

commentary

from other pens...

Army justice hangs assassination plotters

By Lawrence L. Knutson

Associated Press Writer

WASHINGTON — Less than three months after an assassin shot Abraham Lincoln, a military tribunal sentenced three men and one woman to death by hanging and put four other defendants behind bars.

Their 1865 trial before senior Army officers is one of several historic precedents relied on by the Bush administration as it considers prosecuting 21st century terrorists before a military commission.

The death sentences in the Lincoln conspiracy trial were carried out in a heavily guarded prison courtyard at 1:21 p.m. on July 7, 1865, one day after the defendants learned of them.

Most of the objections now being raised to the use of military tribunals rather than civilian courts also were registered 136 years ago.

"Such a trial is not only unlawful, but it is a gross blunder in policy," said former Attorney General Edward Bates. "...If the offenders be done to death by that tribunal, however truly guilty, they will pass for martyrs with half the world."

In New York, attorney George Templeton Strong noted the vigorous opposition of the city's newspapers to the use of a military court.

"There may be reasons for the course adopted of which we know nothing, but it seems impolitic, and of doubtful legality," Strong wrote.

The trial and the fate of the accused are recounted in a new and handsomely illustrated book, "Lincoln's Assassins: Their Trial and Execution," by James L. Swanson and Daniel R. Weinberg.

The authors note Attorney General James Speed concluded a military trial was fully warranted, reasoning the assassination of the commander in chief and the attempted murder of Secretary of State William Seward were acts of war committed during an armed rebellion.

One senior officer contended years later a disciplined military court was the better alternative because the public was so inflamed by Lincoln's murder that asking private citizens to serve on a jury would have thrown the accused "to the mercies of an angry and revengeful mob"

John Wilkes Booth shot Lincoln at Ford's Theatre on the evening of April 14, 1865. Booth was dead, mortally wounded by his pursuers, when the trial of his alleged conspirators opened at the Old Arsenal Prison.

Over the next seven weeks the panel of Army generals and colonels heard 361 witnesses and produced a 4,900-page transcript.

Defense attorneys had no time for pretrial preparation or consultation with their clients who, when they were not in court, were held in solitary confinement, their legs and hands shackled and their heads covered with canvas hoods.

Writing later, Lt. Col. Richard A. Watts, a lawyer who had observed the trial, concluded: "This Tribunal was a law unto itself. It made its own rules of procedure; it was the sole judge of the law as well as the facts."

History has concluded that three of the executed defendants were guilty as charged: Lewis Powell, who tried to kill Seward; David Herold, who accompanied Booth on his flight from Washington; and George Atzerodt, who flunked his assignment to kill Vice President Andrew Johnson but told no one of the plot to murder Lincoln.

But debate has never ended over the fates of Mrs. Surratt, who kept the boarding house where the conspiracy was discussed, and Dr. Samuel Mudd, the Maryland country doctor who set Booth's broken leg after the assassination and was sentenced to life in prison.

Some hostile 19th century observers called Mrs. Surratt's execution "judicial murder." They noted President Johnson, Lincoln's successor, ignored a recommendation for clemency from the military judges.

Mudd and the other living Lincoln conspirators were pardoned at the end of Johnson's term in 1869. Mudd's ancestors have struggled to clear his name by getting the conviction overturned. That has stirred people determined to prove Mudd's guilt, an effort made clear in the title of a recent book: "His Name is Still Mudd."

EDITOR'S NOTE — Lawrence L. Knutson has covered the White House, Congress, and Washington's history for more than 30 years.



Don't blame Marin



joan ryan

• commentary

I live in Marin County, Calif., "the epicenter of the self-obsessed," the place so permissive and morally amorphous that it was no surprise to anyone that it produced the likes of Taliban fighter John Walker. Parents in Marin are too indulgent of their children's pursuits of "self-realization." They value "human growth" in all its permutations over anything except maybe natural-fiber clothing, organic tofu and a really good pet psychologist.

When someone finds this Marin County, please give me directions because I haven't come across it in 15 years of living here.

