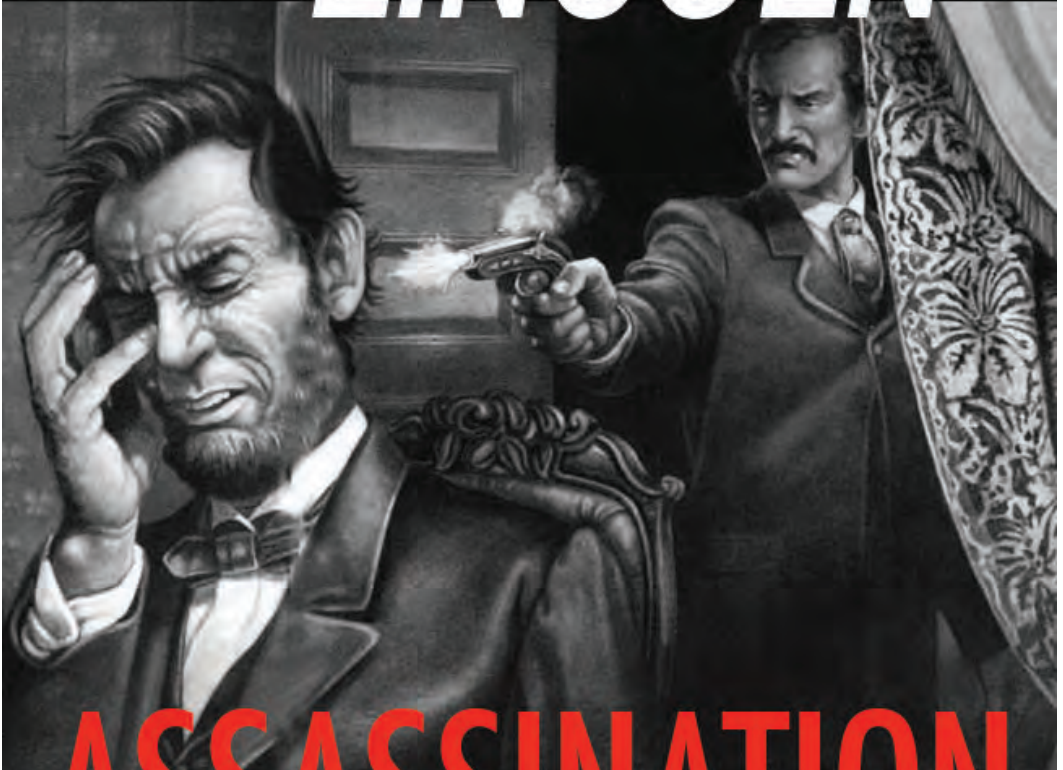
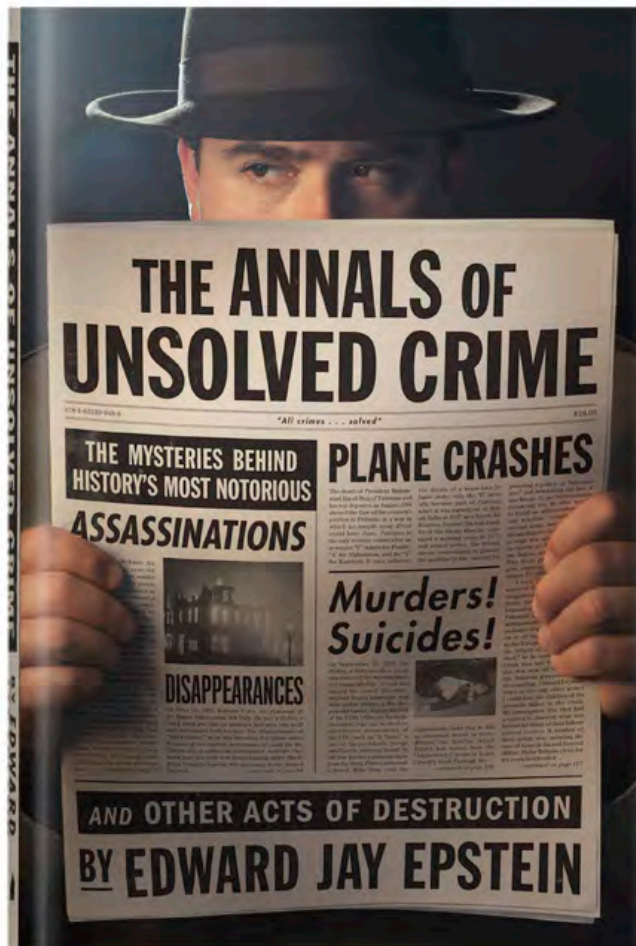


