



Written by [Bob Adelman](#) on April 18, 2011

## The Conspirator

There is no doubt as to where the new historical-drama movie *The Conspirator* stands on the role of conspiracy in this assassination. "One bullet killed the President. But not one man," the movie poster says. But though this conclusion is hardly up for debate — the evidence leaves no doubt that John Wilkes Booth did not act alone — it is still important to keep in mind that *The Conspirator* is a Hollywood production directed by Robert Redford. Obviously, the history depicted in such productions should never be assumed to be accurate without verification.



*The Conspirator* focuses on the case of one of the accused conspirators, Mary Surratt (Robin Wright), who ran a boardinghouse in Washington that was a physical base of the conspiracy first to kidnap President Lincoln and later to assassinate him. Surratt was arrested late in the evening of April 17, 1865, just two days after Lincoln's death. But was she a participant in the conspiracy? Did she even have knowledge of it? How strong was the evidence against her? The movie sheds light on these questions as it follows her defense by a young and inexperienced but well-meaning attorney, Frederick Aiken (James McAvoy).

It's a real nail-biter, with enough twists and turns to satisfy any conspiracy buff. Aiken had served several years as a Union soldier before moving to Washington. There, according to Thomas Turner, [an historian](#) at Bridgewater State College, "he moved in high social and political circles. He served as the secretary of the Democratic National Committee where he supported the presidential candidacy of John C. Breckenridge (one of two Lincoln opponents in the 1860 Presidential election)." Aiken also had Southern sympathies, writing to Confederate President Jefferson Davis offering his services to the Confederacy as a writer. In the movie, Aiken's complex character in real life was kept pure in order to keep Redford's story line moving along.

A military tribunal was set up in May of 1865 to consider charges of conspiracy against seven men and one woman (Mary Surratt). In the movie, only three men and Surratt were prosecuted. Surratt was [charged with](#) "abetting, aiding, concealing, counseling and harboring her co-defendants." History reveals that the prosecution presented nine witnesses to testify against Surratt, whereas the movie concentrated on only two: John Lloyd, a drunk with a bad memory, and a family friend, Louis Weichmann. Weichmann's testimony was critical in both the historical and celluloid renditions, despite Aiken's attempts to discredit him.

Aiken presented 31 witnesses for the defense, including Mary's daughter Anna. In the movie, far fewer ever testified. Aiken's closing arguments were based on the circumstantial evidence presented which was far below the standard of being beyond a reasonable doubt, and then challenged the right of the military tribunal itself even to consider trying a case against a civilian.

So powerful were Aiken's arguments that (in the movie) the tribunal failed to convict Surratt. When



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Secretary of State Seward learned that several members of the tribunal had voted in favor of Surratt, he remarked: "Then we must change their minds. " Nothing of this appears in the historical record. But it fits with the view that the charges against Surratt were a showcase, designed to pressure Surratt's son John (a conspirator who got away) to surrender himself to exonerate his mother. He never did.

When the tribunal did change its mind, Aiken wasn't done. He prepared a writ demanding a civilian trial that was signed by a local justice. But at the last moment, President Andrew Johnson overruled the writ, that sealed Surratt's fate. He [claimed](#) that she had "kept the nest that hatched the egg [of the conspiracy]."

There are other inconsistencies, of course, but none of them detract from the gripping narrative of the story. When Surratt was hanged with the other conspirators on July 7, 1865, the debate over her guilt or innocence had just begun. Whether Aiken left his law practice because he was disgusted with the travesty of law he had just witnessed, or whether his failure to save Surratt caused his practice to fail, is still unclear. He wound up as the first City Editor for the brand new *Washington Post* newspaper. And 16 months later the Supreme Court ruled that civilians should not be tried by a military court, which might have saved Surratt. History is still unclear whether she was guilty as charged, or was just too close to the actual conspiracy to avoid being included with the guilty parties. One is left with the distinct impression that, according to Redford, justice was not served, only vengeance for the horrific attack on the President.

Redford's cherry-picking of the facts of history to leave the viewer with the impression that Surratt was innocent detracts only slightly from the inevitable conclusion that real history is endlessly fascinating and often "stranger than fiction," and that truth doesn't always "will out. "



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