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Federal Trials and Great Debates in United States History

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*United States v. Guiteau*

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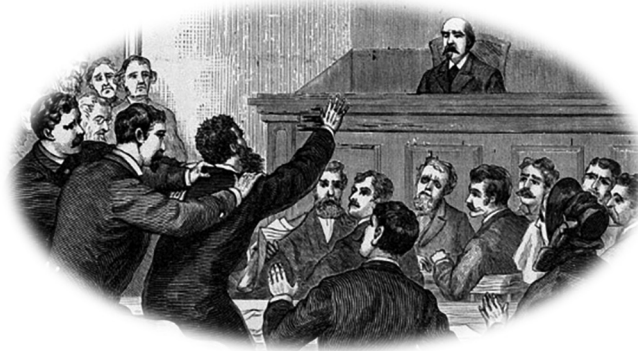
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**Assassination and Insanity  
in Gilded Age America**

*by*

**Winston Bowman**

Associate Historian  
Federal Judicial History Office  
Federal Judicial Center



**Federal Judicial Center  
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On the title page: Charles Guiteau interrupts  
proceedings during his trial for the assassination of  
President James Garfield.

*Complete History of the Trial of Guiteau* (1882)

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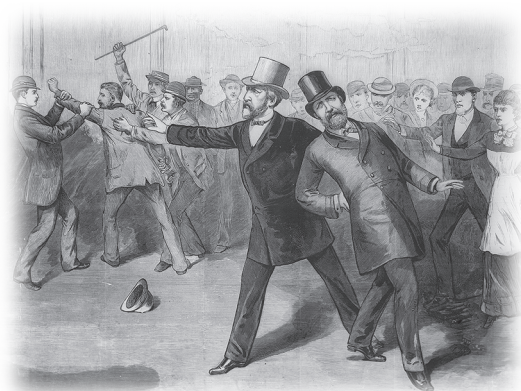
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# 1

## The Case in Context

A SHORT NARRATIVE



**O**n July 2, 1881, an obscure, itinerant office seeker named Charles Guiteau shot President James Garfield twice at close range in a Washington, D.C., train station. The second bullet entered Garfield's lower back, broke two ribs, damaged his spine, and lodged near his pancreas. The President struggled to recover for more than two months, the nation following every development in horrified fascination. He died on September 19 while convalescing on the New Jersey shore.

Garfield is little-remembered today. His presidency was the second-shortest in American history and he was incapacitated for nearly half of it. But for a time, he became a national martyr and his assassin the nation's most hated man. Calls to lynch Guiteau began at the scene of the crime and multiple attempts were made

on his life while he was in custody. Avoiding his own murder, Guiteau stood trial in the Supreme Court of the District of Columbia (“SCDC”), a federal court that exercised criminal jurisdiction over the Nation’s Capital.

The trial posed a significant challenge for the judiciary, which faced competing pressures to punish Garfield’s assassin and demonstrate that it could deal fairly with even the most reviled defendants. Guiteau’s absurd behavior at trial proved an additional difficulty for the presiding judge, Associate Justice Walter Cox.<sup>1</sup> Since Guiteau offered a form of insanity defense—he claimed God had commanded him to “remove” the President—Justice Cox believed Guiteau needed to be present for the jury to evaluate his sanity. Nonetheless, the defendant’s repeated outbursts threatened to derail the trial and led many observers to criticize the judge. While the public never warmed to Guiteau, he increasingly became a source of perverse curiosity and gallows humor. Fears that the accused’s antics would sway the court proved unfounded, however. The jury convicted him after just an hour’s deliberation, and Cox sentenced him to death.

Though the District of Columbia did not have a dedicated appellate court at the time, a panel of the SCDC’s other justices heard an appeal in which Guiteau’s lawyers raised important jurisdictional issues occasioned by the peculiar nature of the case and the district in which it was tried. The panel ruled against Guiteau, as did U.S. Supreme Court Justice Joseph Bradley on a petition for a writ of habeas corpus. After President Chester Arthur—a man Guiteau repeatedly claimed to have “made”—denied appeals for clemency, Guiteau was hanged on June 30, 1882.

The first judicial trial of a presidential assassin was historically significant in its own right, but the impact of the trial also reached broader issues than Guiteau’s guilt or insanity: the use of medical evidence, the scope of federal jurisdiction, the relationship between the courts and the press, and the unique legal status of the Nation’s Capital. The trial also indirectly triggered major civil-service reform, as Garfield’s death at the hands of a hapless office seeker highlighted the venality of political patronage and the need for change. Drawing together these events and themes, *United States v. Guiteau* provides teachers with a useful tool for engaging students in the complex and interrelated histories of law and political culture in Gilded Age America.

### **The Strange Career of Charles Guiteau**

Charles Julius Guiteau (pronounced “Gett-o”) was born in 1841 in Freeport, Illinois. His mother, Jane, was seriously ill for much of the pregnancy, and evidence at trial cast doubt on her mental health following the birth. She died when her son was seven. Guiteau’s father, Luther, worked at the local bank and had, at one time, served as county court clerk. The family was comfortable but not wealthy.

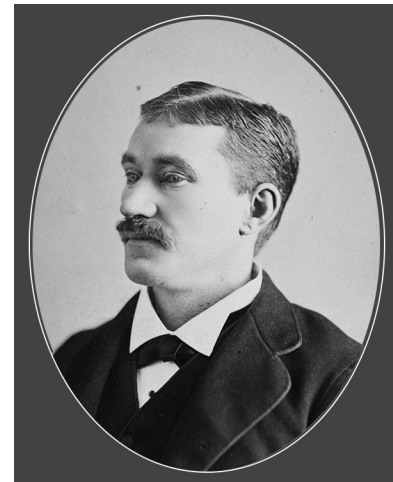
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1. SCDC judges were styled “Associate Justice” and “Chief Justice.” These positions should not be confused with the similarly named posts on the Supreme Court of the United States.

The young Charles could not speak intelligibly until he was six, and his father appears to have treated him as a strange and inferior child. Luther beat his son for his odd behavior and speech impediments. Though Luther was otherwise respected in his community, he held unusual religious convictions, including a belief that he would never die, which Guiteau's lawyers argued showed insanity ran in the family.

At the age of nineteen, Guiteau acceded to his father's wish that he join the Oneida community in upstate New York. The community, led by John Humphrey Noyes, was founded on the principle that humans could "perfect" themselves through prayer and education, thus freeing themselves from sin. This idea appealed to Luther, who idolized Noyes, though he was unable to persuade his second wife that they should join the commune.

The Oneida group scandalized much of the rest of Victorian America because of its belief in "complex marriage," a form of free love. The young Guiteau was an unpopular member, earning a reputation for shiftlessness. Although the community was synonymous with promiscuity in the popular imagination, its women "did not extend love and confidence toward" Guiteau, and he acquired the unflattering nickname "Charles Gitout." He later complained that he was "practically a [S]haker all the time [he] was in the community[.]"



Charles Guiteau in 1882.

After approximately five years in Oneida, Guiteau left, ostensibly to found a religious newspaper called *The Theocrat*, which would advance Noyes's interpretation of the Bible (though Guiteau often passed off Noyes's ideas as his own). That enterprise proved the first of several ambitious professional failures, and Guiteau returned to Oneida after just four months. A year later, however, he left the group for good, tired of the manual labor and criticism he had endured and bitter about money he claimed Noyes had pilfered from him. Noyes told Luther that his son was a lunatic.

Following a brief fallow period living on a small inheritance, Guiteau pursued a legal career. He studied in the offices of attorney and retired general Joseph Reynolds, who proved an undemanding apprentice master. In lieu of administering a formal bar examination to Guiteau, Reynolds wrote a note to state prosecutor Charles Reed, who, after asking Guiteau three questions (one of which he answered incorrectly), recommended that a local judge admit Guiteau. Both Reed and Reynolds would later play important roles in Guiteau's trial. On his admittance, Guiteau took up a small, and largely disreputable, practice arranging bail and collecting debts, first in Chicago and then in New York, where he spent

a short time in jail for failing to pay his office rent. After the *New York Herald* published an article suggesting that Guiteau could not be trusted with client funds, he launched a libel suit for the absurd sum of \$100,000, but was quickly forced to drop the case.

Guiteau married briefly and unhappily. His ex-wife, Annie Dunmire, testified twice at the trial for the prosecution. Guiteau appears to have been both physically and emotionally abusive to her and may have contracted syphilis having sex with a prostitute during the marriage. He claimed this last transgression was necessary to provide legal grounds for a divorce. The couple did divorce in 1874. The next year, Guiteau made an audacious, but

***Guiteau became convinced God was interceding in his life and had marked him out for greatness.***

doomed, attempt to buy a Chicago newspaper, promising prospective lenders that he could get them elected to attractive offices, including the presidency, by publishing flattering stories. That scheme, like so many of his ideas before the assassination, went nowhere.

His career and personal life in tatters, Guiteau drifted back toward his family, briefly living at the Wisconsin summer home of his sister Frances and her husband George Scoville, a more established Illinois attorney who became Guiteau's lead counsel at trial. After a misunderstanding involving wood Guiteau had chopped on the Scovilles' property, he flew into a rage and attacked his sister with an axe. The Scovilles' doctor

recommended interning Guiteau in a mental asylum, but Guiteau ran away before he could be committed.

Penniless and homeless, Guiteau reinvented himself as a religious lecturer, travelling from town to town by riding the rails without a ticket and bilking hotel and boarding-house proprietors across the Midwest and East Coast. He self-published a book called *The Truth: A Companion to the Bible*, which borrowed large passages from Noyes's work. He tried, without success, to sell it on his travels. At one point, Guiteau was arrested in Michigan for failing to pay for his board in the last town. He managed to avoid jail by jumping off a train moving at about thirty-five miles per hour. After surviving this perilous escape and avoiding death during a later boat collision, Guiteau became convinced God was interceding in his life and had marked him out for greatness. His religious speeches, when he managed to deliver them, were usually disasters, however. Few attended and even fewer took him seriously.

Perhaps he would do better at a different kind of public speaking. Politics, thought Guiteau, would offer him an opportunity to realize his greatness and gain the fame and status for which he hungered.



## **The Election of 1880**

The politics of Guiteau's time were inextricably linked with the rise of corporate power and the injection of influence peddling and graft into the party system. As America's cities swelled, political "machines" increasingly dominated their civic life. A handful of well-connected figures at the heads of these machines wielded tremendous power over both officeholders and the electorate using a combination of patronage, bribery, and veiled threats. At the national level, the so-called spoils system empowered each new President to fill thousands of civil-service vacancies with few restrictions as to the qualifications or credentials of those filling the positions. As a result, thousands of posts were filled as political favors and rewards for past service to the President's party.

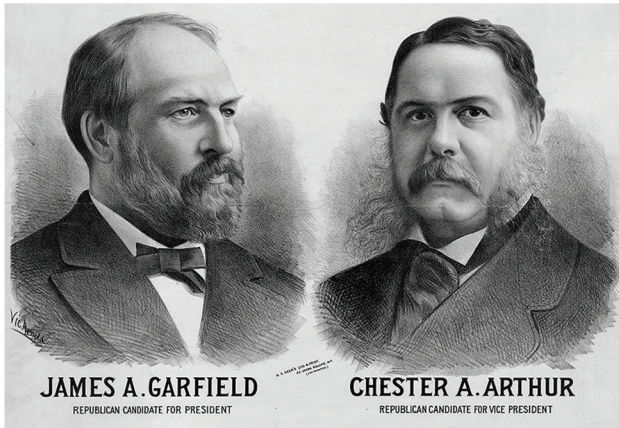
Republicans had won every presidential election since 1860 and thus dominated the levers of power under the spoils system. The party's dominance began to falter in the mid-to-late 1870s, however. Recession, fatigue over reconstruction in the South, and a rash of corruption scandals combined with the nomination of the uninspiring Rutherford B. Hayes to neuter enthusiasm for the party heading into the 1876 election. After a wave of racial violence in the South further suppressed Republican support, Democrat Samuel Tilden won the popular vote, but the electoral college tally remained uncertain for months due to contested outcomes in several states.

To resolve the dispute, which threatened to escalate into another sectional conflict, Congress set up an Electoral Commission consisting of five senators, five congressmen (including Garfield, who was then a representative from Ohio), and five Supreme Court justices. The Commission, by an 8–7 vote, awarded the outstanding states to Hayes, giving him victory by a single electoral college vote. Although the nature and timing of the parties' acquiescence remain somewhat unclear, most historians agree that Republicans consented to the end of reconstruction in return for Democrats' acceptance of the Commission's result.

After Hayes made good on a promise not to run for reelection, control of the party was finely balanced heading into the 1880 election. Republicans increasingly divided into two camps: "stalwarts" supported the renomination of Grant, who had chosen not to run for a third term in 1876, but had now reentered politics; most "half-breeds" supported the candidacy of former Speaker of the House James Blaine.

At the Republican convention, however, Garfield emerged as a surprise compromise candidate. Despite associations with both the 1876 election controversy and the *Crédit Mobilier* corruption scandal, Garfield managed to appear above the fray of much of the more unseemly political infighting of the period. He also had a compelling backstory as a self-made man and Civil War hero. Perhaps as importantly, it appears that both Blaine and the leading stalwart, Senator Roscoe Conkling, believed their camp could exert in-

fluence over Garfield as President. The stalwarts also earned a consolation prize with the nomination of Conkling's protégé Chester Arthur as Vice President. Running a "front-porch" campaign in which he seldom left his home state, Garfield won the electoral college comfortably against fellow Civil War general Winfield Hancock (though the popular vote



The 1880 Republican ticket.

"Garfield against Hancock" (the original title had been "Grant against Hancock," but Guiteau changed little else about the speech when Garfield won the nomination). Guiteau believed party service of this sort could lead to an appointment after the election. He eventually delivered the speech to a small, mostly African-American audience in New York, impressing no one of anything but his own peculiarity. Though the speech was a failure and influential figures in the party had, at best, humored him as an irrelevancy, Guiteau told anyone who would listen that he had swung the election for Garfield.

### **Guiteau Applies for Office**

Civil-service reform was among the more pressing issues Garfield inherited on his assumption of the presidency. He adopted a moderate position, refusing to be swayed by powerbrokers like Conkling, who had previously controlled federal patronage in New York, but demonstrating a willingness to appoint party cronies to some posts to keep the wheels moving. He made no major calls for reform, but revived a tradition of accepting calls from the public, including office seekers. This proved a mistake, however, as Garfield was often overwhelmed by waves of aspirants calling at his office and pestering him for work.

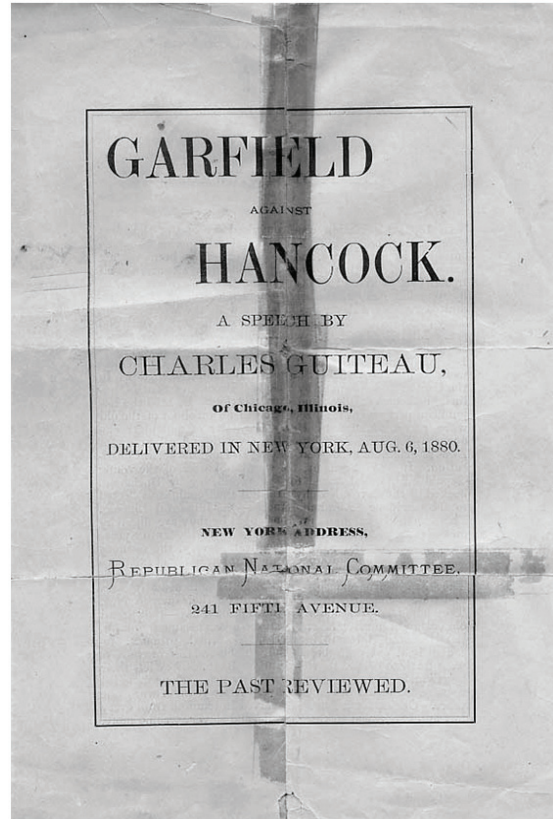
Guiteau was among the most persistent pests. A few days after the inauguration, he drifted down to Washington, D.C., where he stayed at a succession of respectable boarding houses, never paying his bill. Throwing about the names of prominent politicians he had barely (and in some cases never) met, Guiteau attempted to insinuate himself into

was a virtual tie).

In the Gilded Age, it was possible for a ne'er-do-well like Guiteau to meet the great and good of American politics in an election year. During and immediately after the 1880 election, Guiteau managed to meet the future President, First Lady, Vice President, Secretary of State, and several members of Congress. He repeatedly attempted to gain a role as a surrogate speaker for the campaign, carrying with him a stump speech,

the Capital's elite circles and gain a position fitting his self-proclaimed eminence. For all his failures, Guiteau was obsessed with prestige. He referred to anything and anybody he admired as "high-toned"—a phrase that approached the level of a verbal tic during the trial—and dismissed his denigrators as belonging to a lower class of gentlemen. He repeatedly demanded glamorous posts in Vienna and Paris, convinced that Garfield and the party owed him such an appointment as a "personal tribute." Though he only managed to gain one brief meeting with the President, he called so frequently at the State Department that Blaine, by this point Secretary of State, had to insist that Guiteau "[n]ever speak to me again on the Paris consulship as long as you live."