THE
LINCOLN



ASSASSINATION

Q&A with EDWARD
JAY EPSTEIN



THE ANNALS OF UNSOLVED CRIME

BY EDWARD JAY EPSTEIN

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PREFACE

The idea for *The Annals of Unsolved Crime* grew out of a trip to Moscow in 2007 to investigate the case of a radioactive corpse. The victim was Alexander Litvinenko, an ex-KGB officer, who had become deeply involved in the political intrigues of the billionaire Boris Berezovsky, an oligarch in exile in London, and those of Yukos, the immensely powerful oil company that Vladimir Putin was then in the process of expropriating from its owners. What made the case interesting to the intelligence services of at least four countries was the way the corpse in London had become radioactive: Litvinenko had been poisoned by an extremely rare radioactive isotope, polonium-210, which had immense value to parties seeking to go nuclear because it could be used to trigger an early-stage nuclear weapon. For this reason, it was one of the most tightly controlled and most carefully monitored substances on earth. So how, and why, were Litvinenko and some of his associates exposed to it? When I read through the relevant files in Moscow, I realized that this question might never be answered. The files had come to me by a circuitous route. The Crown Prosecutor in London had supplied their counterparts in Moscow with some evidence that they had in the case to support an extradition request for a suspect, Anatoli Lugovoi, who had also been exposed to polonium-210. What the files made clear was that, even though this was supposed to be a joint British-Russian investigation, the autopsy report, the hospital records, the toxic analysis, the

radiation readings in London, and other evidence concerning the polonium-210 were being retained by the British government as state secrets. For their part, the Russians would not allow Lugovoi (whom I interviewed for many hours in Moscow) or any other Russian citizen to be extradited, and they would not furnish any information about the leakage or smuggling of polonium-210. Nor, as of December 2012, would the British allow the coroner to complete his report on Litvinenko's death or release the autopsy files.

Even if officially the case of the radioactive corpse remains an unsolvable crime, we can still learn a great deal from the barriers that block us from solving it. I have found in my journalistic career that even with the unstinting financial and editorial support of magazines such as *The New Yorker*, *Vanity Fair*, *The Atlantic*, *New York*, and *Reader's Digest*, the cases from which I learned the most—and that most intrigued me—were cases that I could not solve. Some of the most high-profile crimes in history also lack a satisfactory solution because the basic facts of the case remain suspect. Napoleon defined history “as the version of past events that people have decided to agree upon,” which raises the question of whether such agreements proceed from facts or from political expediency. The problem of establishing truth has concerned me since I began my thesis at Cornell on the assassination of President John F. Kennedy in 1965 by posing it to seven of the most powerful men in America, the members of the Warren Commission. Some of these men, including a former director of the CIA, a former U.S. high commissioner for Germany, and the minority leader of the House of Representatives, pointed to inherent difficulties faced by a Presidential Commission, such as pressure of time, the lack of truly independent investigators, and the need to reach a consensus even if they disagreed. Other commissions from the military tribunal that investigated the assassination of President Abraham Lincoln have confronted similar

problems. So do prosecutors whose careers turn on their ability to appear to resolve cases of great interest to the public. For the past four decades, in seeking to cast light on this limitation, I have tended to focus on crimes that may contain elements beneath the surface that have never been fully reported. In this regard, *New York Times* columnist Joe Nocera was correct when he suggested that I believe “that conspiracies are more common than most journalists credit.” But conspiracies do exist—indeed, over 90 percent of federal indictments for terrorism since the 9/11 attacks in 2001 have contained a conspiracy charge, according to the Center on Law and Security at New York University, which tracks all federal terrorism cases. It is also true that many cases that initially appear to be conspiracies, such as the putative plot against the Black Panthers in the late 1960s, turned out, as I discovered when I reported about it for *The New Yorker*, to be the unconnected acts of lone individuals.

Some obvious problems with the puzzles presented by unsolved crimes are that they may be missing critical pieces, contain pieces that have been falsified, or contain pieces of evidence that belong in other puzzles. Even so, unsolved crimes have commonalities that can help us understand why they defy resolution. Although the taxonomy of such an elusive subject may be imperfect, I have classified these cases in four categories: loners, disguised crimes, cold cases, and crimes of the state.

