

**THE JUDICIAL MURDER OF MRS. SURRETT**

**by Rich Amada**

EXCERPT

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"The Judicial Murder of Mrs. Surratt" is a drama by Rich Amada that is based on the true story of Mary Surratt, the first woman judicially executed by the United States government. Mrs. Surratt was implicated in the assassination of President Abraham Lincoln and, along with seven other defendants, was tried in 1865 by a military tribunal for conspiracy to commit murder.

The play was the 2007 winner of the Sprenger Lang Foundation's Nathan Miller History Play Contest.

The following is a brief excerpt of a courtroom scene in the play. The characters in the scene are:

John Bingham - prosecutor

Louis Weichmann - witness/resident at Mrs. Surratt's boardinghouse

Frederick Aiken - defense attorney for Mrs. Surratt

Mrs. Mary Surratt - defendant

Anna Surratt - witness/daughter of Mrs. Surratt

BINGHAM

And, Mr. Weichmann, when did you last see John Surratt?

WEICHMANN

That would be April third. He had returned from Richmond.

BINGHAM

*Richmond?*

WEICHMANN

Yes, sir. That's what he said. He drove down in late March and returned the day the news of the fall of Richmond was received. He was incredulous about that. Said he had seen Jefferson Davis, and Davis had told him that Richmond wouldn't be evacuated.

BINGHAM

He personally spoke to Jefferson Davis!

WEICHMANN

That's what he claimed. Then he told me he was going to Montreal. He left that evening. I've not seen him since.

BINGHAM

When was the accused, Lewis Payne, last at the boardinghouse?

WEICHMANN

April seventeenth. The night Mrs. and Miss Surratt were arrested.

BINGHAM

Describe what occurred.

WEICHMANN

Police were questioning everyone. There was a knock at the door. Lo and behold, it's Mr. Payne come looking for a meal and a place to rest. Didn't take long for the police to figure out he was the one they were looking for in the attack on Secretary Seward.

BINGHAM

This was the same man who had stayed at the boardinghouse on multiple occasions.

WEICHMANN

Yes, sir.

BINGHAM

Took meals with Mrs. Surratt?

WEICHMANN

Yes, sir.

BINGHAM

Mrs. Surratt knew him from those occasions?

WEICHMANN

Yes, sir.

BINGHAM

And, when police asked her to identify him that evening, what did she say?

WEICHMANN

She said she'd never seen him before in her life.

BINGHAM

One thing more, Mr. Weichmann.

(BINGHAM produces the  
photograph of Booth.)

BINGHAM

Do you recognize this?

WEICHMANN

It's a photograph of John Wilkes Booth.

BINGHAM

Where have you seen this photograph?

WEICHMANN

In the Surratt boardinghouse. It was seized the night of the arrests.

BINGHAM

Where, specifically, was it?

WEICHMANN

It was hidden behind another picture.

BINGHAM

A secreted photograph of the assassin. Thank you.

(BINGHAM sits. AIKEN rises  
to begin cross-examination.)

AIKEN

Just so we're clear on the point...you were with Mary Surratt pretty much all day on April fourteenth. Correct?

WEICHMANN

After I returned from the office. Yes.

AIKEN

After you returned, was she out of your sight for any long periods of time...say, more than twenty minutes?

WEICHMANN

No. We stuck pretty close together that day.

AIKEN  
And what about that evening? When did you return to the boardinghouse?

WEICHMANN  
About half-past eight or nine.

AIKEN  
Then what?

WEICHMANN  
We started supper.

AIKEN  
You remained in her company the whole of the evening?

WEICHMANN  
Well, about ten minutes after we got back, someone rang the front door bell. It was answered by Mrs. Surratt, and I heard footsteps go into the parlor and immediately go out again. She couldn't have been gone a minute. Aside from that, we were mostly within sight of each other until she retired for the evening.

AIKEN  
At any time that day, did Mrs. Surratt say anything to suggest she was aware of anything special planned to happen that night?

WEICHMANN  
No.