Blaine's frustration was understandable. Guiteau's claims about his influence on the election were preposterous, and the grandeur of the positions he demanded lent color to the subsequent portrait of him as an egomaniac. Nevertheless, Guiteau's brushes with important men like Blaine and Garfield appear to have fanned the flames of his ambition. He increasingly fancied himself a future President and an agent of God.



Georgetown University Law Center Library

A failure, Guiteau's speech nevertheless fueled his belief that Garfield owed him an appointment.

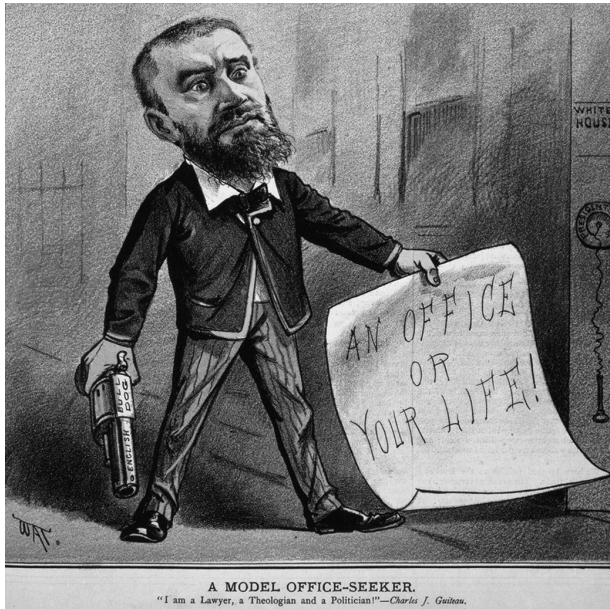
### **The Assassination**

Guiteau wrote to Garfield following Blaine's rebuff. "I supposed Mr. Blaine was my friend in the matter of the Paris consulship[,] he groused, "but from his tone on Saturday, I judge he is trying to run the State Department in the interest of the Blaine element in '84." "You ought to demand his immediate resignation[,] Guiteau warned the President, "[o]therwise, you and the Republican party will come to grief." It is doubtful whether Garfield ever read the missive and inconceivable that he would have cared about Guiteau's opinion of Cabinet members. But in the jilted office seeker's mind, Blaine's snub and Garfield's silence could mean only one thing: the Secretary of State had manipulated the President and turned his administration into a nest of half-breed ingrates. "Ingratitude[,] he wrote

in a grandiose letter to “the American people” as he planned the assassination, “is the basest of crimes.”

As the late spring and summer of 1881 bore witness to further infighting between the two wings of the party (the Senate deadlocked on several of Garfield’s nominees and Conkling resigned in protest at Garfield’s refusal to appoint his preferred candidate to the lucrative post of Collector of the Port of New York), Guiteau became evermore convinced

that decisive action was needed. Slowly, an idea—he insisted it was a divine inspiration—developed in his head. If the President were “removed,” the stalwart Arthur would reunite the party, save the nation from a second civil war and, presumably, reward Guiteau as the nation’s deliverer. Later asked why he would kill Garfield when his beef seemed to be with Blaine, Guiteau explained that if he killed Blaine, another half-breed would rise up in his stead, whereas removing Garfield and installing Arthur would ensure unity. In fact, Guiteau’s attitude towards Garfield seems to have fluctuated wildly. With-



*Puck* magazine, July 13, 1881.

in three sentences of each other in the same letter he wrote that he harbored “no ill will to the President” and that “[i]n the President’s madness he has wrecked the once grand old Republican party, and for this he dies.”

Whether driven by insanity, ambition, or inspiration, Guiteau borrowed some money and bought a gun, bullets, and a knife. Given the choice between pistols with plain and mother-of-pearl handles, he chose the latter, more expensive option because he felt it would look better in a museum. He practiced his aim a few times by the banks of the Potomac River. He revised *The Truth* in anticipation of increased public demand. He stalked Garfield—something remarkably easy to do before a wall of security was erected around the presidency in the twentieth century.

Guiteau came close to pulling the trigger at least twice as he followed Garfield around Washington. Once, Garfield was with his wife Lucretia, who was likely suffering from malaria. As Guiteau later wrote, she “looked so thin and clung so tenderly to the President’s arm, my heart failed me to part them[.]” A second time, he followed Garfield to his church—the perfect place to fulfill the Lord’s mission—but again failed to follow through.

Finally, on the morning of July 2, Guiteau waited at the Baltimore and Pacific Railway Station in Washington (now the site of the National Gallery of Art). Garfield had planned to leave from the station to visit his recuperating wife and attend his college reunion. The trip was noted in the press, and Guiteau knew to expect his quarry there. Blaine and several other officials were there to see Garfield onto the train or continue business aboard. Guiteau saw the Secretary of State and President walk into the station together. Coming up behind the two men in the ladies' waiting room, he fired a shot. It grazed Garfield's arm. Garfield cried out, "My God, what is this?" Guiteau took two steps forward and fired a second bullet into the President's back, and Garfield sank to the floor.

Testimony at trial differed as to whether Guiteau attempted to scurry out of the station or was captured where he stood by a nearby police officer. It appears that Guiteau's escape plan, such as it was, involved having a coach driver take him to the jailhouse in any event. Guiteau told the arresting officer that he had an important message, *right*, to deliver to General William Tecumseh Sherman, the Commanding General of the U.S. Army. Though ignorant of Guiteau's note, Sherman did order troops out onto the streets, fearing a broader conspiracy against the government, and had a group of soldiers guard the jailhouse with a cannon to stop vigilantes from lynching Garfield's assailant.

According to a Venezuelan diplomat who happened to be in the station at the time of the shooting, a group of onlookers had agitated for Guiteau to be lynched, but he had already been taken into custody. During Guiteau's time in jail, at least two people (he claimed there were more), including one of his guards, tried to kill him. A shot from a man on horseback who drew up alongside Guiteau's police wagon missed him by inches. He received numerous other death threats, but would manage to survive through his trial and appeal.

### **Garfield's Illness and Death**

Garfield did not die immediately either, but his condition was severe. He flitted in and out of consciousness. He vomited profusely and bled disquietingly little (a sign of internal

*To General Sherman:*

*I have just shot the President.*

*I shot him several times as I wished him to go as easily as possible.*

*His death was a political necessity.*

*I am a lawyer, theologian, and politician. I am a Stalwart of the Stalwarts. I was with Gen. Grant, and the rest of our men in New York during the Canvass.*

*I am going to the Jail.*

*Please order out your troops and take possession of the Jail at once.*

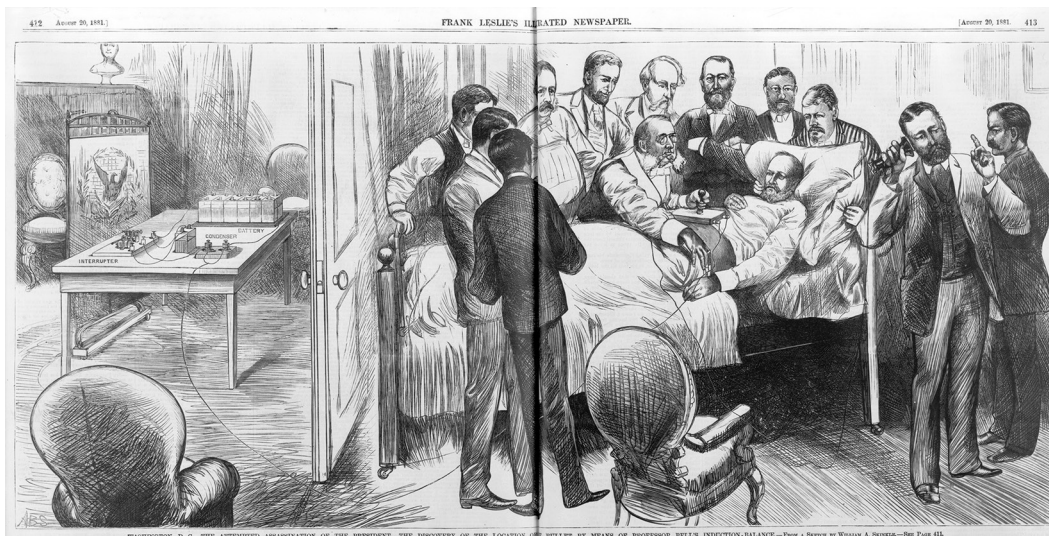
*Very respectfully*

*Charles Guiteau*

hemorrhage). He couldn't walk. His extremities were cold. He told Smith Townsend, the first doctor at the scene, that he was "a dead man." The scene conjured for many the specter of Abraham Lincoln's assassination sixteen years earlier. Indeed, Robert Todd Lincoln, Lincoln's son and Garfield's Secretary of War, had the unpleasant distinction of being present at the aftermath of both shootings, as well as the subsequent assassination of William McKinley in 1901.

Townsend ordered Garfield moved to the White House, where he remained for the next several weeks. Under the direction of the confusingly named Dr. Doctor Bliss, most of the physicians treating Garfield were traditionalists who subscribed to the view—increasingly challenged at the time and now thoroughly debunked—that wounds needed to be palpated and provoked into releasing pus to heal. They repeatedly inserted fingers and unsanitized probes into Garfield's wound in an attempt to let pus run into an unobstructed channel. Analysis of postmortem evidence suggests this treatment may have done as much harm as the bullet.

Apart from their mistreatment of the wound, Garfield's doctors gave him care that was questionable at the time and would be considered grossly negligent today. Perhaps understandably anxious to ease his discomfort, they gave Garfield an excess of opioid-based pain medication that made him ill and suppressed his appetite. They gave him purgatives and resorted to feeding him through a rectal tube to counter these effects. Garfield, who in his prime had a robust, husky physique, lost approximately eighty pounds in the weeks following the shooting. The few visitors who were able to see him during that time were shaken by his frailty. Unable to find the bullet, the doctors called in renowned Scottish inventor



Sketch by William A. Skinkle showing Bell's attempt to locate the bullet. *Frank Leslie's Illustrated Newspaper*, Aug. 20, 1882.

Alexander Graham Bell, who had developed a device designed to locate projectiles in the body. The device was subsequently shown to work well on other subjects and remained in use into the twentieth century, but the physicians told Bell to search in entirely the wrong area of Garfield's body, and he was unable to locate the bullet.

Public interest in Garfield's condition united the country in morbid fascination. His doctors released twice-daily updates, reprinted in virtually every newspaper and displayed on public bulletin boards in several cities. The nation cheered every encouraging sign of increased appetite or decreased temperature and braced for the worst with every note of deterioration in the President's health. In fact, many of the updates bore little relation to his actual condition. The bedridden Garfield was able to meet with his Cabinet only once and could conduct relatively little other official business over the course of the summer.

One of the biggest problems with Garfield's care was temperature control. Before the advent of modern air conditioning, the heat and humidity of a Washington summer could be brutal even for those in good health.

Most politicians spent the season away from the Capital if they could. In his sickbed, Garfield frequently ran a temperature and complained of the unrelenting heat.

After trying various solutions employing around a half-million tons of ice and ranging from hanging wet towels around the room to an elaborate jerry-rigged cooling device designed by Navy engineers, Garfield's doctors opted to move him to more comfortable climes. A British millionaire, whom the President had never met but who was apparently moved by his condition, offered the use of his beachside house in Elberon, New Jersey. In early September, Garfield was loaded onto a train with temporary tracks laid up to the beach house to avoid the need for transport by carriage. The cooler weather and sea air did not do the trick, however, and Garfield died on September 19, 1881.

The nation plunged into a period of somewhat theatrical mourning after Garfield's death. His emaciated body lay in state at the U.S. Capitol, and thousands of mourners poured into the District to see the slain president. The White House was draped in black. The burgeoning tabloid press and consumerist apparatus burst into life with a flood of tributes and tacky memorabilia. There was a run on black cloth and other mourning accoutrements, with reports of merchants hoarding materials and gouging grieving customers.

***A Washington summer  
could be brutal even  
for those in good health.  
Garfield frequently  
complained of the  
unrelenting heat.***

Guiteau was initially distraught at the news of Garfield's death, but quickly rebounded. The day after he received the news, he wrote to the newly elevated Arthur, "[m]y inspiration is a God send to you and I assume you appreciate it.... It raises you from a



Rutherford B. Hayes Presidential Center

Mourning drapery at the White House.

political cipher to the President of the U.S.[.]” and, he added with characteristic gracelessness, “from \$8,000 to \$50,000 a year[.]”

### **Preparations for Trial**

Guiteau was held in custody without charge through the summer. George Corkhill, the U.S. District Attorney for the District of Columbia, announced in the

days after the shooting that he would wait to bring charges until the President either recovered or died. Guiteau seems to have been happy to have his room and board paid for for once—he remarked several times at trial that he ate far better in jail than he had on the outside—but he chafed at the isolation of his solitary cell and, in particular, his lack of access to newspapers discussing his handiwork. (Guiteau became a voracious consumer of the news during his trial, often pointedly flipping through the papers during testimony and making inappropriate announcements regarding press coverage.)

While Guiteau stewed in jail, Corkhill deposed witnesses and gathered evidence. He allowed General Reynolds to visit Guiteau in jail and report back on their conversations. He also gave interviews to the press, responding to the widespread speculation that the shooter must be mad—a view Garfield himself had privately expressed—by declaring that Guiteau was “no more insane than I am.” Such a statement would have been a mixed reassurance to the public. Several observers (including Justice Cox at the end of the case) expressed the sentiment that it would better reflect on the state of American society to attribute the assassination to the isolated act of a lunatic than to acknowledge that the world's leading democracy had endured two political assassinations in sixteen years. Even so, the greater fear, one to which the prosecution would allude frequently, was that the president's assassin would go unpunished.

Corkhill, a political appointee few rated as an exceptional lawyer, had outside help once trial preparations began. U.S. Attorney General Isaac MacVeagh drafted Walter Davidge, the leading light of the District of Columbia bar, to assist. The prosecution also called on the services of former New York Court of Appeals Judge John K. Porter, one of the nation's most prominent trial lawyers.



Guiteau's brother-in-law, George Scoville, happened to arrive in Washington on business shortly after Guiteau was arrested. With Corkhill's permission, he was allowed to meet with Guiteau in jail and, after some cajoling from his wife, decided he had to defend a relative he had long considered insane. Scoville felt no other reputable lawyer would zealously represent such a despised client and, he told Corkhill, he could not allow the government to "hang an insane man ... with impunity."

Once the case began, Guiteau also insisted on representing himself, although he frequently boasted that the best lawyers in the country were poised to replace Scoville at any moment. Justice Cox initially demanded that Guiteau speak through his counsel, but when it became clear this was a hopeless command, he tolerated Guiteau interrupting the proceedings. At the end of the case, Cox indicated that he had decided to allow Guiteau to remain in the courtroom and make these interjections so the jury could properly evaluate the defendant's sanity. It appears the prosecution also decided at some point that this course of action was best, probably to avoid any risk of a guilty verdict being overturned on appeal. After the trial, U.S. Attorney General Benjamin Harris Brewster told President Arthur that Guiteau had been extended "more latitude than was ever known to have been allowed to any defendant in all of the recorded annals of the law."

On October 8, a grand jury returned an eleven-count indictment against Guiteau. All of the charges were for murder and most were redundant, though some offered contradictory accounts of the facts of the crime. This approach seems to have been an attempt to cover every contingency at trial. One count, for example, asserted that, after he was shot, Garfield "then and there instantly died." This was patently untrue as a factual matter, but it may have reflected a legal theory calibrated to address the anticipated jurisdictional argument that Garfield's murder had not occurred in the District of Columbia because he had died in New Jersey. On October 14, Guiteau was arraigned and formally indicted in the SCDC.

That court, now the U.S. District Court for the District of Columbia, held an unusual place in the judicial branch. A federal court whose judges were appointed under Article III of the Constitution, the SCDC also exercised jurisdiction more akin to that of state and local courts. (Much of this jurisdiction has since devolved to other courts in the District.) Most federal courts did not handle murder trials, for example, but the SCDC routinely heard such cases based on a 1790 statute putting murder in any "district of country" under the exclusive jurisdiction of the United States a federal offense.

The SCDC's role in the case was a major test for the federal courts. While today many assume (often erroneously) that most cases of national importance will eventually reach the federal courts, this was far from obvious to nineteenth-century Americans. Prior to the Civil War, most federal-question cases were litigated in state courts. In the aftermath of the

war, Congress gave the federal judiciary expanded jurisdiction and entrusted much of the work of enforcing the hard-won rights of freedpeople to the federal courts. Nevertheless, many Reconstruction-Era politicians expressed a lack of confidence in the courts' ability to handle major national controversies. The conspirators in the Lincoln assassination were tried by military commission, and the long-festering federal prosecution of Confederate leader Jefferson Davis had been abandoned after years of false starts and delays. When the constitutionality of military reconstruction had arisen in a case before the Supreme Court of the United States, Congress revoked the jurisdiction under which the Court had heard the appeal. Though Cox and the judicial system were often heavily criticized during the evidence phase of the trial, most observers ultimately concluded that the trial vindicated the notion that an impartial federal judicial proceeding was the best way to resolve even a case as controversial and politically sensitive as Guiteau's.