The category of “loners” has long intrigued me. A lone gunman shoots someone and then is himself killed. There is no doubt that he fired the shots and was the only perpetrator at the crime scene, but was he alone? Conspiracies can hire a lone assassin, such as the killer in the book and movie *The Day of the Jackal*, to minimize the chances of being detected. Consider, for example, the assassination that had probably the most momentous consequences in history, the shooting of Archduke

Franz Ferdinand, the Hapsburg heir to the Austro-Hungarian throne, in Sarajevo on June 28, 1914. The bullet that killed him, and that ignited World War I, was fired by Gavrilo Princip. The immediate circumstances suggested a happenstance shooting. The archduke was on his way to an unscheduled visit to Sarajevo Hospital in his open Gräf and Stift Double Phaeton limousine. The driver made a wrong turn, got lost, and then while he backed up toward a bridge, the giant car stalled. The archduke, in his easily recognizable gold-braided uniform and plumed hat, was in the back seat, waiting for the driver to crank the car. At that very moment, Princip, a nineteen-year-old Serbian nationalist, was finishing his coffee at a café on the corner. He spied the archduke, rushed over to the stalled car, and fatally shot him in the neck. Since no one could have known in advance that the archduke would be at that place at that time, it initially appeared to be a random shooting by a lone Serb. Austrian authorities, however, intercepted Serbian communications that revealed that this was a conspiracy planned and orchestrated by Serbian intelligence and that Princip was one of a dozen assassins positioned along the archduke's route. At least three, including Princip, had received their weapons, training, and a suicide cyanide capsule from their Serbian case officers. It was the discovery of this plot that led to a war in which nine million soldiers were killed, and to the demise of the Hapsburg empire.

Investigations that stop at the singleton killer may, for better or worse, leave open the door to an unsolved crime. When the stakes are high, as when a head of state is assassinated, the decision of whether to stop at the singleton killer or pursue a possible conspiracy may not be entirely free of political considerations. I first came across this political dimension when I interviewed the members and most of the staff of the Warren Commission in 1965. I was given this unique access to the Commission because my investigation—later published as a book,

Inquest: The Warren Commission and the Establishment of Truth—was of interest to Chief Justice Earl Warren. One of the first commissioners I interviewed was John J. McCloy, who had served as the U.S. High Commissioner of Germany. As we sat in his forty-sixth floor office in the Chase Manhattan building, he described how the Commission had wrestled over how to deal with the loner issue. He said that all the commissioners agreed that the evidence was overwhelming that Lee Harvey Oswald had fired the shots that killed President John F. Kennedy. Their difficulty lay in resolving whether or not they could say that he was the sole author of the assassination. The chief justice, supported by most of the other commissioners, wanted to close the case by stating categorically that Oswald was a “loner.” McCloy said that he objected because the Commission did not have access to information about Oswald’s liaisons with the security services of Cuba and Russia, and therefore it could not rule out the possibility that Oswald’s connections with them made him more than a lone actor. He told the chief justice the Commission could say only that it had found no credible evidence of any other conspirators. As Warren wanted an unanimous report, he went along with McCloy and inserted a paragraph saying that, as it was not possible to prove a negative, the Commission could not rule out the possibility that Oswald had help. That qualification, though buried in the verbiage of the Commission’s report, as McCloy put it, “left the door ajar.” The “loner” issue has never really been resolved.

Political climates can also change, and when they do, what begins as a conspiracy could end up pinned on a loner. Consider, for example, the initial conclusions about the assassination of President Abraham Lincoln in 1865. Immediately after the assassination, with the South still seen as the enemy, the Military Commission appointed by the new president, Andrew Johnson, concluded that John Wilkes Booth, the assassin who was killed during his escape, was part of a conspiracy sponsored

by leaders of the defeated Confederate States. Four of his associates were hanged as co-conspirators, and an arrest warrant was issued for former Confederate States President Jefferson Davis. But when the political climate in America changed, and the reunification of the North and South proceeded, the government vacated the warrants against Southern leaders and abandoned the Military Commission's conspiracy case. Instead, John Wilkes Booth was viewed as a deranged loner.

What makes this issue vexing is that there is no single answer. Some crimes are committed by loners operating on their own, others by a singleton working on the behalf of a group. In the realm of fiction, the public readily accepts that a lone murderer can be carrying out a contract for a conspiracy that does not expose itself. In the movie based on Mario Puzo's book *The Godfather*, no fewer than six mob leaders are slain by a lone killer retained by Michael Corleone. In Frederick Forsyth's book *The Day of the Jackal*, a group of French conspirators hire a lone assassin to kill President Charles de Gaulle, sure that the man cannot be traced back to them. Such arrangements also occur in the realm of reality. The 1967 CIA Inspector General's *Report on the Plots to Assassinate Fidel Castro* describes how the CIA hired singleton assassins, such as Rolando Cubela (code-named AMLASH), to kill Castro between 1961 and 1963. If Cubela (or any of the other assassins) had succeeded, the CIA would claim he was a disgruntled Cuban acting on his own. How common are such conspiracies in political crimes? From the perspective of U.S. prosecutors at least, conspiracies are not rare when it comes to political murder. The interesting issue is sorting out loners who act alone from loners who act for others.