AIKEN  
Did she mention anything about shooting irons or people calling for them?

WEICHMANN  
Not that I heard.

AIKEN  
As you chose to spend so much time with her, would it be safe to say you found Mrs. Surratt a woman of good character?

WEICHMANN  
During the whole time I've known her, her character, as far as I could judge, was exemplary and lady-like in every particular. And her conduct, in a religious and moral sense, altogether exemplary.

AIKEN  
Her eyesight is anything but exemplary, though. Isn't that true?

WEICHMANN  
She has complained of poor eyes.

Especially at night.

AIKEN

I suppose.

WEICHMANN

When it would be difficult for her to recognize someone in the dark.

AIKEN

I suppose.

WEICHMANN

The night the police were at the boardinghouse...what was Mr. Payne wearing when he arrived unexpectedly?

AIKEN

He was dressed like a laborer, carrying a pickax...with a makeshift stocking cap on his head.

WEICHMANN

Had you seen him this way before?

AIKEN

No.

WEICHMANN

And it was this disguised man, in the darkness of evening, that Mrs. Surratt, with her poor eyes, was asked to identify during a state of great agitation -- that is, at a time when military police had burst into her home. Have I stated that accurately?

AIKEN

Yes.

WEICHMANN

Now, I've reviewed a list of property seized from the boardinghouse. Among those items was a box containing a cipher alphabet, such as was used by the Confederacy to send coded messages. Can you tell us who that box belonged to?

AIKEN

It was mine.

WEICHMANN

(Quickly and anxiously)  
But, if I may explain...I got it while I was a clerk in the War Department. This man, Howell, taught me how to use it -- just for fun. We never corresponded in cipher. The only use I ever made of it was to write out a poem of Longfellow's in it.

How clever of you....Mr. Weichmann, I believe you said you went to the police after you "put things together."

AIKEN

WEICHMANN

That's right.

AIKEN

In fact, the police *arrested* you as a prime suspect.

BINGHAM

Objection! Many were questioned by the police in the days following the assassination. The witness was never charged with any crime.

AIKEN

My inquiry goes toward the motivation of this witness's testimony. He claims to have had suspicions as far back as March. And yet it all became clear to him only after his own arrest. If I show that his turning state's evidence is in lieu of his own indictment, I think it will impair the value of his testimony.

BINGHAM

If defense counsel hopes to impeach this witness's credibility by allusion to some, as yet, unproved criminal culpability, he must first lay the foundation.

AIKEN

I'll rephrase....Mr. Weichmann, is it your habit to consort with people you deem to be capable of criminal behavior?

WEICHMANN

Certainly not.

AIKEN

And you've known John Surratt for how long?

WEICHMANN

Seven years.

AIKEN

Prior to March, did you ever consider him to be a man capable of heinous criminal acts?

WEICHMANN

I would have been the last man in the world to suspect John Surratt -- my school-mate -- of the murder of the President of the United States.

AIKEN

Yet you sit here in this courtroom today asking us to believe your story -- your *version* of the story -- that implicates your long-time friend and conveniently deflects all suspicion away from yourself. *You* were in the boardinghouse! *You* were at the tavern! *You* were having drinks in Booth's room at the National! He's sending *you* dispatches with coded messages!

(MORE)

AIKEN (CONT'D)

(Incredulously sarcastic)

*But you knew nothing until after your own arrest! Aren't you just hurling a friend to the lions in order to save your own skin?! Forfeiting friendship for the State's forgiveness!*

WEICHMANN

I don't believe that I forfeited my friendship to him by mentioning my suspicions to the authorities. Rather, he forfeited his friendship to me.

AIKEN

By telling you to mind your own business?

WEICHMANN

No. By placing me in the position in which I now stand -- testifying against him. When my suspicions of danger to the government were aroused, I preferred the government to John Surratt.

(The gavel bangs, and the lights go out on all of the stage except the defense table, where AIKEN joins MRS. SURRATT.)

MRS. SURRATT

I don't like the way it's going. It's not going well.