Unfamiliar with both criminal law and practice in the SCDC, Scoville asked the court to appoint local counsel. Approximately three weeks before the start of trial, Justice Cox appointed rising Washington attorney Leigh Robinson to this unenviable task, though Robinson attempted to find alternative counsel at several points and eventually withdrew from the case after an argument with Scoville. Indeed, the trial began unceremoniously on November 14, 1881, when Robinson, apparently without the knowledge or consent of his client or co-counsel, demanded a continuance so a more experienced lawyer could take his place. He claimed to have lined up an eminent attorney for the job, but refused to tell the bemused Scoville his name. Incensed, Guiteau demanded that the trial move forward. Referring to Robinson, he complained to the court, "I know nothing about him; I don't like the way he talks; and I ask him to retire. I expect to have some money shortly, and I can employ any counsel I please." Justice Cox responded with exasperation, noting that he was eager to avoid any appearance that the defendant was being "hurried to the gallows without a fair trial." Given both Guiteau's and Scoville's insistence that the trial continue as planned, however, Cox proceeded to jury selection.

### **Jury Selection**

That process proved unusually difficult. Virtually all the prospective jurors were familiar with the case, and most had remarkably pronounced views as to Guiteau's culpability. One, fittingly named John Lynch, claimed that Guiteau "ought to be hung or burnt or something else." "I don't think there is any evidence in the United States[,] Lynch told the court, "to convince me any other way." Lynch was by no means the only prospective juror who wanted to skip the trial and proceed to summary execution. While Justice Cox permitted those with preexisting opinions on Guiteau's guilt to sit on the jury, he excluded a large number of jurors who admitted their beliefs could not be swayed by any evidence.

Although many federal judges conducted voir dire themselves, Justice Cox permitted counsel to question each of the potential jurors. Guiteau took an active role in this process, giving Scoville a list of questions about the prospective jurors' religious beliefs and stressing that he did not want any African-American jurors (as it transpired, one of the twelve men empaneled, Ralph Wormley, was an African-American plasterer for the Pension Bureau).<sup>2</sup>

### The Case for the Prosecution

The prosecution's case-in-chief was relatively straightforward. Though Corkhill, Davidge, and Porter had a squadron of medical experts prepared to testify to Guiteau's sanity, they did not need to prove Guiteau was sane; Guiteau's lawyers had the burden of proof on that issue. Thus, the prosecution initially focused on the facts of the crime itself, with Blaine the star witness (among thirty-one). That Guiteau had planned and executed the shooting was scarcely in doubt, but the prosecution team meticulously laid out the sequence of events, Guiteau's self-recorded efforts to plan the crime, and, where they could insert it into the record, the accused's lengthy record of petty crime and perfidy.

Throughout the prosecution's case—indeed, throughout the entire trial—the defendant was a constant source of disruption. He paid so little attention to Justice Cox's calls for order that the judge eventually gave up asking for it. The trial, always bound to attract attention, quickly became the best show in town, with long waits for public seating in the gallery. Though most of those in the audience were disgusted by Guiteau's crime, they were increasingly amused by his antics and peculiar egocentrism. One observer later recalled the atmosphere in the courtroom:

Never have I passed five hours in a theatre so filled with thrills.... From the moment Guiteau entered the trial room it was a theatrical extravaganza. He was in irons, sandwiched between two deputy sheriffs, came in shouting like a madman, and began at once railing at the judge, the jury and the audience. A very necessary rule had been established that when he interposed whatever was being said or done automatically stopped. Then when he ceased, the case went on again as if nothing had happened.



Where Justice Will Have to Look for Jurors Who Have Not Formed an Opinion in the Guiteau Case. Cartoon of Justice searching a graveyard for unbiased jurors. *Puck* magazine, October 26, 1881.

2. Unlike several witnesses and many other potential jurors, Wormley was not identified as “colored” in the transcript of the voir dire. The transcript referred to him this way later in the trial, when proceedings had to be postponed briefly due to his illness.

The relish with which Guiteau took to being the center of attention leaps off the page of the trial transcript, yet it is equally clear he was unaware that the joke was often on him when the court erupted, as it often did, in laughter. Reports of hilarity in the court, moreover, fueled increasingly angry reactions nationwide to the conduct of the case. A New Jersey justice of the peace, for example, wrote an open letter to Justice Cox, scolding him that if “you intend to allow a clown to act to amuse the spectators, I would advise you to withdraw ... and not further disgrace the position you so dishonorably fill[.]”

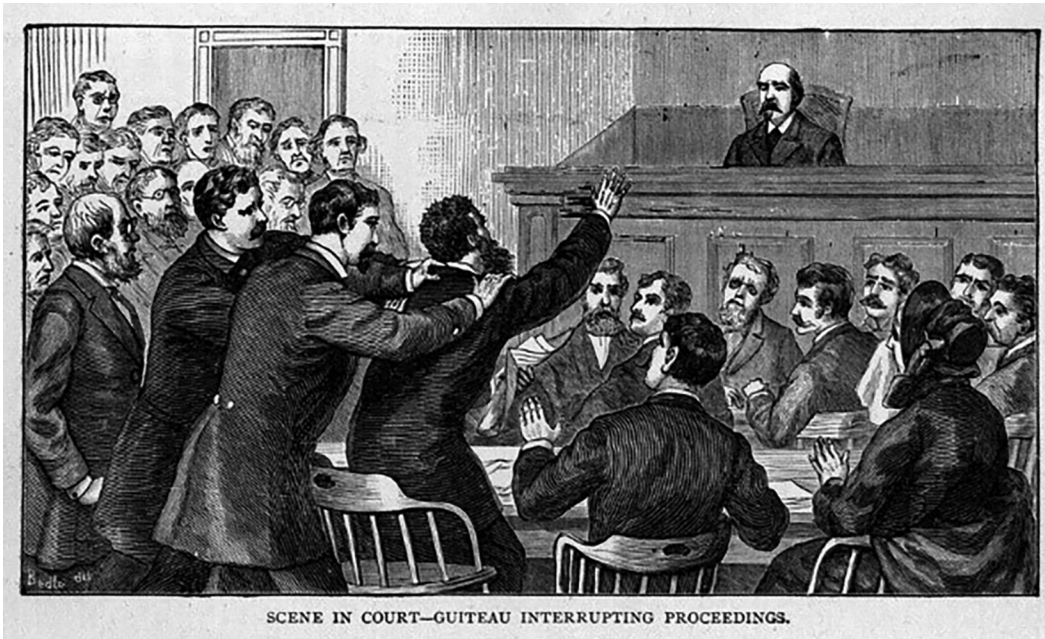
Despite the constant interruptions, the prosecution rested on November 21, 1881. The show, however, had only just begun.

### **The Defense**

From the outset, the defense team was somewhat fractured. Scoville and Robinson hinted near the beginning of the trial that the defense would challenge the court’s jurisdiction based on Garfield’s extraterritorial death, but Scoville did not fully pursue this line until the conclusion of the trial. At several points, Guiteau also suggested the true legal cause of Garfield’s death was medical malpractice. He merely shot Garfield, he argued; “[t]he doctors killed him.” Scoville, probably sensibly, seems to have believed that argument a dead end. When Robinson cross-examined Dr. Bliss along these lines, however, the two lawyers had an ugly falling out in the press and then in court that led Robinson to withdraw from the case.

Now operating alone, Scoville chose to focus his energies on an insanity defense, though his version of this defense varied significantly from the one Guiteau preferred. Scoville introduced evidence from dozens of acquaintances and family members attempting to show that Guiteau was congenitally insane, unable to understand wrong from right, and powerless to control his impulses. One of these witnesses, Charles Reed, the Illinois attorney who had rubber-stamped Guiteau’s bar application, testified to a lengthy and bizarre diatribe Guiteau had delivered in a petty larceny case in Chicago. Shortly after his testimony, Reed began informally advising Scoville on the case and eventually joined as co-counsel. Though he continued to take a backseat to Scoville in questioning witnesses, Reed took a more prominent role after the trial.

The insanity defense Scoville, and eventually Reed, developed angered Guiteau, who seems to have found much of this evidence damaging to his ego. He repeatedly interrupted proceedings to demand that Scoville drop this line of questioning and to insult his brother-in-law’s competence for daring to suggest he was anything but entirely rational and respectable. Instead, Guiteau attempted to develop an alternative theory, often known as the “deific decree” defense. He claimed that he was an otherwise sane man who had operated under what he believed to be an instruction from God to kill Garfield. Though he did



Justice Cox tolerated Guiteau's numerous outbursts during the trial. *Complete History of the Trial of Guiteau*, 1882.

not go so far as to suggest God appeared or spoke to him, he repeatedly claimed a form of “pressure” from “the Deity” had compelled him to pull the trigger. Although it may have been asking too much to expect consistency from a defendant in an insanity case, Guiteau’s position on this issue was hard to pin down. At times he seemed to take extravagant pride in doing “the Deity’s” work. At others, he acknowledged remorse and even allowed that his inspiration had been a delusion. “I would not do it again for a million dollars, with the mind I have got now[,]” he admitted near the end of the trial.

It was unclear how well either of these theories would comport with the insanity instruction Justice Cox would ultimately give the jury. The law of insanity was in flux at the time the SCDC heard *Guiteau*. In the first half of the nineteenth century, British and American courts had gradually transitioned away from a standard (sometimes known as the “wild beast” rule) that required a near-total loss of reason and memory. The defense was successfully employed by several failed murderers who had operated under insane delusions, even though they otherwise retained considerable ability to reason and could remember the crime. Indeed, President Andrew Jackson’s would-be assassin was acquitted (but confined to a mental institution) in such circumstances by the SCDC’s predecessor court in 1835.

The acquittal of partially or temporarily insane successful killers proved controversial. Following such an acquittal in *M’Naghten’s Case* (1843), British law lords attempted

to clarify the insanity standard. The resulting rule held that defendants' mental illness must deprive them of the ability either to appreciate the "nature and quality" of their actions or to understand that those acts were wrong. While American courts were not bound to adhere to English law, nineteenth-century judges were often influenced by English doctrinal changes. In 1844, prominent Massachusetts judge Lemuel Shaw adopted the *M'Naghten* rule in his charge to a murder jury, and the rule was quickly embraced by most state courts.

*A rash of acquittals of men who had killed their wives' lovers in a "frenzy" led to criticism of the "insanity dodge."*

By the time of the Garfield assassination, however, the *M'Naghten* rule was under fire from multiple angles. A rash of sensational acquittals of men who had killed their wives' lovers in a state of "frenzy" led some critics to label the defense the "insanity dodge." Indeed, Congressman Garfield had commended a judge for narrowing the construction of the defense in such a case in 1871, referring to the defense as a "wicked absurdity" and lamenting that if the law were any more lenient, "all that a man would need to secure immunity from murder, would be to tear his hair and rave a little[.]"

Other critics of the standard argued that it did not take account of recent innovations in psychology. Restricting the test to the defendant's knowledge and moral sense, for instance, did not take full stock of the degree to which mental health issues affected a defendant's emotions, as well as his or her cognitive ability. Similarly, the test did not account for the degree to which psychosis could rob a defendant of self-control. Several experts argued it was unfair to punish people for impulses they could not govern.

To assuage these concerns, some jurisdictions began instructing juries that the defendant should be acquitted if he or she was driven to act by an insane "irresistible impulse." In 1870, New Hampshire's Superior Court of Judicature rejected both this test and the *M'Naghten* rule for a third standard that simply inquired whether the crime was the "product" of a defendant's mental illness. This rule promised a more objective standard that would be easier for juries to comprehend, though it was often criticized for being difficult to implement in practice.

Scoville appears to have recognized that Guiteau's mental state did not fit the *M'Naghten* rule neatly. Guiteau might not have been much of a lawyer, but he certainly knew killing the President was a crime. He had, moreover, planned the assassination over the course of several weeks, writing notes that suggested he was aware of the legal and po-

litical consequences of killing the President. Though Guiteau insisted only “cranks” failed to see he had done the nation a service, he had wanted to go to the jail immediately after the shooting and asked Sherman to protect him because he knew the public might react angrily. Additionally, he had recorded doubts as to whether the assassination was morally justified and had recoiled from killing Garfield in front of his frail wife. This all suggested that he appreciated the “nature and character” of the assassination and, at least on some level, was aware it was wrong. Whether the crime was the “product” of Guiteau’s delusions and whether he was able to control himself when driven by the mad impulse to kill Garfield, however, were murkier questions. Scoville developed his theory of Guiteau’s insanity without knowing for certain which test Justice Cox would apply, but he clearly had these two alternative tests in mind as he introduced evidence. While Cox would ultimately rely on the *M’Naghten* rule, he permitted Scoville a good deal of latitude in building a case for Guiteau’s insanity along multiple lines during testimony.

Scoville tested the bounds of that latitude at times, particularly in calling prominent witnesses to make seemingly minor points. He dragged in ailing Senator and former Supreme Court Justice David Davis (who had no meaningful connection to the case and seemed bewildered that he had been called) to establish the well-known political situation at the time of the assassination. He also attempted to compel President Arthur to testify to the ridiculous nature of Guiteau’s political ambitions. The prosecutors resisted Scoville’s position that he had the power to subpoena the President just like any other potential witness, at one point advancing a constitutional argument that Arthur was immune from ordinary judicial process of this sort. Arthur had good reason to avoid appearing at the trial: Scurrilous gossip in the days following the shooting had suggested he was secretly behind the assassination attempt. Guiteau had also repeatedly called Arthur his “friend” and expressed confidence that he would appoint Guiteau to some high office after the trial. Ultimately, the lawyers resolved the issue by agreeing to written responses to Scoville’s questions, which Arthur supplied on December 8.

Guiteau took the stand from November 28 to December 2. In some senses, he performed far better than one might expect, demonstrating an unusually strong memory for dates and details and, in the main, offering a consistent account of the strange sophistry that had led him to the assassination. Nevertheless, the prosecution successfully turned Guiteau’s performance against him, later arguing that his memory and ability to match wits with seasoned lawyers negated Scoville’s theory of a man whose mental condition left him beyond legal responsibility. Porter’s cross-examination, moreover, skillfully juxtaposed Guiteau’s claims of divine inspiration against his patient and worldly preparation for the crime. When Guiteau suggested Garfield’s death had been God’s work, for example, Porter spat back, “Who bought the pistol, the Deity or you?”

Arguably the most compelling evidence for the defense came from Guiteau's family and acquaintances. Though her appearance in court led to some awkward moments, as Scoville found himself interrogating his wife, Guiteau's sister painted the picture of a man-child who had been troubled from youth and progressively degenerated into a pattern of deranged, and occasionally violent, behavior. The degree to which such a pattern helped or

harmed Guiteau's case, however, hinged to some degree on medical expert testimony.

### **Medical Insanity**

At the same time the law was entertaining conflicting theories of insanity, the sciences and social sciences were undergoing a parallel transformation in their approaches to mental illness. The modern discipline of psychology was still in its infancy around the time of the *Guiteau* trial, which preceded the seminal works of William James and Sigmund Freud. Medical doctors studying cognition and emotion entertained varying theories of the nature and causes of insanity. The vexed questions of congenital and "moral" insanity had divided these



Caricature of Guiteau's insanity plea. *Harper's Weekly*, December 10, 1881.

experts for years by the time Guiteau exposed the rift to a broader public. Orthodox opinion in earlier decades held that mental illness, properly considered, was a physical disease that changed a person's existing behavior or thought patterns; it could never be a hereditary or inborn condition that defined a person's character or interactions throughout life.

On this theory, the model insane criminal was the respectable middle-class parent who suddenly murdered his or her children without provocation. Individuals with a track record of aberrant or criminal behavior were simply bad people. A new school, however, argued that mental illness rendered some individuals inherently unable to grapple with right or wrong or to comport themselves according to ordinary standards of human action and interaction. This view was controversial because it seemed to pathologize behaviors that were once neatly attributed to "vice." Even so, the new model had gained substantial acceptance in Europe, and was beginning to take hold in the American medical academy, by the early 1880s.