Another category of interest is disguised murder. To protect itself against pursuit, a party can disguise a murder as a suicide or accident in such a way that the issue becomes: Was there a crime? My interest here was piqued by James Jesus Angleton,

the legendary counterintelligence chief of the CIA. In 1977, he described to me six connected suicides that had occurred in Germany in late 1968. First, on October 8, Major-General Horst Wendland, the deputy head of the BND, the German equivalent of the CIA, was found shot dead with his own service revolver in his own office. That same day, Admiral Hermann Ludke, the deputy head of the logistics department of NATO, was found fatally shot by a dum-dum bullet from his own Mauser rifle in a private hunting preserve in Germany's Eifel Mountains. Then, within days, four more bodies turned up: Lt. Colonel Johannes Grimm, who worked in the German Defense Ministry, shot; Gerald Bohm, his colleague in the Ministry, drowned in the Rhine river; Edeltraud Grapentin, a liaison with the Information Ministry, poisoned with sleeping pills; and Hans-Heinrich Schenk, a researcher at the Economics Ministry, hanged. All were declared apparent suicides. After he reeled them off, Angleton made his point. These were not unrelated deaths. All six apparent suicides had access to highly classified secrets and were all under investigation as suspected spies or for leaks of NATO documents. The secret investigation of these men had proceeded from the discovery of a strip of film taken on a Minox camera of top-secret NATO documents. The camera had then been traced to Admiral Ludke. This discovery was of immense interest to Angleton, who in 1968 was a liaison with the BND, because Admiral Ludke had "need-to-know" access to the top secrets in NATO, including the location of the depots in which nuclear weapons were stored. Next, a Czech defector supplied a lead that pointed directly to Major-General Wendland and the German Defense Ministry. But before the investigation could go further, both Ludke and Wendland were shot to death on the same day, followed by four other suspects in the case suddenly meeting violent ends. How was such a coincidence possible? Angleton supplied one theory: the KGB had eliminated them to protect its espionage. I said, "But they were ruled suicides."

He corrected me: “Apparent suicides,” and he added, “Any thug can commit a murder, but it takes the talents of an intelligence service to make a murder appear to be a suicide.” He pointed out that coroners look for a murder signature, such as rope burns or bruises, and, if those are not present, they declare the death apparent suicide or natural death. Those signatures can be erased, as Angleton explained, in what is termed in intelligence-speak “surreptitiously-assisted deaths.”

The death of Hamas commander Mahmoud al-Mabhouh in Dubai in 2010 is also instructive in this regard. Since his body had no telltale signs of violence, the Dubai coroner initially concluded that he died from natural causes. But then security cameras revealed that al-Mabhouh had been under surveillance by a group of suspicious individuals shortly before his death and, at the insistence of Hamas, his body fluids were re-analyzed by a lab in Switzerland with highly sophisticated equipment. The lab discovered in the fluids minute traces of succinylcholine, a quick-acting, depolarizing, and muscle-paralyzing drug that would have rendered a person incapable of resisting. Then Dubai authorities came up with a new verdict: Mabhouh had been murdered by first giving him this drug, then smothering him to death with his own pillow. The coroner explained that it was a disguised homicide “meant to look like death from natural causes during sleep.”

A variation of disguised murder is the arranged accident. A plane, for example, disappears in the ocean and is consumed in a fire. There is no evidence found: Was it an accident or a crime? Even if possibly incriminating evidence is recovered from the wreckage, it requires interpretation. Consider, for example, the crash over the Atlantic ocean of TWA flight 800 on July 17, 1996, that resulted in the death of 230 people. Much of the wreckage was recovered from the ocean and, from it, the FBI lab in Washington, D.C., identified traces of three different explosives, RDX, PETN, and nitroglycerin, on pieces of

the plane. All three chemicals are used in bomb-making, and they could be interpreted as signatures of sabotage. They also could have been the result of prior security tests—airlines use live explosives on planes to test their sniffer dogs and other detection equipment—or of the transportation of troops during the 1991 Gulf War. When this discovery was considered in the context of other evidence, the National Transport Safety Board concluded that the latter had occurred and ruled that the crash was the result of an accidental gas leak, not sabotage.