AIKEN

It's going about as well as we can expect at this point. This is the prosecution's case. Ours is yet to come.

MRS. SURRATT

I don't have a good feeling about it.

AIKEN

Anna needs to testify.

MRS. SURRATT

No.

AIKEN

She needs--

MRS. SURRATT

No!

AIKEN

She wants to.

MRS. SURRATT

Hasn't the poor girl been put through enough humiliation?

(MORE)

MRS. SURRATT (CONT'D)

I can't change that. But I can spare her the need to sit in that chair and have her life stripped bare and flogged while the world gawks.

AIKEN

They're letting the ones who testify get out of jail. As soon as she's off the stand, they'll turn her loose. She'll be free.

(This new argument appears  
to be working.)

AIKEN

Let me call Anna.

(MRS. SURRATT nods.)

AIKEN

It'll be short. I promise. There are just a few things she can clarify for the court. Such as--

(Lights come up on the  
witness chair. ANNA is  
seated there and testifying  
in a pleasant demeanor.)

ANNA

The pictures?

AIKEN

(Direct examination)

Yes. In particular, the Confederate leaders photographs that were in your mother's house.

ANNA

Well, those were mine. I owned photographs of Davis, Stephens, Beauregard, Stonewall Jackson, and perhaps a few other leaders of the rebellion. My father gave them to me before his death. And I prize them on his account, if on nobody else's.

AIKEN

Was your ownership of these photographs in any way a political statement?

ANNA

No, sir. As I said, their significance to me was only that they came from my father. And I kept them right up to the day the police came for us and took all the pictures with them. I think it's only fair to say I also had photographs of *Union* generals. General McClellan, General Grant, and General Joe Hooker.

(AIKEN approaches ANNA with  
a framed picture.)

AIKEN

Do you recognize this?

ANNA

That picture belonged to me. It's called "Morning, Noon, and Night." It was given to me by Louis Weichmann, and I put a photograph of John Wilkes Booth behind it.

AIKEN

Why did you have a photograph of John Wilkes Booth?

ANNA

I went with my friend, Miss Honora Fitzpatrick, to a daguerrean gallery one day to get her a picture. We saw some photographs of Mr. Booth there. And, being acquainted with him, we bought two and took them home.

AIKEN

Thank you, Miss Surratt.

(AIKEN sits. BINGHAM begins his cross-examination.)

BINGHAM

A simple collection of photographic images. A hobby. All perfectly innocent.

ANNA

Perfectly.

BINGHAM

So why hide the picture of Booth?

ANNA

Well...my brother thought I shouldn't have such a thing. And I wasn't exactly sure Mr. Weichmann approved, either.

BINGHAM

So you stuffed it behind the picture Weichmann gave you. Your idea of irony? Were you playing the men off each other?

ANNA

No!

BINGHAM

Trying to make one jealous?

ANNA

No!

BINGHAM

So why should your brother care what pictures you have? What did he have to hide?

AIKEN

Objection! Calls for speculation.

BINGHAM

Withdrawn. Were you frequently present when John Wilkes Booth visited the boardinghouse?

ANNA

Yes.

BINGHAM

Did he ask for you when he visited?

ANNA

He'd ask for Johnny. Or -- if Johnny wasn't home -- Ma.

BINGHAM

So, as best you can tell, he wasn't coming to see you. Yet you're coveting his picture. What did he mean to you that you should risk the wrath of family and friend just to possess his image?

ANNA

(Flustered)

I, uh...

BINGHAM

You coveted his picture because you coveted *him*! Isn't that so?!

ANNA

I...

BINGHAM

And you'd do anything for him! *Anything*!

AIKEN

Objection! Counsel is badgering the witness!

BINGHAM

Like your mother would do anything for you and your brother! Such as aiding and abetting the man you both loved -- John Wilkes Booth!!

AIKEN

Objection!!

BINGHAM

That's why Booth was there!! *Isn't it?!!*

AIKEN

*Objection!!*

ANNA

(On the verge of tears)

He...He...Mr. Booth was...entertaining.