In *Guiteau*, Scoville tried to articulate a theory along the lines of this second model of insanity. Though he was able to produce lay witnesses to testify to Guiteau's odd behavior and manner, Scoville had somewhat more difficulty finding credible doctors who were willing to risk their careers by testifying that they considered Guiteau insane. Attempting to solve this problem, Scoville asked most of his experts a lengthy and convoluted "hypothetical" question that captured the defense's case:

Assume it to be a fact that there was a strong hereditary taint of insanity in the blood of the prisoner at bar; also that at about the age of 35 years his own mind was so much deranged that he was a fit subject to be sent to an insane asylum; also, that at different times from that date during the next succeeding five years he manifested such decided symptoms of insanity, without simulation, that many different persons, conversing with him and observing his conduct, believed him to be insane; also, that during the month of June, 1881, at about the expiration of said term of five years, he honestly became dominated by the idea that he was inspired of God to remove by death the President of the United States; also, that he acted upon what he believed to be such inspiration, and what he believed to be in accordance with the divine will, in preparation for and in the accomplishment of such a purpose; also, that he committed the act of shooting the President under what he believed to be a divine command, which he was not at liberty to disobey, and which belief amounted to a conviction that controlled his conscience and overpowered his will as to that act, so that he could not resist the mental pressure upon him; also that immediately after the shooting he appeared calm and as one relieved by the performance of a great duty; also, that there was no adequate motive for the act than the conviction that he was executing the divine will for the good of his country. Assuming all these propositions to be true, state whether, in your opinion, the prisoner was sane or insane at the time of shooting President Garfield.

While some of the experts expressed discomfort in answering such a contrived question, most ultimately acknowledged that they would deem such a subject insane.

The defense's most important expert, E.C. Spitzka, was not available to testify until midway through the prosecution's rebuttal of the defense. When he did appear, Spitzka provided the strongest testimony corroborating Scoville's theory. Unlike most of the other defense experts, Spitzka conducted an in-person examination of the prisoner and was willing to testify directly to Guiteau's insanity without resorting to elaborate hypotheticals. Spitzka diagnosed Guiteau as a "moral monstrosity," someone constitutionally, and perhaps genetically, incapable of moral reasoning. The vehemence with which Spitzka expressed this view—he claimed he could tell Guiteau was mad just by looking at him—may have somewhat curbed the impact of his evidence. Nevertheless, it was clear that the prosecution team found his testimony worrisome. They did little to discredit him

on cross-examination, moreover. Davidge made the mistake of attempting to undercut Spitzka's otherwise sterling medical credentials by pointing out that he had taught at a veterinary college. Asked if he was, in fact, a vet, Spitzka replied tartly, "[i]n the sense that I treat asses who ask me stupid questions, I am."

Medical and legal definitions of insanity were not coextensive. The law, then as now, was primarily concerned with insanity as a comparatively narrow question of responsibility, rather than as an overall picture of the defendant's mental and emotional state. Nonetheless, the evidence the defense had adduced suggested there was meaningful support for Scoville's theory that Guiteau was, and perhaps always had been, insane. It now fell to the prosecution to contradict that evidence.

### **The Prosecution's Rebuttal**

The prosecution called and recalled more than sixty witnesses to chip away at both the lay and expert evidence of Guiteau's mental illness. With Scoville having laid out Guiteau's lifetime of odd behavior, the prosecution set about showing that this pattern could just as easily be accounted for by arrogance and immorality. Porter, Corkhill, and Davidge brought in clients and lawyers Guiteau had cheated and boardinghouse operators he had run out on. They called General Sherman to rebut the idea that Guiteau's note was a manifestation of insanity (Sherman, had, after all, done most of the things Guiteau had suggested on his own initiative). They also assembled their own line of political figures to show that, far from a manifestation of madness, Guiteau's campaign for a desirable office was *de rigueur* under the spoils system.

Perhaps the most damaging rebuttal witness was Joseph Reynolds, the attorney who had mentored Guiteau for a time in Chicago. He had visited Guiteau in jail in collaboration with Corkhill and testified that Guiteau spoke at length about his political motives for the assassination on these visits, but never indicated that any form of divine "pressure" or "inspiration" played a role. In Reynolds' telling, Guiteau's insanity defense was a transparent cover for his baser motives for killing the President. Guiteau reacted angrily to Reynolds's testimony, repeatedly labeling the witness a spy and a liar, slamming his hands on the desk, and cursing Corkhill to God.

The prosecutors also called more than a dozen medical experts who testified that Guiteau was sane. They saved the strongest of these witnesses for last. Dr. John Gray was a leading figure in the mental health establishment, having run the large asylum in Utica, New York, for nearly three decades and having served as the editor of the *American Journal of Insanity* for almost as long. He took issue with Spitzka's entire theory of insanity. Whereas Spitzka had focused on a range of behaviors significantly deviating from the norms of social interaction, Gray classified insanity in more categorical terms. For him, insanity was

“a disease of the brain, in which there is ... a change in the individual, a departure from himself, from his own ordinary standard of mental action, a change in his way of feeling and thinking and acting.”

On this model of insanity, Guiteau’s lifetime record worked against him. Far from establishing his madness, it outlined a devious, narcissistic character entirely consistent with killing a prominent man for notoriety. Guiteau had not claimed any physical disease—physical abnormalities in Guiteau’s brain were only discovered during his autopsy—indeed, he hadn’t had so much as a headache prior to killing Garfield. Guiteau had control of his faculties and had planned and executed a crime that was, for Gray, a function of evil rather than insanity. As Scoville pointed out in his closing argument, however, Gray’s confidence that Guiteau suffered from no physical illness was based solely on his own assessment of conversations with the defendant. His assertions were unverifiable because medical science at the time did not enable him to examine the physical structure of Guiteau’s brain while he was alive. As Guiteau put it, doctors like Gray “hang a man and examine his brain afterward.”

*On Gray’s model of insanity, Guiteau’s record, far from establishing madness, outlined a character consistent with killing a prominent man for notoriety.*

### **Opinion of the Court on Prayers**

Testimony in the trial concluded on January 4, 1882. The attorneys then argued for two days about the instructions Justice Cox should give the jury. The most important of these were the insanity instructions offered by both sides and the defense’s proposed instruction on the place of Garfield’s death, which suggested Guiteau could not be found guilty if the jury found Garfield had died outside the District of Columbia.

On January 10, Justice Cox ruled on both issues. Noting that the *M’Naghten* standard remained the “general rule” prevailing in most states, Cox decided to apply this standard and substantially accepted the government’s theory of the law of insanity. The alternative tests, Cox reasoned, did not give jurors sufficient guidance and left them “liable to be swayed by all the wild theories which ingenious counsel have made use of from time to time to secure acquittal and defeat the ends of justice.” While Cox acknowledged that the legal standards for insanity had to be flexible and might change with new medical insights, he suggested that, “in the present condition of that science, it is at least a debat-

able question whether the [*M'Naghten* rule] calls for modification.” In the absence of a medical consensus, Cox believed it safest to defer to the rule used by the majority of other courts.

Justice Cox also ruled for the prosecution on the jurisdictional question. Relying on an old body of common-law jurisprudence in England and the United States, Reed had argued that, since death was an essential element of murder, the crime could only be completed in a jurisdiction if the victim had been attacked and died there. If the jury found that Guiteau shot Garfield in Washington and the victim died in New Jersey, Reed insisted, the District’s courts had no jurisdiction over the crime.

This reasoning may seem far-fetched to modern readers, but, as Justice Cox acknowledged, at least two early-nineteenth-century decisions from the SCDC’s predecessor apparently applied such a rule. The opinions in these cases, Cox noted, did not thoroughly discuss the issue and appear to have relied on fragmentary language from English cases and treatises such as seventeenth-century jurist Edward Coke’s statement that “if a man had been feloniously stricken or poisoned in one county and after had died in another county, no sufficient indictment could thereof be taken in either of said counties[.]” Those deciding these cases, Cox reasoned, had not understood the full context of the English precedents, many of which had fallen into disuse. The rule Coke outlined, for instance, “grew out of the long since obsolete rule that jurors had to be summoned from the parish, vill or neighborhood of a crime, on account of their knowledge of the facts, of the parties, and witnesses.” On the basis of a thorough analysis, several other jurisdictions had permitted prosecutions in the state where the attack was committed. “In this condition of affairs,” Cox ruled, “I feel at liberty to adopt and announce the opinion which seems most to conform to common sense, and that is that the jurisdiction is complete where the fatal wound was inflicted.”

Publicly, Scoville expressed confidence that the jury would acquit, telling journalists that “we care nothing for the mere words of the instruction.” Privately, he must have known that Justice Cox’s rulings were a blow to his client’s chances.

### **Closing Arguments**

The closing arguments must have seemed interminable to the jury. They lasted almost two weeks, including Saturdays, and occupy nearly 500 pages of densely packed, small-print text in the trial transcript.

Davidge made the first of the arguments. For him, the case was simple: Guiteau was a sane but evil man. His motive was neither insanity nor divinity, but egotism on a par few could rival. Davidge laid out the defendant’s pitiful career of indolence and petty hustling and compared it to the life of his sainted victim. Yet Guiteau, he marveled with asperity,

was the one who had “the indescribable egotism [to] ... put himself on the same plane as the Savior of mankind and the prophets.” Guiteau may have been an eccentric, Davidge conceded, but allowing him to escape conviction on that ground would be “tantamount to inviting every crackbrained, ill-balanced man, with or without motive, to resort to the knife or the pistol, and to slay a man for party purposes, or, it may be, without any purposes whatever.”

Reed and Scoville responded with separate arguments. Reed attempted to recreate the career Davidge had derided, piecing together a pattern of strange behavior and asking whether they would not consider such a man mad if they encountered him in their everyday lives. Appealing to this common-sense understanding of sanity, he pleaded with the jury to resist the urge to “send a man to the gallows on the opinion of doctors[.]”

Scoville’s five-day closing argument was largely consumed by a painstaking restatement of the evidence delivered over the last several weeks. At times, however, it was also extraordinary for the savagery of his attack on the prosecution. The three opposing attorneys, he seemed convinced, had formed a “conspiracy” to condemn a man they knew to be mad, the better to sate the public’s thirst for retribution and further their own ambitions. Judge Porter, for example, according to Scoville, had “come here to Washington and prostituted his talents to hang an insane man.” The prosecution attorneys responded with repeated interruptions that rivalled Guiteau’s own for their frequency and incivility.

Unsurprisingly, Guiteau wanted to speak on his own behalf. He promised an oration that would “go thundering down the ages.” Initially, Justice Cox sustained the prosecution’s objection. While he would ordinarily permit a defendant to speak on his own behalf, Cox acknowledged, Guiteau’s erratic behavior throughout the trial suggested that his closing argument would run the proceeding off the rails entirely. Nevertheless, Guiteau composed a statement and slipped it to a reporter in the courtroom. A few days after it was published in the *New York Herald*, Corkhill withdrew the government’s objection. He told the court he wanted to avoid any prospect for reversal on the ground Guiteau had not been afforded every opportunity to defend himself. It is also probable that he saw nothing to trouble the prosecution in the speech that had been published.

Guiteau’s speech was repetitive and at times pathetic, but it largely rehashed his arguments that he had been inspired by God to “remove” Garfield, that he was neither “a wicked man [nor] a lunatic,” but “a patriot,” and that the opinion of “high-toned” people had come around to his way of thinking. “Some of the best people of America,” he bragged with no apparent sense of irony, “think me the greatest man of this age, and this feeling is growing.” He told the jury, with tears in his eyes, that he would be President himself one day. The jurors would no doubt have been struck by Guiteau’s pitiable sense of self-importance, though they may well have taken this as a sign of narcissism rather than madness.

Porter concluded the arguments with a lengthy, and frequently vicious, assault on Guiteau's character. For him, Guiteau was

cunning, crafty, and remorseless, utterly selfish from his youth up, low and brutal in his instincts, inordinate in his love for notoriety, eaten up by a thirst for money which has gnawed into his soul like a cancer; a beggar, a hypocrite, a canter, a swindler, a lawyer who with many years of practice in two great cities never won a cause ... a man who has left in every State through which he passed a trail of knavery, fraud and imposition....

Even John Wilkes Booth compared favorably to Guiteau in Porter's estimation. Whereas Lincoln's assassin had at least been a "brave" man, the cowardly Guiteau was "the most cold-blooded and selfish murderer of the last sixty centuries." One wonders if the jury might have begun to feel sorry for Guiteau after days of this withering assault, but he matched Porter's condemnations with a litany of petty insults, accusing Porter of alcoholism and promising him that "God Almighty will put you down with Corkhill."

### **Verdict and Sentence**

Justice Cox's charge to the jury followed immediately on the heels of Porter's argument. Cox ignored public demands that he instruct the jury to find Guiteau guilty (a controversial practice that the Supreme Court declared unconstitutional in 1895). Instead, he began by reciting the safeguards afforded federal defendants by the Constitution, lamenting that "you have been daily witnesses" to the "difficulty and trial of patience" with which those protections had been extended to Guiteau. Cox noted that there was little doubt that Guiteau had planned and committed the attack on Garfield and that that attack had caused his death. As such, he focused on the question of insanity. There was, he acknowledged, some evidence to support both Scoville's portrait of a lifelong fantasist who had allowed his delusions to control his actions and Guiteau's own account that he was acting under what he believed to be "pressure" from God. Whether Guiteau had labored under such delusions and whether they were the products of insanity or narcissism, he left to the jury.

Nevertheless, Justice Cox emphasized evidence he clearly believed undermined both of the defense's insanity theories. Guiteau's self-recorded account of the plan to kill Garfield and his subsequent discussions with Reynolds suggested he was motivated by politics and a desire for fame, rather than divine intervention. His behavior around the time of the crime suggested he understood the nature of his actions. That Guiteau may have convinced himself he was justified by some odd political theory, Cox instructed, did not matter for legal purposes.

Though Justice Cox's language was measured, particularly compared to the fortnight of invective that preceded it, the jurors could have been in little doubt as to the judge's

view of the case. And, indeed, they seem to have been in little doubt at all. They returned a unanimous guilty verdict in around an hour (though, as Scoville later noted, the curious verdict of “[g]uilty as indicted” suggested that Guiteau had been convicted on all eleven counts, some of which were contradictory). The verdict was met with wild applause in the courtroom, while Guiteau responded to the poll of the jurors with a bitter riposte: “My blood be on the head of that jury; don’t you forget it.”

On February 4, Justice Cox sentenced Guiteau to death. While he acknowledged that Guiteau’s “career has been so extraordinary that people may have well at different times doubted [his] sanity,” Cox concluded Guiteau was driven by a “mixture of political fanaticism [and] a morbid desire for self-exaltation” to kill Garfield. This, he allowed, “may seem insanity to some people, but the law looks upon it as a willful crime.” Guiteau’s response was a distillation of his vanity, spite, and preposterous sense of destiny. “Nothing but good has come from Garfield’s removal,” he claimed, “and that will be posterity’s idea on it.... I will go to glory. I won’t go yet. I expect to be president before I go.”

## **Appeal**

The District of Columbia did not gain a dedicated appellate court until 1893. The SCDC, however, heard appeals from criminal cases in a “general term” convened by a panel of three justices. Reed’s arguments on appeal focused on two related jurisdictional questions. First, he argued that Justice Cox had erred in ruling that the murder had occurred in the District of Columbia. Second, he argued that a 1790 federal statute making murder a federal crime when committed in any “district of country” controlled by the federal government could not have referred to the District of Columbia, which did not then exist.

In a unanimous opinion written by Justice Charles Pinckney James, the court upheld Justice Cox’s ruling on the first issue, employing nearly identical reasoning. Justice Alexander Hagner wrote separately to expound on the history of Maryland’s common and statutory law on the subject, since the District of Columbia had adopted much of Maryland’s law at its creation. Noting that the SCDC had long tried murder cases under the 1790 statute, Justice James’s opinion for the court also deduced that Congress had passed that law in anticipation of the District’s founding. James reasoned that much of the language of the statute was borrowed from the clause of the Constitution giving the federal government power over the seat of government, which suggested that Congress had intended to use this power in making murder in the District of Columbia a federal offense.

## **Habeas Corpus**

Prior to 1889, the Supreme Court of the United States did not have appellate jurisdiction over most federal criminal cases. Federal prisoners could, however, petition the Court for

a writ of habeas corpus, arguing that their conviction and continued detention violated federal laws or the Constitution. In this case, Guiteau petitioned for a writ on the ground that the SCDC lacked jurisdiction. Justice Joseph Bradley heard Guiteau's petition.

In a chambers opinion (a written decision by a single justice), Bradley rejected the petition, reasoning that the SCDC had correctly exercised jurisdiction over the case. Praising Justice Cox's conduct of the trial, Bradley declined to refer the case to the full Supreme Court, reasoning that "[p]rompt action . . . is due both to the prisoner and to the administration of justice." This decision effectively ended Guiteau's judicial recourse.

### **Calls for Clemency and Execution**

Guiteau's sister Frances continued to campaign for clemency for her brother. Without success, she appealed to President Garfield's widow to join her brother's cause. She also held a series of lectures attempting to raise money to campaign for Guiteau's release. Guiteau's brother, John, made a more formal application for a stay of execution with Arthur, but the President refused to meet with him. Arthur gave more consideration to the petition of a group of reform-minded psychiatrists who requested that he set up a commission to investigate the prisoner's mental state. Ultimately, however, Arthur rejected all these appeals.

Throughout this process, Guiteau evidently remained convinced he would find a way clear. He wrote several letters to Arthur's appointees asking for money to hire better lawyers, arguing the officeholders owed their jobs to him. The letters were never delivered. He had a new and more flattering set of photographs taken of him without his trademark scraggly beard and sent them out to newspapers, requesting that they advertise his willingness to sell autographs to raise funds.