It became evident to me how contentious and complex aircraft investigations could be when I went to Pakistan to investigate the plane crash that killed General Zia-ul-Haq, the military dictator of that country, in 1988. Even with sophisticated forensic analysis by the plane's manufacturer, it could not be determined why the plane had crashed, because crucial evidence was missing: the government had disposed of the bodies of the pilots before they could be medically examined.

Corpses do not necessarily stay in the ground in this ghoulish age of exhumation, especially if a historic case takes on a political dimension. Consider, for example, Simón Bolívar, the revered liberator of South America from Spain and then, in his own right, dictator of Venezuela. He died on December 17, 1830, after a prolonged battle with tuberculosis, according to the historical record. But in 2010, Hugo Chávez, the president of modern Venezuela, raised the issue of whether Bolívar died a natural death or whether he was murdered. After appointing a commission to reexamine his medical symptoms for any signs of arsenic poisoning, Chávez ordered Bolívar's 180-year-old remains exhumed from his monument in Caracas so further forensic tests could be conducted. Exhumations often raise more questions than they answer. Eight years after Yasser Arafat, the president of the Palestinian National Authority, died on November 11, 2004, at the Percy Military Hospital in Clamart, France, his remains were exhumed, because his shoes

and other personal effects showed traces of polonium-210 (the same radioactive isotope that killed Litvinenko in 2006). Even though the 558 pages of Arafat's medical records clearly establish that Arafat died from a cerebrovascular failure caused by cirrhosis, and not from any kind of radiation poisoning, the polonium-210 signature on his personal effects raised an even more intriguing mystery: How had Arafat come in such close proximity to an extremely rare isotope that could be used as an early-stage nuclear weapon trigger and in miniaturized surveillance devices used by intelligence services?

Then there are cases in which investigators simply cannot find clues to pursue. Such crimes enter the limbo of a police cold-case file, but they also generate a profusion of speculation. Consider the so-called Jack the Ripper case in late-nineteenth-century London. As the city was shrouded in fog and there was little illumination from street lamps, there were no witnesses (other than one fatally wounded victim who said he was attacked by two boys). Fingerprint matching did not yet exist, nor did analysis of blood, hair, or clothing fiber. The police had no evidence and never caught the killer or killers. The same absence of evidence allowed future writers to cast Jack the Ripper in the guise of any personage of the period, including a member of the royal family.

Even with modern forensics, police cannot pursue a case, or even prove there was a crime, if the putative victim is missing: For examples, New York Supreme Court Justice Joseph Force Crater, who vanished in 1930 (he remained in a missing persons file for fifty years) and labor leader James Hoffa, who vanished in 1975. Vanishings of course may be voluntary. Michael Hand, for example, who had worked closely with intelligence services, and whose Nugan Hand Bank conducted large scale money laundering for the CIA, disappeared without a trace in June of 1981. After his partner Frank Nugan was found shot to death in his Mercedes Benz and \$40 million in

bank funds were found missing, Hand disguised himself as a local butcher in Sydney named Alan Glenn Winter, and under this false identify went to New York City. He was never found.

Next, there are crimes of state in which governments make a solution virtually impossible. What might be considered an “obstruction of justice” if performed by an individual may be done by a government on the grounds of national security. Documents can be sealed or expunged, witnesses can be sequestered or intimidated, physical evidence can be suppressed, and other measures can be taken to protect a state secret. State cover-ups can take many forms. In Thailand, King Ananda Mahidol was found shot to death in his bed in the Bangkok royal palace in 1946. When the official story of an accident failed to gain traction, the government charged, tried, convicted, and executed three young servants who were almost certainly innocent. That, together with strict censorship in which disparagement of the king is a crime, ended any further public discussion of King Ananda’s death in Thailand. Crimes of state can also become inseparable from the political context of crimes. For example, in December 2011, I went to Kiev to interview Leonid Kuchma, the ex-president of Ukraine, about the unsolved decapitation of a journalist in 2000. Kuchma had been implicated in the crime and was then facing a criminal trial. Also implicated was his former Minister of Internal Affairs, Yuri Kravchenko, who had been found dead in 2005 with two gunshot wounds to his head and a suicide note. Kuchma suggested to me in our interview that all the evidence against him had been forged by a foreign intelligence service to destabilize Ukraine and that Kravchenko’s apparent suicide was a disguised murder. Government concealment of such enterprises, and crimes, is a true art of the state.