Anyone who knows the county knows that Walker is fantastically out of step with today's Marin. Convert to Islam at 16? Travel to Yemen and Pakistan in search of spiritual meaning? I don't think so. In your average Marin home, that kid would find himself in an Episcopal youth group before the word "Quran" was out of his mouth. There might be deprogrammers and therapists involved. There definitely would be soul-searching deep within the parents' hearts: Where did we go wrong? Why isn't he playing lacrosse and taking PSAT prep courses and flipping through the new Abercrombie & Fitch catalog like other kids?

"It's a different place," said Cyra McFadden, author of "The Serial: A Year in the Life of Marin County" (Alfred Knopf, 1977), which captured the hot-tub sitting, spouse-swapping, self-obsessed lifestyle that defined this community 20 years ago.

McFadden spent 12 years in San Francisco before slipping back into Marin four years ago. She lives on a houseboat in Sausalito with a view from her deck of majestic Mount Tamalpais. That's what

drew her back — the quiet beauty of Marin, with its bay views and rolling hills and clean air and endless network of hiking trails. As much as she poked fun at the Marin of old, McFadden finds herself missing it. There was a hopefulness about it that seems quaint now. Mill Valley, once the very center of McFadden's New Agey Marin, now has a Wilkes Bashford, for goodness sakes.

"There's a tremendous amount of affluence now, and I'm overwhelmed by it all the time. I'm driving the freeway and I'm sandwiched between two \$60,000 Range Rovers, and I wonder what the hell I'm doing here. It saddens me a lot that people seem so single-minded."

They do, and yet they aren't, not in a "Bonfire of the Vanities" kind of way. Eighty percent of Marin households donate to charity — significantly higher than the national average. Half of the donations go not to the arts or yoga gurus, but to homelessness and other programs that help the poor. Marin is home to the fourth-largest community foundation in the country — behind only New York, Cleveland and Chicago. The foundation distributed more than \$50 million in grants in each of the last two years.

If Walker were truly a reflection of Marin, he wouldn't be trying to save the world from a bun-

ker in Afghanistan. He'd be organizing his fellow students in the dorm lounge of a small private college where his father was Golden Key president a generation ago. Maybe he would start a food drive or a volunteer tutorial service for inner-city kids. Maybe he would write his senior thesis on America's role in exacerbating the suffering in Third World countries. He might even spend a summer building a school in rural Mexico.

His parents would brag to the neighbors about their son's good heart, but they still would expect him to pursue an MBA or a law degree after graduation. He can serve as chairman of Planned Parenthood later.

If anyone wants to take potshots at Marin, there are plenty of targets, but not the ones that have been tossed around by callers to radio shows and readers of newspapers. Far from being permissive, today's Marin parents have very clear and traditional expectations for their children. They will play a sport. They will make the honor roll. They will chew with their mouths closed. They give back to society.

If we want to blame Marin for John Walker's choices, then I guess we could say he was rebelling against the values of the community rather than reflecting them. Maybe he wanted more than a two-car garage and winter weekends up at Tahoe. I hope my son will want more out of life. But I hope in his pursuit of more, he remembers that he never has to apologize for privilege and affluence. Only for how he uses them.

Joan Ryan is a columnist for the San Francisco Chronicle. Send comments to her at joanryan@sfgate.com.

I want one of those



red green

• north of forty

I was out at a fundraiser with my wife the other night, and she was mortified to discover that another woman was wearing the same dress as she was. To women, this is the ultimate humiliation. On the other hand, the men were dressed almost identically in black tuxedos. We have no problem with that. That's because, while women prefer to present themselves as independent and unique individuals, men generally want what the other guy has, no matter how ridiculous it is.

If my neighbor comes home with an aardvark, I immediately go over to see it and ask a whole bunch of questions, starting with "How much is an aardvark worth?" But the main thought going through my mind is that if Bob has an aardvark, I should probably have one, too. And I would more than likely buy one that day except for one thing. I'm married. Wives have so many important functions, but the most important of them may be to prevent us men from following our basic instincts, Saturday nights notwithstanding.