When Reed informed him that Justice Bradley had denied his petition, Guiteau continued to hold out hope that the full Supreme Court would take the case in January 1883 (it is unclear whether he knew Bradley chose not to refer the petition). In the meantime, he wrote to Arthur: "I made you, and saved the American people great trouble. And the least you can do is let me go; but I appreciate your delicate position, and I am willing to stay here until January, if necessary."

Guiteau never made it to January. On June 30, 1882, he was executed outside his jail, by the banks of the Anacostia River. He rendered his final words in the form of a song, *facing page*, delivered in a trembling falsetto voice, he said, to mimic a child's.

### **Aftermath and Legacy**

After his death, Guiteau was autopsied. The results, while not entirely conclusive, suggested the possibility of syphilitic paresis or perhaps brain damage caused by chronic malaria. The small but growing body of American doctors who believed Guiteau insane found



*I am going to the Lordy, I am so glad,  
I am going to the Lordy, I am so glad,  
I am going to the Lordy,  
Glory hallelujah! Glory hallelujah!  
I am going to the Lordy.  
I love the Lordy with all my soul,  
Glory hallelujah!  
And that is the reason I am going to the Lord,  
Glory hallelujah! Glory hallelujah!  
I am going to the Lord.  
I saved my party and land,  
Glory hallelujah!  
But they murdered me for it,  
And that is the reason I am going to the Lordy,  
Glory hallelujah! Glory hallelujah!  
I am going to the Lordy!  
I wonder what I will do when I get to the Lordy,  
I guess that I will weep no more  
When I get to the Lordy!  
Glory hallelujah!  
I wonder what I will see when I get to the Lordy,  
I expect to see most glorious things,  
Beyond all earthly conception,  
When I am with the Lordy!  
Glory hallelujah! Glory hallelujah!  
I am with the Lord.*

vindication in the results. The larger body of European experts who had been critical of Guiteau's trial and execution pointed to the autopsy results as proof Guiteau had been rushed to the gallows. In the years that followed Guiteau's execution, this opinion came to dominate the medical academy.

As the medical consensus around Guiteau's condition grew, many legal observers became increasingly confident in their assertions that he would never have been tried, and certainly never executed, if he had picked a less-prominent victim. The accuracy of this view remains unclear. Guiteau's medical condition at the time of the crime arguably did not answer many of the questions posed by the case. Indeed, almost all involved in

the trial seemed willing to acknowledge that Guiteau was, in the parlance of the time, “cranked.” Whether that should have absolved him of responsibility for Garfield’s murder was a different, and perhaps far harder, question. As Davidge noted in his closing argument, all murders are, in some sense, manifestations of a form of madness. The law makes fine distinctions—now as then—between the forms of that seemingly insane behavior that deserve punishment and those that do not. These distinctions arguably reflect the moral sense of society as much as any doctrinal logic, which makes their application difficult to gainsay from an historical remove.

There was assuredly a strong desire to see Guiteau hanged for killing Garfield, and it is difficult to say whether any evidence of Guiteau’s insanity could have led a jury to acquit him. Nevertheless, there is little to support any assertion that Guiteau’s trial was merely a façade. Few modern prosecutors would engage in the sort of inflammatory language Porter, Davidge, and Corkhill employed at times during the trial. Even so, virtually all the contemporary criticism of the case was that the court had been far too lenient with Guiteau and his lawyers. Justice Cox faced and resisted mounting public pressure to put the stroppy assassin in his place and ensure he was executed with or without customary due process. At a time when the federal courts were increasingly assuming their modern role as arbiters of major national debates, the *Guiteau* trial arguably demonstrated that federal courts could be trusted to handle such issues in a dispassionate manner.

The case also had an important political legacy, though it was quite different from the one Guiteau predicted. The Garfield assassination, and the parade of prominent witnesses marched through the courtroom, helped build political consensus around disbanding the spoils system. Arthur, the man who had perhaps benefitted most from that system, ultimately supported bipartisan reform legislation. The Pendleton Act, which Arthur signed in 1883, ensured that a large number of civil-service positions that were once objects of the sort of patronage Guiteau expected for his “party service” were thereafter assigned on the basis of merit and examination.

Substantial though its contemporary impact was, the trial is perhaps of greatest use to historians and teachers as a window into the legal and political culture of the Gilded Age. Guiteau seemed curiously oblivious to the mores that papered over the baser elements of late-nineteenth-century America, and he hopelessly misjudged his own place in that society. Yet, perhaps because he was such an outsider, he seems to have understood the avarice, hypocrisy, and snobbery of his own times better than most. Guiteau’s unabashed embrace of these vices—his proud declaration that he was the “stalwart of the stalwarts”—raised a mirror to Gilded-Age society in a way that may account for Americans’ disgust with the trial as much as their horror at his crime.

## **The Judicial Process in *United States v. Guiteau***

A CHRONOLOGY

### **July 2, 1881**

Charles Guiteau shoots James Garfield in Washington, D.C. Guiteau is arrested immediately.

### **September 19, 1881**

President Garfield dies in Elberon, New Jersey.

### **October 8, 1881**

A grand jury in the Supreme Court of the District of Columbia returns an eleven-count indictment against Guiteau for Garfield's murder.

### **October 14, 1881**

Guiteau is arraigned and indicted for Garfield's murder in the Supreme Court of the District of Columbia.

### **November 14, 1881**

The murder trial begins.

### **January 25, 1882**

The jury finds Guiteau guilty as indicted.

### **February 4, 1882**

Justice Walter Cox sentences Guiteau to death by hanging.

**May 9, 1882**

The general term of the Supreme Court of the District of Columbia hears Guiteau's appeal.

**May 22, 1882**

The general term affirms the judgment on appeal.

**June 19, 1882**

Justice Joseph Bradley denies Guiteau's petition for a writ of habeas corpus and declines to refer the petition to the full Supreme Court of the United States.

**June 30, 1882**

Guiteau is hanged in Washington, D.C.

## 2

### **The Federal Judiciary**

LEGAL QUESTIONS BEFORE THE FEDERAL COURTS

#### **What was the legal insanity standard in the District of Columbia?**

Justice Cox adopted the *M'Naghten* rule. This rule, borrowed from one formulated in England following a controversial acquittal, requires defendants to prove that a mental illness prevented them from comprehending the nature or consequences of their actions, or from understanding whether those actions were right or wrong. Throughout the trial, Scoville alluded to two alternative standards that better corresponded to the evidence offered by his witnesses. The first, known as the “irresistible impulse” standard, asked whether the defendant’s mental condition made it impossible for him or her to conform his or her actions to the law. The second, then known as the “New Hampshire” standard, but now generally called the “product” test, simply asked whether a mental disease or disorder caused the crime. While New Hampshire was then the only jurisdiction to adopt this test, the District of Columbia’s courts employed it in the mid-twentieth century before adopting a different standard from the American Law Institute’s Model Penal Code (1962). Justice Cox rejected the New Hampshire and irresistible-impulse tests on the grounds that they gave the jury too little guidance.

#### **Was Charles Guiteau insane when he killed President Garfield?**

No. In finding Guiteau guilty of murder, the jury rejected Sco-

ville's argument that Guiteau was insane. The jury likewise rejected Guiteau's own argument that, while otherwise sane, he had been compelled to kill by what he sincerely believed was a command from God. This defense, sometimes known as the "deific decree" defense, is generally regarded as a form of insanity defense. Despite the jury's conclusions, several scholars, psychologists, and medical doctors have subsequently suggested that Guiteau was, in fact, insane.

### **Was Guiteau guilty of murder?**

Yes. The jury took approximately an hour to decide Guiteau's guilt. Guiteau admitted that he planned the attack on Garfield and intended to kill him to preserve the unity of the Republican Party. Barring the jury's acceptance of Guiteau's insanity defense, this testimony alone was likely sufficient to condemn him. A few early indications at trial suggested that Guiteau or his lawyers might argue that the legal cause of Garfield's death was poor medical treatment rather than the gunshot wound, but the defense did not pursue this argument.

### **Could the defense compel a sitting President to testify?**

Judge Cox did not rule on this question, but permitted Scoville to submit written interrogatories to President Chester Arthur after the parties agreed to this course. Guiteau repeatedly bragged that Arthur owed his office to him and expressed confidence that his "friend" would pardon him out of gratitude even if he was convicted. Understandably, Arthur wanted to avoid appearing in court with anyone making such claims, and the prosecution was wary of potential lines of questioning. Nevertheless, Scoville insisted that Arthur's testimony was essential to Guiteau's defense and issued a subpoena to the President. Although Arthur did not formally assert any privilege against compulsory testimony in the case, the prosecutors claimed the judiciary did not have the power to compel a sitting President to testify—an argument that Scoville characterized as "simply absurd." Arthur complied with the request for information, providing terse responses to six questions and defusing the debate.

### **Did the Supreme Court of the District of Columbia have jurisdiction to hear the case?**

Yes. Guiteau's trial in the District of Columbia raised two major jurisdictional questions: (1) whether Garfield's death in New Jersey meant the crime had not really been committed in the District; and (2) whether Congress had authorized the SCDC to hear murder cases arising in the Nation's Capital. Justice Cox ruled on the first issue after the conclusion of the evidence. Following a complex analysis, Cox determined that the best interpretation of

## **The Federal Courts and Their Jurisdiction**

### ***Supreme Court of the District of Columbia***

The Supreme Court of the District of Columbia (SCDC) was the site of most of the judicial proceedings in *United States v. Guiteau*. Associate Justice Walter Cox presided over the trial at a criminal term, and three of the court's other justices heard Guiteau's unsuccessful appeal at a general term.

Congress created the SCDC in 1863 as a replacement for the Circuit Court of the District of Columbia after doubts were raised over the loyalty of one of the earlier courts' judges. The new court consisted of three justices and a chief justice appointed to serve during good behavior by the President by and with the advice and consent of the Senate. Congress added a fifth seat to the court in 1870 and a sixth, to which Justice Cox was the first judge appointed, in 1879.

The court initially exercised a blend of trial and appellate jurisdiction through the use of terms. Any justice could hear trials and motions in the criminal and special terms. Parties aggrieved by rulings in these terms could appeal to the general term, which consisted of a panel of any three justices. In 1893, Congress created the Court of Appeals of the District of Columbia, which subsumed the SCDC's appellate jurisdiction.

Because of the District's unique legal status, the SCDC exercised jurisdiction over both local and federal matters from its inception. In 1933, the Supreme Court of the United States held that Congress's plenary power over the District of Columbia enabled it to grant the SCDC this unusually broad remit while preserving its status under Article III of the Constitution (thereby protecting SCDC judges' salary and tenure). Although Congress changed the court's name to the District Court of the United States for the District of Columbia in 1936, the court continued to exercise both local and federal jurisdiction until 1973. In that year, Congress transferred the court's local jurisdiction to the recently formed Superior Court of the District of Columbia, bringing the court's jurisdiction broadly in line with that of other federal district courts. It is now known as the United States District Court for the District of Columbia.

### ***Supreme Court of the United States***

Associate Justice Joseph Bradley of the Supreme Court of the United States denied Guiteau's petition for a writ of habeas corpus and declined to refer the case to the full Supreme Court. These decisions effectively ended judicial involvement in Guiteau's case.

The Supreme Court is the nation's highest appellate court. The Constitution grants the Supreme Court original jurisdiction in cases in which states are a party and those involving diplomats, but empowers Congress to determine the Court's size and scope of appellate jurisdiction. The Judiciary Act of 1789 established a Supreme Court with one chief justice and five associate justices. Congress subsequently increased and reduced the number of justices several times during the early- and mid-nineteenth century, though the Court has retained nine seats since 1869. Throughout its first century, the Supreme Court was responsible for deciding most civil appeals, and the justices had little control over a docket that was increasingly overcrowded. The Court gained discretionary power over the bulk of its appellate docket in 1925.

English and American precedents suggested that a court in the jurisdiction in which a fatal blow was struck had jurisdiction over the crime, even if the death occurred elsewhere. Both the general session of the SCDC and Supreme Court Justice Joseph Bradley, ruling on a petition for a writ of habeas corpus, came to the same conclusion. The SCDC general term also ruled on the second question during Guiteau's appeal, holding that a 1790 federal law referring to murders committed in any "district of country" under federal control included the District of Columbia, even though the District did not exist when the statute was passed. Noting that the SCDC had long tried murder cases under that statute, the court reasoned that Congress had passed the law in anticipation of the District of Columbia's imminent creation. Scoville briefly raised a third argument peripherally related to jurisdiction when he challenged Judge Cox's decision to continue the trial from one court term to the next, though he apparently did not pursue this claim with much vigor.



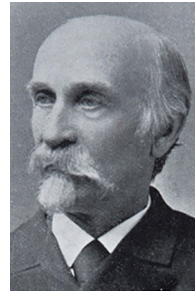
# 3

## Biographies

### Judges

#### *Associate Justice Walter Smith Cox*

Justice Cox presided over Charles Guiteau's murder trial in the Supreme Court of the District of Columbia. After the jury returned a guilty verdict, Cox sentenced Guiteau to death. His conduct of the trial was initially controversial. Many observers demanded he take a firmer line with the unruly Guiteau. Nevertheless, Cox was ultimately praised in most quarters for an even-handed approach that left little ground for appeal.



Georgetown University Law Center Library

Walter Cox was born in Georgetown, District of Columbia, then a separate municipality, in 1826. He attended Georgetown University, receiving a bachelor's degree in 1843 and a master's degree the following year. He graduated from Harvard Law School in 1847.

After Harvard, Cox entered private practice in Washington. His successful legal career lasted over thirty years, during which time he also held a number of local legal and political offices in Georgetown and Washington. He also taught at the Columbian University School of Law (now The George Washington University Law School) from 1874 to 1879 and again between 1899 and 1902.

President Rutherford B. Hayes nominated Cox to a newly created seat on the SCDC on February 26, 1879. The Senate approved his nomination by voice vote on March 1. Cox served on

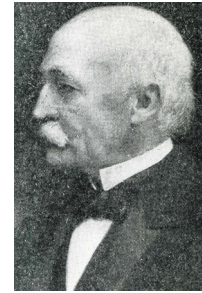
the court for approximately twenty years, retiring in 1899. During his brief retirement, Cox resumed his academic career, publishing a legal treatise for women in 1901. He died in 1902.

***Associate Justice Charles Pinckney James***

Justice Charles Pinckney James wrote the SCDC's opinion on Guiteau's appeal. He upheld Justice Cox's determination that the court had jurisdiction to hear the case.

James was born in Cincinnati, Ohio, in 1818. He graduated from Harvard College in 1838 and shortly thereafter returned to Cincinnati, where he practiced law until taking a position as a law professor at Cincinnati College (now the University of Cincinnati) in 1850. He served as a judge on the city's Superior Court from 1856 to 1864, when he moved to Washington, D.C.

James practiced law in the Capital for fifteen years and worked part-time as a professor at Georgetown University from 1870 to 1874. For much of the early part of his career in Washington, James also served on a commission revising federal statutes. He received a recess appointment to the SCDC on July 24, 1879. James was confirmed by the Senate and received his permanent commission on December 10 of that year. He served on the court until his retirement in 1892. James died in 1899.



Georgetown University Law Center Library

James

***Associate Justice Alexander Burton Hagner***

Justice Hagner, in a concurring opinion in the SCDC's appellate judgment in *Guiteau*, detailed the history of Maryland's law on murders involving an attack in one jurisdiction and a death in another. Based on this analysis, Hagner concluded that Maryland (and thus District of Columbia) law permitted the prosecution and punishment of murderers whose victims died elsewhere.

Hagner was born in Washington, D.C., in 1826. He was educated at St. John's College in Annapolis, Maryland, and at the College of New Jersey (now Princeton University). After reading law (a process of legal apprenticeship) in 1848, he became a lawyer in Maryland, engaging in private practice in Annapolis until he joined the SCDC in 1879. He also served as a state delegate from 1854 to 1855 and as a special judge in the circuit court of Prince George's County, which neighbors the District of Columbia.



Hagner Family Collection

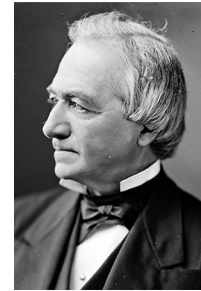
Hagner

President Rutherford B. Hayes nominated Hagner to the SCDC on January 17, 1879. The U.S. Senate confirmed his nomination four days later. He served until his retirement in 1903. Hagner died in 1915.

***Associate Justice Joseph Bradley***

Justice Bradley ruled on Guiteau's petition for a writ of habeas corpus, determining that the SCDC had properly exercised jurisdiction over the case and that it was not necessary for the full Supreme Court of the United States to hear the case.

Bradley was born in upstate New York in 1813, the son of a farmer. With the aid of a local church fund, he was able to attend Rutgers College in New Jersey, graduating in 1836. After Rutgers, Bradley read law. On joining the New Jersey bar in 1839, Bradley forged a modest but successful private practice. Beginning in the late 1840s, he embarked on a more lucrative career as a corporate attorney for major New Jersey railway companies and other corporations. He was active in local Whig politics and later aligned himself with the Republicans.