It should also be recognized that conspiracies need not resemble the intricately crafted intrigues found in movies and novels. They come in a multitude of different forms; some are

plotted in advance and other are enacted opportunely after the fact to take advantage of circumstances. The 1972–1973 Watergate scandal, for example, involved a number of different conspiracies. The first, which grew out of a covert operation called Gemstone, involved seven conspirators, all of whom had formerly worked for the CIA or the FBI. All went to prison. The second conspiracy was the after-the-fact cover-up organized by the White House, and its exposure led to conviction of Attorney General John Mitchell and ten other high-ranking officials. A third possible conspiracy involved government officials clandestinely distributing protected data, including FBI 201 files, to select journalists in order to weaken, if not destroy, the Nixon Administration. That the release was “deliberately coordinated,” rather than a spontaneous act of whistle-blowing, is suggested by CIA memoranda, written by CIA officers Martin Lukoskie and Eric Eisenstadt (published as an appendix in Jim Hougan’s book *Secret Agenda*), one “for the record” and the other for the CIA’s deputy director of plans. The memos discuss how Lukoskie’s operation “has now established a ‘back door entry’ to the Edward Bennett Williams law firm, which is representing the Democratic Party in its suit for damages resulting from the Watergate incident,” and had also managed to feed stories to the *Washington Post* via Bob Woodward on the understanding that there be no attribution to the CIA operation. If the purpose of this effort by an intelligence service was to unseat elected officials, it would constitute a conspiracy within a conspiracy.

This brings us to the final section, induced miscarriages of justice. When someone corrupts the legal system by fabricating evidence or otherwise usurps it to damage an opponent, this produces a crime within a crime that may go undetected. And once such a perversion of justice is established as the “truth” in the public mind, the situation is not easily remedied. One of the most notorious examples of this crime-within-a-crime is the

imprisonment of Captain Alfred Dreyfus on Devil's Island. The affair began in Paris in 1894 as an espionage case after French military intelligence discovered that a traitor with access to documents from the General Staff was in contact with the German embassy. The mole hunt immediately focused on Captain Dreyfus, the only officer of Jewish descent on the French Army's General Staff. In 1895, he was court-martialed, sentenced to life imprisonment, and put in solitary confinement on the penal colony of Devil's Island. The following year, French intelligence discovered that the mole was actually Major Ferdinand Esterhazy. But instead of suffering the embarrassment of exonerating Dreyfus, the intelligence agency concealed the discovery, Esterhazy was allowed to escape to Britain, and an intelligence officer forged documents further implicating Dreyfus. In 1899, in response to public outcry, Dreyfus was given a second trial and, on the basis of the fabricated evidence, re-convicted. It was not until 1906 that Dreyfus was fully exonerated. But there was another crime here that was not pursued: the corruption of justice by French intelligence officers that destroyed Dreyfus' career. Such perversions of justice take many forms, including frame-ups, setups (illegal entrapments), and deliberate prosecutorial abuses of power.

The mysteries in *The Annals of Unsolved Crimes* include political assassinations, kidnappings, airplane crashes, arson, vanishings, mass murders, serial killings, poisonings, nuclear-weapon smuggling, and bioterrorism. Whereas some of the cases, such as that of the Reichstag fire, changed the course of world history, all captured the public imagination through intense media coverage, speculation, and the proliferation of conspiracy theories. For this book, I have included both cases that I have investigated personally and for which I have done extensive interviews, and historic cases in which I have relied on books, court documents, and archival material. I have divided each unsolved crime into three parts: a narration of the

basic evidence in the case, a presentation of the basic theories, and my own assessment, based on my view of the best sense of the current state of the evidence. The length of the chapters varies since more convoluted cases, such as that of the headless Ukrainian journalist, require a longer presentation. The common thread running through them all is the difficulty of establishing truth in high-profile crimes.

CHAPTER 1

THE ASSASSINATION OF PRESIDENT LINCOLN

Shortly after the American Civil War came to an end, President Abraham Lincoln was murdered. The assassination had immense consequences; it disastrously delayed the reconstruction of the South for nearly a century. The man who shot Lincoln was John Wilkes Booth. Was he a lone assassin or part of a conspiracy aimed at changing history?

At about 10:15 p.m. on Friday, April 14, 1865, in Washington, D.C., assassins launched nearly simultaneous attacks against President Lincoln and Secretary of State William Seward. At Ford's Theater, John Wilkes Booth, who was then one of the world's celebrated actors, slipped into the unguarded president's box and fatally shot President Lincoln in the head. At the Washington home of Secretary of State Seward, Lewis Powell, who had served in the Confederate secret service, stabbed Seward—but, unlike Lincoln, Seward survived the attack. A third alleged member of the conspiracy, George Atzerodt, who owned a carriage repair business in Maryland, stalked Vice President Andrew Johnson with a loaded pistol that night and was arrested. Powell was arrested at the home of Mary Surratt in Surrattsville, Maryland. Surratt was also arrested for harboring the accused would-be assassins. Meanwhile, David Herold, who had gone with Powell to Seward's home that night, escaped with Booth from Surrattsville to Virginia.