NECESSARY HANG-UPS

Most people I know are pretty fed up with telemarketers. They bother us all at home, usually at dinner time, with some product or service that we're not interested in. And they make no effort to get to know us before they call. They don't even dial the number. That's all done by computer. You can tell because when you answer, there's a pause for a second or two while the computer brings the caller online. This is an excellent opportunity for each of us to hang up. That's what my friends and

I do. So if you call any of us, please be warned that you need to speak up as soon as we answer. If you take a second to yawn or stifle a sneeze or swallow your gum, we'll hang up on you. If you get frustrated, e-mail us and tell us when you'll be calling. Luckily, we live in the age of communication.

THE PARTY PIECE

The day after a party can be a day of revelation for a married man. It's only then that he discovers that his behavior at last night's party was not entirely acceptable. Don't let it get that far. Here are some signs to watch for when you're at a party with your significant other:

- She keeps interrupting what you think is a funny story.
- She unplugs the speakers while you're dancing.
- You look out the window from the party and see her sitting in the car.
- She hides your drinks.
- She individually tells each guest that you've been under a lot of stress lately.
- She has loud conversations with strangers, and they're all about Viagra.

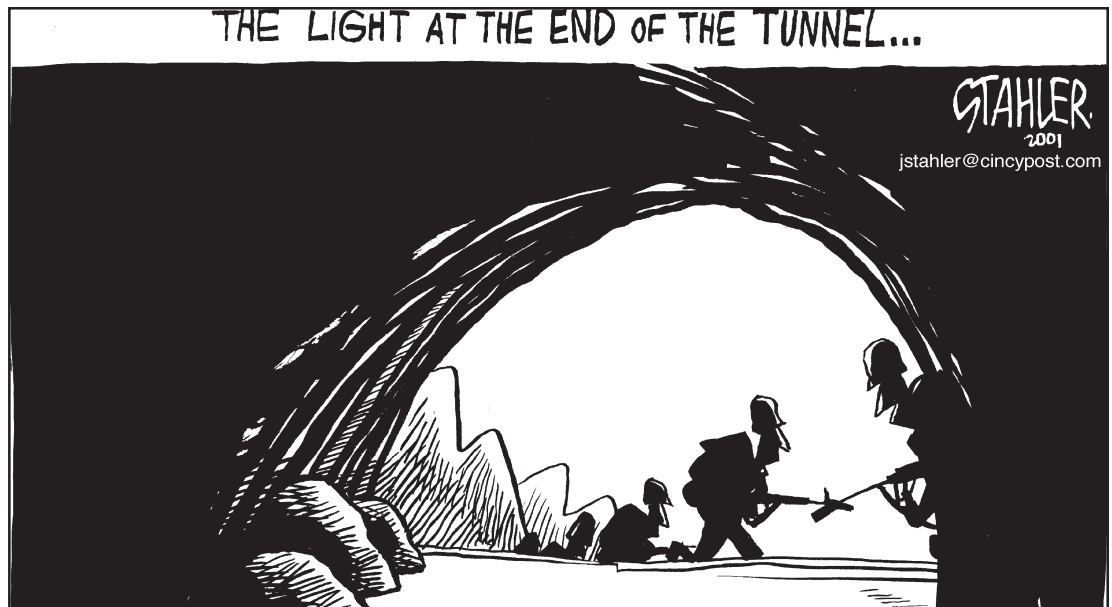
YOU AND YOUR CLUNKER

My first car was an old clunker that had a lot of idiosyncrasies. You had to move the gearshift to a certain position and pump the gas pedal a certain way and turn the key to a certain point, or it wouldn't go. At first it was a nuisance, but eventually it became second nature. These days if I want to do something like watch a movie, I have to sit a certain way so my legs don't fall asleep, and hold my head at a certain angle so that my neck doesn't go into spasms and squint a certain way so that I can read the credits. The lesson here is to never complain about an old clunker because one day, the old clunker is you.

QUOTE OF THE DAY: "They say golf is a metaphor for life, but in life you don't get a mulligan." — Red Green

Red Green is the star of "The Red Green Show," a television series seen in the U.S. on PBS and in Canada on the CBC Network, and the author of "The Red Green Book" and "Red Green Talks Cars: A Love Story."

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