Bradley

Several of Bradley's corporations did substantial business in the South, and he initially appeared to favor a conciliatory approach to states seceding from the Union in 1861. Once hostilities began in earnest, however, Bradley proved a firm unionist. He launched an unsuccessful campaign for the House of Representatives as a Republican in 1862, but remained active in Republican politics after the war, campaigning for Ulysses S. Grant in the 1868 election.

President Grant nominated Bradley to the Supreme Court of the United States on February 7, 1870. The Senate confirmed his nomination, and he received his commission on March 21, 1870. Bradley's nomination, along with that of Justice William Strong, came on the same day as a controversial decision striking down the federal government's use of paper money as legal tender, and many observers claimed Grant had selected the two new justices to overturn that decision. Bradley subsequently voted to do so in a series of cases beginning in 1871.

Though several recent histories have suggested he represented a form of moderate Republican constitutionalism, Bradley's tenure on the Court is often associated with opinions embracing a limited view of legal equality in the post-war era. He penned a now-infamous concurring opinion in an 1873 case upholding Illinois's restrictions on women practicing law that adopted a narrow understanding of women's role in society. And in 1883, he wrote a majority opinion striking down a landmark civil-rights law, making the ill-fated remark that African Americans could no longer be treated as the "special favorite[s] of the law."

Like Garfield, Bradley served on the inter-branch commission deciding the 1876 presidential election. Bradley's selection, however, proved controversial. The law had specified four of the five justices to serve on the commission, with a fifth to be selected by the Court itself. Congressional Democrats acceded to this selection process in the expectation

that the justices would select David Davis, who was widely considered the most “neutral” member of the Court. Shortly thereafter, however, Davis was appointed to the U.S. Senate and Bradley, who was perceived as a more reliable Republican vote, filled the fifth Supreme Court spot on the commission. Bradley ultimately cast the deciding vote in favor of Rutherford B. Hayes in each of the contested states, leading to Democratic cries of partisanship and undue influence.

Bradley served on the Court until his death in 1892.

## **Lawyers**

### ***George Scoville***

George Scoville felt compelled to represent his brother-in-law Charles Guiteau, firmly convinced the assassination was the product of Guiteau’s insanity. Although Scoville had little experience in criminal law, he generally acquitted himself well against a team of renowned criminal attorneys in a case he seemed destined to lose. Scoville had to deal with an array of pressures in the case, not least of which the difficulty of coping with his obstreperous client. Guiteau vacillated between heaping praise on Scoville and blaming him for every minor setback in the case.



Scoville

The primary bone of contention between the two was the nature of the insanity defense. Guiteau repeatedly objected to Scoville’s attempts to introduce evidence of Guiteau’s lifelong pattern of erratic behavior, instead insisting on a “deific decree” defense. Scoville faced a second, rather awkward, family conflict when he called his wife to the stand. Frances Scoville’s testimony attempted to lay out her brother’s history of insanity and suggested a pattern of hereditary madness, but the lawyer often appeared frustrated with his wife’s inability to follow courtroom procedures or to confine her answers to the questions posed.

Scoville was born in upstate New York in 1824 and became a member of the bar in 1848. He moved to Chicago in 1851 and established himself as a leading real-estate lawyer. He had little experience with criminal law during his more than thirty years at the bar before *Guiteau*. Though he understandably feared involvement in the case could ruin his career, Scoville won plaudits from many legal observers for his conduct of the defense under difficult circumstances.

The trial seems to have had a more negative effect on the Scovilles’ family life. He and Frances divorced shortly after the trial, and George attempted to have his wife committed to a mental institution. The divorce proceedings were a cause célèbre and sordid details, including Scoville’s allegations of his wife’s infidelity, appeared in the national press. Around this time, Scoville relocated to Indiana. He died in 1906.

### ***Leigh Robinson***

Justice Cox assigned Leigh Robinson to the case on October 26, 1881, approximately three weeks before the trial. He left the case on November 21, 1881, just a week after it began, because of a dispute with Scoville, who did not want to pursue Robinson's preferred theory that Garfield's death was caused by medical malpractice. Robinson appears to have been eager to disengage from the case from the outset, though he was a regular visitor at the court following his withdrawal.

Robinson was born in Richmond, Virginia, in 1840. His father was a well-regarded lawyer and treatise writer. He attended the University of Virginia, before moving to Washington to join his father's law firm. Robinson's legal career was interrupted by service in the Confederate Army during the Civil War, but he returned to the District after the war, where he would continue to practice successfully until his death in 1922.

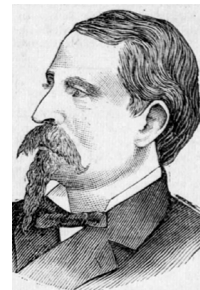


Robinson

### ***Charles H. Reed***

Charles Reed was in the unusual position of being both a witness and a lawyer in *Guiteau*. Scoville called him to testify to Guiteau's erratic behavior in court during a petty larceny case. After his testimony, Reed began advising Scoville on an informal basis before joining him as co-counsel on December 23, 1882. Reed initially took a backseat to Scoville, but assumed a more prominent role in arguing Guiteau's appeal and habeas petition.

Reed was born in Wyoming County, New York, in 1834. After reading law in New York, he relocated to Kewanee, Illinois. He moved to Rock Island the next year and partnered with successful attorney Joseph Knox. The two moved their growing practice to Chicago in 1860. In 1862, Knox was appointed state's attorney and selected Reed as his deputy. When Knox left office in 1864, Reed was elected his successor, winning re-election in 1868 and 1872. He initially established a fine reputation as a prosecutor and was frequently praised for his bonhomie. Over the course of his twelve years in office, however, Reed increasingly became known as a somewhat lax attorney, more interested in establishing political relationships than winning cases. Scoville recalled Reed as a "good-hearted fellow," but not the most rigorous lawyer. As state's attorney, Reed allowed Guiteau to join the bar with the most minimal of questioning.



Reed

Reed lost his bid for re-election in 1876 and appears to have endured a period of personal and professional decline between this loss and his involvement in *Guiteau*. He may well have seen his involvement in such a high-profile trial as a route back to a more successful practice, but he failed to parlay his newfound prominence into professional gain

and, according to one Illinois paper, “lost his grip” after the trial. Reed’s life from that point was seemingly consumed by depression. He attempted suicide in 1887, jumping from a New York ferry boat and narrowly avoiding drowning to death. He continued to suffer from “melancholia” after the attempt. Reed moved to Baltimore around this time, where he gained a reputation for quiet eccentricity. According to one report, he habitually walked up and down Charles Street with his body bowed and head down, refusing to speak to anyone. He died in 1892, “a wreck in mind, body, and fortune.”

### ***George Corkhill***

As District Attorney for the District of Columbia, George Corkhill led much of the pretrial preparation under the supervision of Attorney General Isaac McVeagh. Corkhill continued to play an active role during the trial, although Walter Davidge and John Porter, two better-regarded private lawyers, were widely viewed as the lead counsel for the prosecution. Corkhill appears to have riled Guiteau more than any other lawyer in the case, and many of the defendant’s most vitriolic outbursts in court were reserved for the District Attorney.

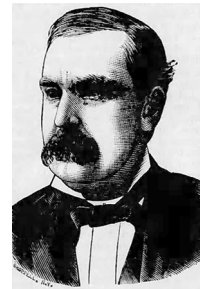
Corkhill was born in New Rumley, Ohio, in 1838. His family relocated to Burlington, Iowa, in 1847. He attended Iowa Wesleyan University and Harvard Law School. Corkhill joined the army at the outbreak of the Civil War, leading a group of volunteers from Iowa. He was brevetted (awarded the rank, but not the pay, of the position) lieutenant colonel for his participation in the Peninsula Campaign in 1862. Following the war, Corkhill moved to St. Louis, Missouri, where he practiced law for two years, before returning to Iowa. There, he was appointed clerk of the U.S. Circuit Court and eventually district attorney for the first judicial district of Iowa.

In 1873, Corkhill moved to Washington, D.C., where he managed the *Daily Chronicle* newspaper. Married to the daughter of Supreme Court Justice Samuel Miller until her death in 1876, Corkhill was well-connected in the city’s political circles and was appointed U.S. District Attorney in 1880. He retired from his position shortly after the *Guiteau* trial and resumed private practice until his death in 1886.

### ***Walter D. Davidge***

Walter Davidge was widely considered the leading trial lawyer in Washington, D.C., prior to *Guiteau*. Attorney General McVeagh asked him to join the defense team with District Attorney Corkhill and former New York state court judge John Porter.

Davidge was born in Baltimore in or around 1823. He attended Baltimore City College before moving to Washington, D.C. There he read law with Justice Cox’s father, Clement Cox. He formed his own law



Corkhill



Davidge

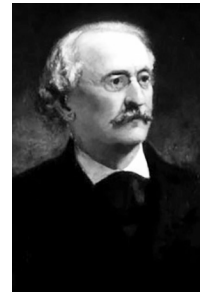
firm with another young lawyer from Clement Cox's firm and quickly established a strong reputation in the city. He helped to found the District of Columbia Bar Association and was one of the association's early presidents.

Davidge's successful legal career in Washington spanned several decades. On his death in 1901, the District's courts closed as a mark of respect.

### ***Judge John K. Porter***

Seen by many as the lead counsel for the prosecution, Judge John K. Porter gave the final closing argument in the case. Though he arrived on the prosecution team with unimpeachable credentials as a trial lawyer, some observers criticized his approach to the case and his inflammatory tone.

Porter was born in Waterford, New York, in 1819. He graduated from Union College at the age of eighteen and launched a successful legal career—first in Waterford and then in Albany, where he established an excellent reputation as an appellate advocate. In 1861, he successfully defended newspaper editor Horace Greeley in a celebrated libel suit brought by the speaker of the state assembly. Three years later, he was appointed to the state Court of Appeals, resigning in 1868 to resume private practice. In 1885, Porter suffered an attack of “apoplexy,” likely caused by either a cerebral hemorrhage or a stroke. He remained an invalid until his death in 1892.



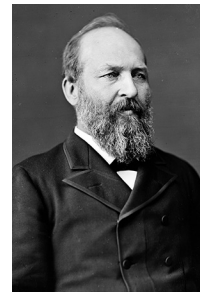
New York Court of Appeals

Porter

### **The Victim**

***President James Abram Garfield*** was the victim of Guiteau's bizarre plan to reunify the Republican Party Garfield had represented in Congress and the White House.

The twentieth President's life reads like an assortment of rags-to-riches tropes that made him an obvious candidate for hero worship in the months following his death. Garfield was born into poverty (in a log cabin, no less) and was fatherless from the age of two. He worked in manual labor until, at least as his personal lore had it, a near-death experience on a canal barge convinced him to seek an education. Bright and hardworking, the young Garfield won a scholarship to Williams College in Massachusetts and worked as a carpenter and janitor to make ends meet. He excelled academically and eventually became a professor at, and then president of, Western Reserve Eclectic Institute (renamed Hiram College in 1867) in Ohio.



Garfield

Garfield served as an officer in the Civil War, winning an impressive victory at the Battle of Middle Creek in 1862, which helped secure Union control of Kentucky. The victory earned Garfield the rank of brigadier general and his first taste of national acclaim.

He left the military to pursue politics, becoming a U.S. representative for Ohio in 1863, in which role he served until assuming the presidency eighteen years later.

Garfield had read law and was admitted to the Ohio bar in 1861, but the war interrupted his legal career. Though a staunch Republican, he was one of a team of high-profile figures who, following the war, represented Confederate sympathizers tried by military commission. In his first-ever courtroom appearance, Garfield won a major victory before the U.S. Supreme Court in *Ex Parte Milligan* (1866), an influential case that established that military authorities could not try civilians where regular courts remained in operation.

Garfield was not considered a frontrunner for his party's presidential nomination going into the 1880 Republican National Convention. (Nominating conventions served a more active role in selecting nominees than they do today and were often the sites of deal-making and intrigue.) His speech nominating Treasury Secretary John Sherman impressed the convention audience, however, and—as successive vote counts revealed an impasse between the stalwart and half-breed factions of the party—Garfield slowly emerged as a compromise candidate. He won the nomination on the thirty-seventh ballot. Garfield ran a “front porch” campaign in the general election, seldom venturing out of Ohio. This approach paid dividends as he defeated another former general, Winfield Scott Hancock.

Garfield's brief presidency was consumed by a turf war between the two wings of the Republican Party. Though he was nominated as a unifier, both sides believed they could bring the new President to heel. When Garfield rejected stalwart leader Roscoe Conkling's pick for the influential post of Collector of the Port of New York, it appeared to many that he had sided with Blaine and the half-breeds. Guiteau saw this move as a sign of ingratitude from the President and treachery from the Secretary of State.

After the assassination attempt, Garfield spent months convalescing in the White House. His every minor temperature or weight change held the nation rapt, although his doctors frequently reported inaccurate information to preserve morale. Several scholars have blamed their medical treatment, arguably outmoded even in the 1880s, for Garfield's failure to recover. He ultimately moved to the house of a British millionaire on the New Jersey shore in an attempt to escape the heat of the Washington summer. He died there on September 19, 1881.

Garfield's death occasioned an outpouring of grief that seems outsize to modern Americans conditioned to think of Garfield, if at all, as one of the forgotten presidents. In 1884, a prominent monument to him was installed near the U.S. Capitol building.



**Garfield Memorial**



An even more impressive monument was erected at his burial site in Cleveland. Garfield's widow, Lucretia, began the tradition of presidential libraries by converting part of their Ohio home for that purpose.

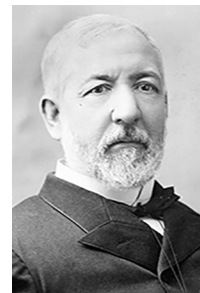
Despite this, Garfield largely faded from the public consciousness in the decades following his death. And, although recent popular histories have done something to revive his memory, he remains a minor figure in the public imagination.

### **Prominent Witnesses**

Guiteau's trial was unusual, if not unique, for the number of prominent and colorful witnesses called. Two presidents, a secretary of state, the army's most senior general, several members of Congress, and a minister of the Venezuelan government were among the 141 witnesses who gave evidence at one point or another. The following biographies are designed to give a flavor of those called and are selected based on a balance of their importance to the case and to the period (thus, for example, future President Benjamin Harrison is omitted because his testimony was perfunctory).

#### ***Secretary of State James G. Blaine***

Secretary of State James G. Blaine was with Garfield when Guiteau fired the shots that led to the case. In his capacity as Secretary of State he also played an important role in Guiteau's imagined political conspiracy. Like Garfield, Blaine was a towering figure in his own time but is not well-known today. The leading light of the half-breed wing of the Republican Party, Blaine was bitter rivals with Senator Roscoe Conkling, the de facto leader of the stalwart faction. This divide between the party's personalities and cliques obsessed Guiteau in the months preceding the assassination. After Blaine rejected Guiteau's repeated attempts to gain an office abroad, Guiteau became convinced that Blaine was consumed by his own ambition and would ruin the party. Surmising that Garfield was a close ally to Blaine, and perhaps his puppet, Guiteau became convinced that "removing" the President was the only way to ensure the stalwarts would return to power and reunite the party.



Blaine

Blaine was born in West Brownsville, Pennsylvania, in 1830. After attending Washington and Jefferson College, he worked as a teacher before relocating to Maine. There he became a newspaper editor, which he eventually parlayed into a career in politics. He was elected to the U.S. House of Representatives in 1862, becoming Speaker in 1869. He ran for the Republican presidential nomination in both 1876 and 1880, each time losing out to compromise candidates amid internal strife in the party.

He was selected to serve in the Senate in 1880, but declined the position for the State Department post. Garfield's nomination of Blaine lent the latter important influence in

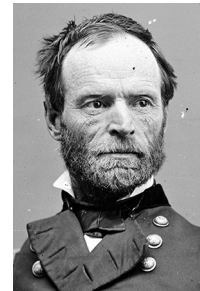
the new administration, but it came at a cost as Garfield insisted that Blaine relinquish his presidential ambitions. Shortly after Garfield's death, President Arthur selected Frederick Frelinghuysen to replace Blaine; Blaine left office in December 1881.

This would not be the end of Blaine's political career, however, as he finally secured the Republican nomination for President in 1884, eventually losing in the general election to Grover Cleveland—the first time a Republican had lost a presidential election since before the Civil War. When Benjamin Harrison regained the White House for the Republicans in 1889, he appointed Blaine Secretary of State for a second time. In his three years in the Harrison administration, Blaine pursued a more active role for the United States in world affairs, a change in policy that ultimately led to interventions in Latin America and Asia in the years after Blaine retired due to ill health in 1892. He died the next year.