On April 26, Federal troops trapped Booth and Herold in a barn in Virginia. In the ensuing gun battle, Booth was killed and Herold captured.

Meanwhile, Johnson, who succeeded Lincoln as president, declared that there was “evidence in the Bureau of Military Justice that the atrocious murder of the late president, and the attempted assassination of the Hon. William H. Seward, Secretary of State, were incited, concerted and procured,” by leaders of the defeated Confederate States. They placed a \$100,000 reward on the head of its president, Jefferson Davis, and established a Military Commission to mete out justice.

On May 1, 1865, eight alleged conspirators, including Powell, Herold, Atzerodt, and Mary Surratt, were tried before that Commission. Over the course of seven weeks, the Commission heard 371 witnesses. According to the prosecution’s witnesses, the Confederate Congress had appropriated five million dollars in 1864 for covert operations run out of Canada by Jacob Thompson, the former secretary of the interior, and Clement Clay, a former senator. One prosecution witness described a failed covert operation sponsored by the Confederate States to deliver clothing that had been “carefully infected in Bermuda with yellow fever” to the White House. Another prosecution witness testified that the goal of the April plot was not only to kill Lincoln but also to “leave the government entirely without a head” by killing those in the line of succession. To this end, Thompson allegedly met in Montreal with John Wilkes Booth and John Surratt, Jr., the son of Mary Surratt (he escaped to Canada after the assassination), and approved plans to attack Lincoln on April 6, 1865. According to a Canadian banker’s testimony, Thompson withdrew \$184,000 from the more than \$600,000 in his private Montreal account just after the meeting with Booth. The prosecution also introduced a coded letter found in Booth’s possession, which, according to its forensic experts, was traced to a cipher machine recovered from the

code room in the Confederate headquarters in Richmond. That cipher putatively authorized an earlier plot to abduct Lincoln on March 17, 1865. George Atzerodt admitted at the trial that he had planned, along with Herold, Booth, and other conspirators, to abduct Lincoln as he was returning from a matinee performance at the Campbell Hospital on the outskirts of Washington. (The scheme failed when the president canceled his trip.)

The prosecutor said in his summation that the evidence showed “that John Wilkes Booth was in this conspiracy; that John Surratt was in this conspiracy; and that Jefferson Davis and his several agents named, in Canada, were in this conspiracy.”

The Military Commission then found Powell, Herold, Mary Surratt, and Atzerodt (who had admitted his involvement in the earlier plot) guilty of participating in the April conspiracy and sentenced them to death by hanging. On July 7, 1865, the four condemned prisoners were hanged (making Mary Surratt the first woman ever executed by the federal government). The other four defendants were found guilty of helping the assassins escape and sentenced to prison.

John Surratt, the remaining conspirator, was captured in Egypt in November 1866. By that time, military commission trials had been ruled unconstitutional, so he was tried in 1867 by a state court in Maryland. Since the statute of limitations had expired on all the lesser charges, he was tried only for murdering Lincoln. As part of his defense, he freely admitted that he had been a Confederate spy and had conspired with Booth to kidnap Lincoln, but he denied any involvement in the subsequent assassination. When the jury failed to agree on a verdict, the judge declared a mistrial, and Surratt was set free.

In light of the momentous consequences of the assassination and the flawed judicial process of the Military Commission, there was no shortage of theories. To begin with, there was the theory of the Commission itself that John Wilkes Booth and

his five fellow plotters were part of a covert action designed to decapitate the federal government by killing the president, vice president, and secretary of state. According to this theory, as articulated by Secretary of War Stanton, this assassination plot was authorized by the high command of the Confederate States and paid for through its intelligence arm in Canada. An alternative theory subscribed to by many, if not all, Civil War historians is that there was an earlier failed plot to kidnap Lincoln that was hijacked by Booth. According to this theory, the Confederacy had backed an earlier covert action in March 1865 to ransom Lincoln for the exchange of Confederate prisoners of war. The Confederacy authorized the transfer of money to Surratt for this purpose via a ciphered message and even positioned troops to transport the abducted president to the South. Booth, John Surratt, Powell, Herold, and Atzerodt were all participants in this plot (as Atzerodt and Surratt admitted at their trials). When the kidnapping plot failed, Booth deceived or coerced the others into participating in his unauthorized assassination. There is also a theory implicating Jesuit priests in the assassination. General Thomas Harris, who had served as a prosecutor on the Military Commission, advanced this theory in his 1897 book *Rome's Responsibility for the Assassination of Abraham Lincoln*. According to this theory, John Surratt, who had been convicted in absentia and was one of the most pursued fugitives in American history, was smuggled out of America by Jesuit priests to the Vatican in Rome, where he was enrolled under false documentation in the Swiss Guard and, when discovered there, allowed to escape to Egypt. This anti-papist theory has received no support from modern historians.

