as well.

⁷Robert A. Rosenstone, "History in Images/History in Words: Reflections on the Possibility of Really Putting History onto Film," *The American Historical Review* 93, no. 5 (Dec., 1988): 1175.

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