### ***General William Tecumseh Sherman***

One of the strangest aspects of Guiteau's plot involved an undelivered note addressed to William Tecumseh Sherman, the Commanding General of the U.S. Army. Convinced that the legendary Civil War leader would be sympathetic to his attempt to reunite the country, Guiteau asked Sherman to bring troops to the jail, presumably to secure his safety or release. In fact, as Sherman testified during his appearance at the trial, he did order out troops after the shooting, first to the train depot where the assassination had taken place, and then dispersed throughout the city. He did so, however, out of concern that the attack on Garfield might be part of a broader conspiracy against the government. Though unaware of Guiteau's request, Sherman also ordered a force to guard the jail and assist police with Guiteau's security, for which Guiteau later thanked him with evident satisfaction. The prosecution used this testimony as rebuttal evidence against the suggestion that Guiteau's note was a manifestation of his insanity.

Sherman was born in Lancaster, Ohio, in 1820. He attended the prestigious United States Military Academy at West Point, where he established a lasting reputation as a brilliant, if sometimes cavalier, officer. Sherman rose through the ranks to become one of the most important leaders in the Union Army during the Civil War, assuming command in the western theater after his friend and immediate superior Ulysses Grant's promotion to Commanding General in 1864. Sherman cut a swath across much of the Deep South in the final two years of the war, winning important victories in Georgia, Florida, and the Carolinas, but also securing a place in infamy among southerners for his scorched-earth approach. Following the South's surrender, Sherman attempted to negotiate terms for the peace without authorization from either Grant or civilian leaders and found himself reprimanded despite his victories in the field.



National Archives

Sherman

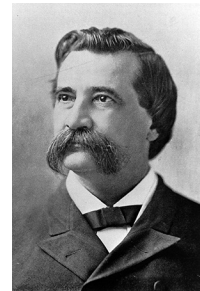
When Grant became President in 1869, Sherman was elevated to Commanding General, the most senior post in the U.S. military. He held this position until 1883, and also briefly acted as Secretary of War in 1869. He left his post as Commanding General in 1883 and retired from the military the following year. He died of pneumonia in 1891.

### ***Senator John A. Logan***

Among the numerous national figures drawn into the trial by Guiteau's bizarre political aspirations, Senator John A. Logan was perhaps the most familiar with the defendant. Logan had the misfortune of staying at the same Washington, D.C., boarding-house as Guiteau. The latter used this as an opportunity to press Logan for recommendations and sate his appetite for the approval of "high-toned" figures. Guiteau repeatedly used Logan's name in his quixotic search for a political appointment, though Logan apparently believed him insane.

Logan was born in Illinois in 1826. After service in the Mexican-American War, he attended Louisville University and joined the bar. At just twenty-six years of age, he was elected to the Illinois legislature. In 1858 he was elected to the U.S. House of Representatives, but left the House to serve in the army during the Civil War, rising to the rank of major general.

After the war, Logan returned to the House of Representatives, serving until he was appointed U.S. senator for the state of Illinois in 1871. In 1884, he ran as James Blaine's vice presidential candidate on the losing Republican ticket. He remained in the Senate after the election, having been selected for a third term by the Illinois legislature. He died in 1886.



U.S. Senate Historical Office

Logan

### ***Joseph S. Reynolds***

J.S. Reynolds supervised Guiteau in the late 1860s as the latter apprenticed for the bar. He later visited Guiteau in jail and relayed their discussions to Corkhill. His testimony that Guiteau was motivated solely by political animus, rather than divine inspiration, infuriated Guiteau, who denounced Reynolds as a "spy." Justice Cox emphasized Reynolds's damaging testimony in his charge to the jury.

Reynolds was born in New Lenox, Illinois, in 1839. He moved to Chicago at the age of seventeen. With the outbreak of the Civil War in 1861, Reynolds volunteered as a private in the army. He distinguished himself in battle and worked his way up through the ranks with remarkable speed, serving as a colonel in Sherman's Army during his march to the sea. President Lincoln gave him a brevet appointment as a brigadier general in 1865.

On leaving the military shortly after the war, Reynolds attended the Chicago Union College of Law and read law with a local former judge. He formed a successful legal prac-

tice and also became active in state politics. He was elected to the state house in 1867 and to the state senate in 1872.

Reynolds retired in 1902 and moved to Southern California, where he died in 1911.

### ***President Chester A. Arthur***

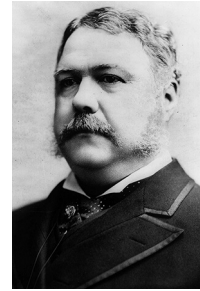
President Chester Arthur's legacy was forever intertwined with Garfield's assassin. On Garfield's death, Arthur became the twenty-first President of the United States. Throughout his confinement and trial, Guiteau repeatedly proclaimed that he had "made" Arthur and that his "friend" owed him a debt of gratitude, declarations Arthur undoubtedly did not appreciate. Though Arthur ultimately surprised critics by showing an independent streak, some scurrilous reporters had hinted that he might have been part of a stalwart conspiracy to kill Garfield.

Scoville attempted to call Arthur, who had interacted with Guiteau several times during the 1880 campaign, to substantiate his argument that Guiteau's political ambitions were a preposterous outgrowth of his insanity. Though the prosecution lawyers initially took a firm line, arguing that Scoville and the court did not have the power to compel a sitting President to testify, they acceded to Arthur providing written answers to six questions propounded by Scoville, apparently with the President's consent. Arthur's responses echoed those of several other prominent figures regarding Guiteau's political aspirations: Guiteau was never seen as anything more than a hanger-on.

After Guiteau's trial defense and appeals failed, his family and a group of psychiatrists asked Arthur to commute or postpone Guiteau's death sentence. Arthur refused to do so, and Guiteau was executed on June 30, 1882.

Arthur was born in Fairfield, Vermont, in 1829. He graduated from Union College in 1848. He briefly worked as a teacher before reading law and joining the bar in New York City.

During the Civil War, he served as Quartermaster General for the State of New York. In 1871, President Grant appointed him Collector of the Port of New York. At a time before the federal income tax, this post accounted for roughly one third of the federal government's revenue. The position was highly sought after and frequently the source of political intrigue and corruption. Arthur owed his job to Senator Conkling's political machine and was not above party graft himself, filling the Customs House with political cronies, many of whom were primarily interested in lining their own pockets. President Hayes removed Arthur from office in 1878 as part of an attempt to clean up the revenue collection system. Arthur's nomination as vice president at the 1880 Republican Convention was widely seen as a gesture to the stalwart wing of the party, and many expected Arthur to govern in line with Conkling's views when he assumed the presidency. To the astonishment of many of



Arthur

his detractors, Arthur rejected Conkling's advice and supported efforts to reform the civil service system, in part as a tribute to Garfield and, perhaps, in part because Democrats running on that platform had gained ground in the 1882 election. The legislation he signed, commonly known as the Pendleton Act, left a good deal of the reform work to the executive branch, and Arthur again exceeded expectations by setting up a robust commission to ensure appointments were made on the basis of merit rather than party allegiance. Arthur secretly suffered from a serious kidney disorder for much of his presidency and made only a half-hearted bid for re-election. The Republican convention selected Blaine over him in 1884. Arthur died in 1886.

### ***Frances Scoville***

Frances Scoville, née Guiteau, testified at the trial about her brother's history of odd behavior, including his attempt to attack her with an ax. She also testified about the history of insanity in her family. This put her in the unenviable position of being examined by her husband, George Scoville. Her testimony was somewhat tense, as Scoville repeatedly chided her for failing to answer questions as narrowly as possible. In the aftermath of the trial, Frances became the most avid campaigner for clemency for her brother.

Frances was born in January 1836, approximately six years before her brother. Like Guiteau, she was raised in Freeport, Illinois. She appears to have borne much of the work of caring for her younger brother. After marrying George Scoville, she lived in Chicago and spent the summers in Wisconsin, where Guiteau attacked her.



Scoville

Following the trial, Frances remained devoted to her brother and campaigned for his release without success. She participated in a lecture series to raise money for Guiteau and attempted to recruit Lucretia Garfield to her brother's cause. She also published a novel that presented a lightly fictionalized version of her brother's life.

The Scovilles' marriage appears to have been failing around the time of the trial. In 1882, George attempted to have his wife committed to a mental institution. The two were divorced in 1883, with the details of their breakup feeding hunger for salacious details about the family. She later remarried (although that relationship also failed).

As Frances Norton, she worked as a progressive social campaigner and suffragist in Chicago into the 1900s. She died in 1912.

### ***Dr. Edward Charles Spitzka***

E.C. Spitzka was arguably the defense's most important medical expert. He emphatically diagnosed Guiteau as an insane "moral monstrosity." His model of both the concept of insanity and Guiteau's own psychological makeup clashed markedly with the prosecution's leading expert, John Gray.

Spitzka was born in New York City in 1852. He studied at the College of the City of New York's University Medical College before spending three years abroad studying at medical schools in Leipzig and Vienna. He held several teaching posts at medical schools in New York throughout his career and served as the editor of the *American Journal of Neurology* from 1881 to 1884.



Spitzka

After the trial, Spitzka took vindication in Guiteau's autopsy, which appeared to offer some physical support for his claims that Guiteau was insane. He published an influential treatise on insanity in 1883.

In his later years, Spitzka suffered from necrosis of the upper jaw. He died of apoplexy in 1914.

***Dr. John P. Gray***

John Gray was the final witness and leading expert for the prosecution in Guiteau. He testified that insanity was a physical illness that changed a person's character. Gray confidently rejected Spitzka's theory that Guiteau's personality and moral sense had been shaped by long-term mental illness. In Gray's view, Guiteau was simply a degenerate; the assassination was entirely consistent with his character and could not be attributed to any obvious physical ailment.



U.S. National Library of Medicine

Gray

Gray was born in 1825 in Centre County, Pennsylvania. He was educated at Dickinson College and the University of Pennsylvania Medical School, where he received his M.D. in 1849. After a brief stint at a hospital in Philadelphia, he moved to the Utica Asylum, New York's leading mental institution. He became superintendent of the asylum in 1854 and the following year became editor of the *American Journal of Insanity*.

In March 1882, a man entered Gray's office and shot him in the face. The assailant, who had previously been diagnosed insane, declared he was an ambassador from heaven sent to kill Gray. Gray lived for another four years, but apparently never fully recovered from the shock. He died in 1886.

4

## Media Coverage and Public Debates



HYENAS AT WORK.

As the first civilian trial of a presidential assassin, *Guiteau* dominated the national press for over a year. Garfield's illness had captivated the nation, and the press continued to play up both the affection most Americans felt for the slain President and the reserves of contempt they stored for his assassin. Most of the press accounts of the trial accurately reported the substance of witnesses' testimony and Guiteau's interruptions, but often spun the language to frame it in terms of Guiteau's villainy.

Guiteau was obsessed by the press coverage of the trial, though he often seemed to miss the point of articles criticizing the proceedings and snatched at any statements even faintly praising

"Hyenas" circling Garfield's tomb. *Puck*, March 22, 1882

the defense. The press's ravenous appetite for details of the assassination and the trial meant that papers were often accused of giving Guiteau a mouthpiece. The *New York Herald's* decision to publish Guiteau's "Autobiography" came in for particular criticism, though the *Herald* and other papers continued to publish work Guiteau handed them in court, including his intended closing argument to the jury.

Much of the press coverage and public discourse around the trial focused on criticisms that the trial process was taking too long and indulging the defendant too much. Many papers pilloried Justice Cox when he did not follow through on threats to restrain Guiteau or remove him from the courtroom. A *Washington Critic* article published just two weeks into the trial, for instance, claimed to "echo universal sentiment" in arguing that

the time has come for this miserable business to stop. The threat of the court to gag the babbling devil would be far better in practice than in prospect. We firmly believe that if Justice Cox does not shut the felon's mouth with a gag, some braver man will close it forever with a bullet and that, too, with not merely the approbation but the applause of mankind. It is all very fine to talk of law and order, but there is a limit to human patience. Guiteau has crowded that limit, and if Judge Cox does not act somebody else will. Let the rabid cur be muzzled.

The implicit threats of violence in that statement were echoed even more forcefully in letters to the lawyers and Justice Cox stating that they would be lynched along with the prisoner if he were not speedily convicted. The guard who attempted to kill Guiteau was widely praised, and public campaigns raised substantial funds for his legal defense (though he was eventually imprisoned).

In the aftermath of the jury's verdict, the coverage of the trial generally became more favorable. Though some legal critics continued to argue that Davidge and Porter had risked a reversal with their bombastic presentations to the jury, most papers and members of the public seemed satisfied that Guiteau had been convicted after a fair trial.

Although the criticism of Justice Cox during the trial had reached a level sufficient to trouble Supreme Court Justice Stephen Field while traveling in Britain, most of the post-mortem coverage of his conduct came to emphasize that he had skillfully avoided any potential grounds for legitimate appeal and defended the impartiality of the federal judiciary without imperiling a guilty verdict. Many in the press engaged in self-satisfied paeans to the rule of law and compared the American legal system favorably to those of other nations that had dealt with recent assassinations.

The historical memory of the trial is mixed. Though for a few decades it was widely celebrated as a trial of the century, *Guiteau* had largely faded into obscurity by the mid-twentieth century. A prominent 1968 monograph by historian of science Charles



Rosenberg placed the trial in the context of evolving conceptions of madness and medical science in late-nineteenth-century America, reviving its significance for some scholars. The case was also frequently, and largely inaccurately, cited as the first to employ a modern insanity defense (though it was certainly the most prominent nineteenth-century federal insanity trial).

In recent years, readable popular histories by Sarah Vowell and Candice Millard have revived the memory of the Garfield assassination, while Stephen Sondheim's award-winning musical *Assassins* reimagines Guiteau and other presidential murderers in a lightly comedic context, though each of these accounts has tended to privilege the crime over the trial.



## Historical Documents

### Letter from Charles Guiteau “to the American People”—June 16, 1881<sup>3</sup>

*Guiteau penned this letter, and several others, as he planned the assassination. In it, he attempts to explain and justify his decision to kill Garfield.*

To the American People:

I conceived the idea of removing the President four weeks ago. Not a soul knew of my purpose. I conceived the idea myself and kept it to myself. I read the newspapers carefully, for and against the administration, and gradually the conviction settled on me that the President’s removal was a political necessity, because he proved a traitor to the men that made him, and thereby imperiled the life of the Republic. At the last Presidential election the Republican party carried every Northern State. To-day, owing to the misconduct of the President and his Secretary of State, they could hardly carry ten Northern States. They certainly could not carry New York, and that is the pivotal State.

Ingratitude is the basest of crimes. That the President, under the manipulation of his Secretary of State, has been guilty of the basest ingratitude to the Stalwarts, admits of no denial. The expressed purpose of the President has been to crush Gen. Grant and Senator Conkling, and thereby open the way for his renomination in 1884. In the President’s madness he has wrecked the once grand old Republican party, and for this he dies.

3. Report of the Proceedings in the Case of United States vs. Charles J. Guiteau, Tried in the Supreme Court of the District of Columbia, Holding a Criminal Term, and beginning November 14, 1881, Part I (Gov’t Printing Off. 1882), at 216.

The men that saved the Republic must govern it and not the men who sought its life.

I had no ill-will to the President.

This is not murder. It is a political necessity. It will make my friend Arthur President and save the Republic. I have sacrificed only one. I shot the President as I would a rebel if I saw him pulling down the American flag. I leave my justification to God and the American people.

I expect President Arthur and Senator Conkling will give the Nation the finest administration it has ever had. They are honest and have plenty of brains and experience.

CHARLES GUILTEAU.

### **Charles Guiteau's "Autobiography"—October, 1881<sup>4</sup>**

*While he awaited his trial in jail, Guiteau met with a reporter from the New York Herald, a paper he had once sued in a far-fetched libel action. Guiteau conveyed to the reporter a version of his life story that was later published in the paper and circulated in other publications around the country. Guiteau's self-serving account of his life and crime, as well as his pitiful pleas for romance and his surreal presidential ambitions, led to widespread mockery and a series of "prank" letters from writers posing as wealthy female suitors. Despite the reporter's repeated criticisms of him, Guiteau took pride in the article, referring to it repeatedly during the trial, and attempted to read from it during his time on the stand.*

The assassin, Charles Guiteau, has narrated to me the history of his life.... In a literary point of view, the work, it is needless to say, is of no value whatever. As the record of a man who will [live] in all our history as one of the greatest of our criminals it possesses, however, a special interest and importance.... His vanity has been, to your correspondent, literally nauseating. Guiteau has an idea that the civilized world is holding its breath waiting to hear the minutest details in his career. He thinks the people have an especially acute desire to be fully informed concerning his conduct during confinement in jail, and he has frequently urged your correspondent to describe his dress and demeanor....

The manuscript has been withheld from publication to this period of time from considerations of propriety, and it is scarcely necessary to add that it is now published not to humor the intense desire for notoriety on the part of the prisoner, but in deference to public anxiety—to correct, if possible, various misapprehensions and suspicions which may still exist respecting the true significance of the crime....