My assessment is that the attacks on President Lincoln and Secretary of State Seward on the night of April 14, 1865, as well as the planned attack that night on Vice President Johnson, were part of a coordinated plot aimed at eliminating those in the immediate line of succession to the presidency. It was, in

modern terms, a decapitation strike. There can be little doubt that the perpetrators were acting in concert: two of them, John Wilkes Booth and David Herold, the latter of whom was an accomplice in the attempted assassination of Seward, escaped together to Virginia and engaged in a gun battle with their pursuers. George Atzerodt, who had the job of shooting the vice president, had Booth's bank book in his possession and, just before he was hanged, confessed to the minister attending him that Booth had told him in advance of the plan to shoot Lincoln and had designated Herold as his backup to assassinate the vice president. Lewis Powell, who stabbed Secretary of State Seward, was placed by witnesses at a meeting with Booth and Herold at the Surratt boarding house, and at his trial, the defense offered by his lawyer was that he was a soldier following orders. We also know that Booth, Herold, Powell, and Atzerodt had been involved in a plot to kidnap Lincoln (which Atzerodt described in detail in his confession) less than a month earlier.

The remaining question of whether this conspiracy was state-sponsored by the Confederacy is more difficult to answer. We know that as Lincoln was about to begin his second term in 1864, the Confederate Congress allocated five million dollars to a Confederate Secret Service operation in Canada run by Jacob Thompson and Clement Clay. It sponsored a number of lethal covert acts in the United States from 1864 to 1865, including a plan to spread the smallpox virus and blow up the White House. We further know that Thompson met with Booth in Montreal in the fall of 1864. I believe that a strong indication of the close relationship between the Confederate Secret Service and Booth is a ciphered letter sent to Booth on October 13, 1864, asking whether Booth's "friends would be set to work as directed." After the assassination, the cipher was matched to one used by the Confederate Secret Service in Richmond and Canada. Since intelligence services do not share their ciphers with people not involved in their activities, it seems likely that

Booth was acting for the Confederate Secret Service, at least in October 1864. This relationship may have extended to the plot by Booth and his associates to kidnap Lincoln on March 17, 1865, since Confederate military records show that on that day its elite cavalry unit's troops were positioned along the route on which Booth planned to transport the kidnapped president to the South. Certainly, his co-conspirators in the kidnap plot believed that it was backed by the Confederacy.

It is less clear, however, that this Confederacy backing extended to the assassination. Booth wrote in his diary, which was captured after he was killed, "For six months we had worked to capture, but our cause being almost lost, something decisive and great must be done." This suggests that Booth may have decided to act without authorization after the Confederacy surrendered on April 12. If so, Booth likely hijacked the earlier conspiracy to accomplish his purpose. The problem here is that Booth tore eighteen pages out of the diary that bore on this crucial issue. Without them, it cannot be definitely ruled out that Booth, realizing that the diary might be captured, engaged in a final cover-up of the plot's command structure.

The lesson to be drawn from the Lincoln assassination is how political context may shape our understanding of a crime. The interpretation of evidence of a conspiracy in this case proceeded from the prevailing political exigencies. The military tribunal had evaluated the case under wartime conditions. Although the Confederacy had surrendered, its top leaders had escaped to Canada and were still considered a threat to the nation. No doubt the tribunal viewed the testimony through a prism colored by concerns over further acts of terrorism aimed at destabilizing the fragile union and, in piecing together this evidence, saw a plot directed by the Confederacy leadership and coordinated by John Surratt, the Confederate liaison with Booth. These wartime jitters, however, had faded away by the following year, and by the time Surratt was captured and

brought to trial, in 1867, the nation's focus had changed from war to peace, and the charges against Surratt were dropped. In the decades that followed this turmoil, the reunited government no longer found it expedient to give credence to the evidence that the military tribunal had used to hang four people for participating in a wider conspiracy. The version that then established itself in the public's mind coalesced into one featuring a deranged assassin acting as a loner. The changing verdicts in this case suggest the degree to which reasons of state weigh on the scales of justice in cases that impinge on urgent issues of war and peace.