Leave Matter of Mudd’s Guilt or Innocence to Historians

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Letter to the Editor, The Maryland Independent
August 1, 1997

On July 9, The Maryland Independent published an article sympathetic to Dr. Samuel A. Mudd in the Lincoln assassination case. Possibly readers would be interested in a somewhat different view. There is another side to this story, although it is rarely told.

Mudd was convicted by a military commission in 1865 of aiding and abetting John Wilkes Booth in the conspiracy to assassinate President Abraham Lincoln. For many years, Mudd’s grandson, Dr. Richard D. Mudd, had conducted a skillful political and public relations campaign to “clear his grandfather’s name.”

In June, Congressman Steny Hoyer responded to this public relations campaign by introducing H. R. 1885. This bill would order the Secretary of the Army to “set aside” Mudd’s conviction on the grounds that it as not based on sufficient evidence.

Just how the evidence was lacking, Hoyer does not say. Obviously he has not taken time to study the trial transcript which is readily available in book form and in the National Archives. So the suspicion lingers that Hoyer is merely trolling for votes among the numerous Mudds, their kin and the “true-believers” in his congressional district.

Whatever his motive, Hoyer is seeking to legislate Mudd’s innocence, a task the Congress is badly equipped to perform.

While serving a life sentence at Fort Jefferson, the island prison off the coast of Florida, Mudd treated victims of an outbreak of yellow fever. President Andrew Johnson recognized this service when he issued Mudd an unconditional pardon on Feb. 8, 1869.

Despite this pardon, Dr. Richard D. Mudd wants to go further; he wants somebody -- just about anybody -- to somehow rewrite history and “exonerate” his grandfather.

Petitions to this effect have twice been rejected by the Office of the Secretary of the Army, once under the Bush administration, and more recently during the Clinton administration.

The rejection decisions were cogent and well-reasoned. They are too long to be quoted here. Accordingly, they have been assembled as a package, along with supporting papers, and placed where they can be read and copied.

These locations are the Maryland Historical Society, Baltimore; the Maryland Hall of Records, Annapolis; the Charles County Public Library, LaPlata; the Charles County Community College, LaPlata; and the Surratt Society Library, Clinton. Of particular interest in this package is a letter
dated June 4, 1992, written by historian Floyd Risvold, Minneapolis, to the Secretary of the Army; and an article by respected Lincoln scholar, Dr. Edward Steers, Berkeley Springs, W. Va.

The usual Mudd propaganda line, repeated over and over, and over and over again, is that Mudd was a kindly country physician, convicted by a vengeful government of aiding and abetting in the Lincoln assassination conspiracy only because he set the broken leg of Booth.

This is absolute nonsense. There was ample evidence to support conviction. Mudd’s complicity with Booth is adequately covered in the assembled package of materials. But there are other aspects of the Mudd case that warrant a closer look.

Mudd’s deeply held beliefs were revealed in a long and bitter letter of Jan. 13, 1862, sent to O. A. Brownson, a prominent lay Catholic scholar. In this letter, Mudd comes over as anti-Lincoln, pro-Confederate and pro-slavery. At one point in his ardent defense of slavery, Mudd wrote: “Christ, our Savior found slavery on his coming and yet he made to command against its practice.” Mudd was furious with Brownson because he had published abolitionist sentiments in a Catholic magazine. A printed version of this letter is included in the package; the original is in the Brownson papers, Notre Dame University.

In the 1860s, the black population of Southern Maryland was nearly all slave. These people knew little of dates or geography, a great deal about neighborhood affairs and local citizens, and almost everything about the master and his family. Talk and actions often went on in front of them as if they were not there to hear and see. But the black servants were there watching, listening, remembering. Their oral communication grapevine spread news with surprising speed and accuracy.

With the coming of the Civil War and its inherent promise of freedom, the stored-up slave resentments against the system began to emerge with increasing frequency and force. With respect to Dr. Samuel A. Mudd, the prosecution tapped into resentment about his threats, his harsh treatment of some slaves, and his pro-Confederate actions and language.

On May 25, 1865, the judge advocate brought in seven former slaves to testify against Mudd in the Lincoln assassination conspiracy trial. Five of these were former slaves of Mudd; Mary Simms, Elzee Eglen, Melvina Washington, Milo Simms and Rachel Spenser. Silvester Eglen had been a slave of Mudd’s father. William Marshall had not been a slave of the Mudds. However, Marshall’s wife had been a slave of Benjamin Gardiner, a neighbor of Mudd.

A verbatim copy of the recorded testimony of these seven former slaves is included in the assembled information package. The essence of this testimony is a word picture of Dr. Samuel A. Mudd that erases much of the protective coloration painted by his apologists, including Hoyer.

- That it would not be out of character for Mudd to become involved with John Wilkes Booth in a plan to capture Lincoln.

- That Mudd’s farm had been used as a sort of “safe place” for Confederate agents such as John H. Surratt and Walter “Wat” Bowie.
That Mudd’s home was used as a “mail drop” for letters coming from and going to the Confederacy.

That Mudd shot and wounded one of his slaves, Elzee Eglen.

That Mudd threatened to send several of his male slaves, including Elzee Eglen, to Richmond to build Confederate fortifications.

The Mudd family has constantly sought to create the “kindly country physician” image for Dr. Samuel A. Mudd. At times he is described in terms that make him appear almost saintly. As part of this image-making process, the U.S. Postal Service has been bombarded with requests to issue a commemorative stamp of Dr. Mudd. But what is kindly about threats to separate male slaves from their families for forced work in Richmond on Confederate fortifications? And certainly there was nothing kindly about Dr. Mudd shooting his slave, Elzee Eglen, or using the lash on his slave, Mary Simms, even after she became a free woman.

Perhaps it would be best for Hoyer to withdraw H. R. 1885 and leave the matter of Mudd’s guilt or innocence to competent researchers and historians. They will have the last word anyway. ***

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