"I have not," he says,

"used the words assassination or assassin in this work. These words grate on the mind and produ[c]e a bad feeling. I think of General Garfield's condition as a

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4. Guiteau. *Autobiography of Garfield's Assassin*, N.Y. Herald, reprinted in Stark Cnty. Democrat, Oct. 20, 1881, at 1, 3.

removal and not an assassination. My idea simply stated was to remove as easily as possible Mr. James A. Garfield, a quiet and good natured citizen of Ohio, who temporarily occupied the position of President of the United States, and substitute in his place Mr. Chester A. Arthur, of New York, a distinguished and highly estimable gentleman. Mr. Garfield I intended to quietly remove to Paradise (which is a great improvement on this world), while Mr. Arthur saved the Republic.”

And he adds:—

“Not a soul in the universe knew of my purpose to remove the President. If it has failed I shall never attempt it again. My motive was purely political and patriotic, and I acted under Divine pressure. It was the same kind of pressure that led Abraham to sacrifice his son Isaac.” ...

“I shot the President without malice or murderous intent. I deny any legal liability in this case. In order to constitute the crime of murder two elements must coexist. First, an actual homicide; second, malice—malice in law or malice in fact... Malice in law is liquidated in this case by the fact and the circumstances ... attending the removal of the President. I had none but the best feelings, personally, toward the President; I always thought of him and spoke of him as Gen. Garfield.”

“I never had the slightest idea of removing Mr. Blaine or any member of the administration. My only object was to r[e]move Mr. Garfield in his official capacity as President of the United States to unite the Republican party and save the Republic from going into the control of the rebels and Democrats. This was the sole idea that induced me to remove the President. I appreciate all the religion and sentiment and honor connected with the removal; no one can surpass me in this; but I put away all sentiment and did my duty to God and to the American people.” ...

The fourth chapter in Guiteau’s autobiography contains little that is of interest. He gives his impressions of men in public life whom he casually met; whom he bored for office or money. It is a record of intense egotism. His speech, “Garfield against Hancock,” he used everywhere as his letter of introduction. If a public man failed to recognize him out came the speech. He tells how he was snubbed by Mr. Conkling, whom he styles “My Lord Roscoe,” and who nearly always seemed to him to be on his “high horse.” ... Mr. Blaine he met two or three times at the State Department... Mr. Conkling he saw one day in the Vice President’s room at the Capitol. The ex-Senator was in conversation with a gentleman. “I sat within a few feet of him,” says Guiteau,

“on the sofa. I eyed him and he eyed me, and when he got through with his friend I stepped up to him and said ‘Good morning, Senator,’ and he said ‘good morning,’ I said, ‘I hope to get an appointment, Senator, and I hope when the

matter comes up you will remember me,' and he simply said, 'perfectly,' and I bowed and he bowed and we parted." ...

In bringing his autobiography to an end he says,

"And now I speak of two matters strictly personal. First—I am looking for a wife and see no objection to mentioning it here. I want an elegant Christian lady of wealth, under thirty, belonging to a first class family. Any such lady can address me in the utmost confidence. My Mother died when I was only seven, and I have always felt it a great privation to have no mother. If my mother had lived I never should have got into the Oneida Community, and my life, no doubt, would have been happier every way. Nearly three years after I left the Community I was unfortunately married. At last I made up my mind that I would sever the bonds, and I was divorced in 1874. I am fond of female society, and I judge the ladies are of me, and I should be delighted to find my mate." ...

"The second" subject in which he desires to take the public into his confidence refers to the Presidency. "For twenty years," he writes,

"I have had an idea that I should be President. I had the idea when I lived in the Oneida Community, and it has never left me. When I left Boston for New York in June 1880, I remember distinctly I felt that I was on my way to the White House. I had this feeling all through the canvass last fall in New York, although I mentioned it to only two persons. My idea is that I shall be nominated and elected as Lincoln and Garfield were—that is, by the act of God. If I were President I should seek to give the nation a first-class administration in every respect; I want nothing sectional or crooked around me. My object would be to unify the entire American people and make them happy, prosperous and God-fearing."

### **Testimony of James Blaine—November 17, 1881<sup>5</sup>**

*Secretary of State James Blaine was the first, and arguably the most important, percipient witness called by the prosecution in Guiteau. Blaine had witnessed the crime firsthand and was also familiar with Guiteau's attempts to gain a diplomatic post.*

BY THE DISTRICT ATTORNEY:

Q. Were you acquainted with James A. Garfield? —A. I was acquainted with him from the year 1863 to the hour of his death.

Q. Are you acquainted with the prisoner at the bar? Have you ever seen him?

— A. I saw him very frequently in the months of March and April, and also in May, but not so frequently.

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5. Report of the Proceedings in the Case of United States vs. Charles J. Guiteau, Tried in the Supreme Court of the District of Columbia, Holding a Criminal Term, and beginning November 14, 1881, Part I (Gov't Printing Off. 1882), at 120–23, 131–36.

Q. Were you in company with the President at the time he was shot?

— A. I was by his side....

Q. You met the President by appointment on the morning of the assassination. You may state what occasioned the meeting.

— A. On the night of July 1 I was engaged until nearly midnight with the President on public business. On parting with him, he suggested that I had better call and see him in the morning before he left, because there might be some matters to which he desired to direct my attention. I went to the White House on the morning of Saturday, July 2, in response to this suggestion of the President, reaching there at nine o'clock, or not later than three minutes past nine. I was detained some little time in conference with the President in the Cabinet room, and in the library a very few minutes, and then started with him for the depot. He rode in the carriage in which I went to the White House.... On reaching the depot, at the B street side—the ladies' entrance, I think it is called—we sat a moment and finished the subject we were then conversing upon. After this the President turned around to say good bye to me, and I said, "No, I will escort you to the car." I said some pleasant little thing to him to the effect that I did not think it was proper for a President to go entirely unattended—something of that sort. "I will escort you to the car; and besides I wish to see the gentlemen of the Cabinet who are going to leave with you." With that he alighted. He got in at the White House first, of course, and that brought him on the side which was next to the pavement. On arriving at the depot, and as the carriage was a small coupe, he necessarily got out first, as a matter of convenience, and I immediately followed him. He took my arm. As we ascended the steps he turned to the left. He was on my left and turned to speak to some one, I think a police officer[.]... When he turned to speak to this man our arms became disengaged, according to my impression and recollection, and as we walked through the ladies' waiting-room we were not arm in arm, but side by side. We had got about two-thirds of the way across the room, when suddenly, without any premonition whatever, there was a very loud report of a pistol discharge, followed in a very brief interval by a second shot. At the instant when I first heard the report it occurred to me that it was occasioned by some trouble between persons with whom we were in no way related; that some sudden deed of violence was being committed, and I touched the President as though to hurry him on to get out of it. I thought there might be some danger to his person and to my own by being there if there were stray bullets flying around. Just as I did that the President rather threw up his hands and said, "My God! What is this?" According to my impression, it seemed to have been almost between the shots that he said that. Of course, in so exciting and horrible a scene as that I could only give an impression, and not an absolute statement. There was then a rush past me of a man who, according to my recollection, passed on my right, though I am aware that

that statement must be taken merely as my impression. I immediately followed after the man, whether it was on the left or the right I cannot be sure. I followed after him instinctively, and went, I suppose, a distance of eight feet, judging by the point at which I remember I stopped just outside of the door that leads from the ladies' waiting-room into the main room, and the shout came up immediately "We have got him; we have caught him." I then turned, and the President had sank. He was sinking as I left him, and had quite sank down, and as I got nearer to him (I think I was the first or the second person that got back to him) he was vomiting profusely, and I think at that moment was unconscious. Of course, immediately a very large crowd surrounded him, and mattresses were brought from a sleeping-car in the depot; he was removed to an upper room in the depot, and medical aid was at hand in as brief a time as possible. The examinations were made, and he was returned to the White House, reaching there, I should say, about fifty minutes or possibly an hour after he was shot.... Those are the facts in brief connected with my observation. When in the upper room of the depot there was a gathering around of the Cabinet ministers, who immediately retired there from the car in which they were. There had yet been no report made at all of who had fired the shot; but I gave the information that the man I saw running, whom I went after, and whom I saw the police take, was Charles Guiteau. I recognized the man, and I made that statement to the members of the Cabinet, to the attending surgeons, and to General Sherman before, I think, the police had even discovered his name. I recognized the man as the one who fled. Of course, the shot being behind my back, I did not see him with a pistol in his hand. He did not, in running, have the pistol exposed....

Q. How often had you seen the prisoner before, to the best of your recollection?

— A. Well, very often. Numerical statements are apt to be exaggerated when you are recalling a thing of that kind. According to my recollection, I should say he visited the State Department twenty or twenty-five times; it might have been eight or ten, but eight or ten visits that are of that kind are apt to make the impression of twenty-five or thirty.

Q. You saw him personally?

— A. O, very frequently.

Q. Was he an applicant for office?

— A. He was a very persistent applicant for the consul-generalship at Paris.

Q. Did you have any conversation with him on that subject?

— A. Several times. I never gave him the slightest encouragement that he could receive the appointment....

BY MR. SCOVILLE:...

Q. Has it been a usual thing for applicants for offices of that character to come



there without any backing?

— A. O very common. He would often be one of forty in a single morning.

Q. And all alike in the forty substantially?

— A. All alike in desire, and pretty nearly all alike in disappointment. [Laughter]. His case was not peculiar at all in that respect. . . .

Q. I wish you would state a little more fully as to the particulars, if you remember them, of the interview when you finally rejected his application, as I understand you did, peremptorily, either for the Austrian mission or the Paris consulship?

— A. There is nothing very salient to state in regard to it. He had come there repeatedly without encouragement, and the office was more or less filled every morning with gentlemen who were applying for many more places than were in my discretion to bestow. He was like several others, rather persistent in his application, and coming, coming again, and coming yet again, and I finally said to him that he need not have the faintest expectation of receiving the Paris consulship and I did not desire him to speak to me about it. I did not do it with any special harshness as I recall, but merely to conclude a matter which was of no value to me and was of course interrupting me in the performance of more important duties.

Q. Did you at the same time say to him, substantially, that if the President chose to appoint him that you had no objections? Was not that interview concluded with some such remark?

— A. I should say not; I should have had very decided objections.

Q. On what ground?

— A. The Paris consulship is a very important office—an office of great consequence—and I did not think that Mr. Guiteau belonged to the rank and class of men that would naturally be assigned to it.

Q. For what reason?

— A. Well, for the simple reason that I think a man who would have been of sufficient consequence to be considered by the President for that position, would have been a well-known public man. It has always been assigned to gentlemen of conspicuous rank for intelligence and public service. I do not class him in that list.

Q. By public service do you mean party service?

—A. It might be party service. Mr. George Walker, the occupant of the place, is a gentleman who has had very large public service. . . .

Q. . . . I wish to ask if it was not expected, and was not common, in the distribution of these offices to pass them around as a reward for party service?

— A. Well, I should say that that was an element always entered into, and yet not a conspicuous element in the State Department. A great many of the

most eligible commissions abroad are held by gentlemen who never did party service at all....

Q. Was there anything peculiar or out of the ordinary course of things in Guiteau's application for office, because he based his claims on party service?

— A. O, no, that is very common....

Q. What was the condition of the Republican party as to unanimity and harmony for six weeks before the shooting of the President?

— A. There were some dissensions in it.

Q. Considerable was there not?

— A. Yes, sir.

Q. ... [S]tate to the jury briefly the substance of that trouble that arose in the Republican party.

— A. ... The President had appointed Judge Robertson collector of customs in New York, and upon the propriety of that appointment there grew up a good deal of feeling between him and the administration and the Senators from New York. That is a matter of public history....

Q. I believe Guiteau refers to the term "stalwart" in some of his letters, does he not?

— A. I believe he does.

Q. What will any one understand properly from the use of that word?

— A. If the counsel is wishing a chapter in political history to form a part of the testimony, it ought to be a correct one. The term "stalwart" originated before that, and I invented it myself.

Q. Then you are just the man we want to have explain it fully. Now, then, when Guiteau, in his letters or in his speeches in the latter part of 1880 and along the first part of 1881, refers to himself as a "stalwart," what does that mean?

— A. I suppose by that he meant to class himself with the particular personal supporters of General Grant at that time....

Q. What was understood by the term "half-breed" in New York?

— A. The "half-breeds" included all the Republican party in New York not included in the "stalwarts." (Laughter.)

Q. Then there were only two divisions there. To which branch did the person appointed as the collector of the port of New York belong?

— A. He was classed, in the nomenclature of New York, as a "half-breed."

Q. To what branch did Senator Conkling belong?

— A. He was understood to be a "stalwart."

MR. SCOVILLE. That is all....

THE PRISONER. Will your honor allow me to address you a moment? I am dissatisfied with my counsel.

THE COURT. No; I don't want to hear any more. I am satisfied with your counsel.

THE PRISONER. (Excitedly.) I am not, decidedly. I think it is an outrage on justice that I should be forced to appear here with counsel not of my own choosing. Mr. Scoville is doing splendidly, and I want it to be understood I appreciate his services. I am here charged with a felony, and I want to defend myself, and there will be a row all the way through if I don't have the opportunity.

THE COURT. If you don't keep silence I will order you out of the court-room in irons. Now, nothing more.

THE PRISONER. I don't care if you do. The American people have something to do with this.

### **Letter Threatening the Court—November 26, 1881<sup>6</sup>**

*This letter, reprinted in a Buffalo newspaper, was apparently sent to George Scoville shortly before his client's testimony. Though its authorship and authenticity are not entirely clear, it suggests the strength of feeling against Guiteau and, increasingly, Justice Cox.*

Milwaukee, Nov. 26.

To C. J. Guiteau, Judge Cox, and the Jury now trying Guiteau:

Gentlemen:—You are hereby notified that if the trial of Guiteau for the murder of General Garfield results in the acquittal of the prisoner, he and you may commend your souls to a merciful God and say farewell to your relatives. We are now 1,000 strong in this city. Branch organizations are being formed in all the principal cities of the country. We expect at least 20,000 from New-York, and the whole State of Ohio.... Our object is "death to Guiteau," and he cannot escape us. If he is acquitted or declared insane, we are sworn to march to Washington and lynch the assassin, together with Judge Cox and the jury. Outraged Justice demands a sacrifice for the deliberate murder of the noble Garfield; for the farce which has been permitted to invade her solemn temples; for the prostitution of law at the hands of the miserable Cox. One has failed, but there are thousands who have yet to fail. Beware!

[Signed.]

THE PRESIDENT  
OF THE GARFIELD AVENGERS.

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6. Buffalo Morning Express, Dec. 2, 1881, at 1.

**“The Voice of the People”—November 28, 1881<sup>7</sup>**

*This collection of outraged letters and editorials regarding the case is suggestive of some of the strong criticism meted out at Justice Cox’s conduct of the trial and, particularly, his apparent tolerance for Guiteau’s outbursts.*

Judge Cox is daily receiving letters, most of them anonymous and some inclosing newspaper clippings, reflecting on his conduct of the Guiteau case. Following are samples:

**MINNESOTA.**

ST. PAUL, NOV. 21.

To Judge Cox:

Sir... You are making a farce of the Guiteau trial. It is a disgrace to the nation and the world. For the love of God and the country charge that jury to convict him of murder in the first degree. Justice demands that he must hang. If he goes free it is an e[n]couragement to any man who is disappointed at the actions of another to coolly murder him. If the jury do not cause him to be hung, the people will hang him, and you with him. Do you trifle with the feelings of 50,000,000 of people. The insanity dodge is too common. Hang a few and others will not go crazy. The people want justice done.... The people are becoming disgusted with lawyers and judges. “Judge Lynch” will soon be the people’s judge.

ST. PAUL, NOV. 22.—Judge Cox: We see by this morning’s press that Jones, would-be murderer of the scoundrel and assassin, Guiteau, has been held in \$5,000 bail. Do you not think you are showing altogether too much compassion and mercy to the notorious scoundrel and murderer Guiteau? For the sake of humanity and the memory of so good a man as Garfield, mete out justice to him. The hearts of the nation ache for vengeance on the wretch who deprived us of our dearly beloved president, James A. Garfield.

LADIES OF ST. PAUL.

**NEW JERSEY.**

SIR: The eyes of the world are upon you as a judge in the trial of that villain of an assassin, Guiteau. The farcical scene that is being reported in the New York papers as occurring in your court certainly does not add much credit to your fitness as a judge sitting in trial of so important a case. In reading my Tribune to-day, I am shocked at the report of “Laughter,” “Laughter.” Sir, is this a respectable manner of conducting even a petty case? If you are determined that in your court you intend to allow a clown to act to amuse the spectators, I would advise you to withdraw, as Mr. Robinson has done, and not further disgrace the position you so dishonorably fill. I will not be surprised to read in my Tribune

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7. *The Voice of the People*, The Evening News (Emporia, Kan.), Dec. 3, 1881, at 1.

of to-morrow that you joined in the laughter with this d—d assassin. Let there be no more circus at the trial of the meanest murderer the world ever saw. I am ashamed of you. Hoping I will not be shocked at reading any more circus scenes during this trial, I remain yours, EDWARD DAY.

A WASHINGTON LADY complains that the palate of the contemptible wretch is tickled with stewed oysters, eggs, juicy beefsteaks and other dainties.

A PARTY OF PHILADELPHIANS write: “Moral imbecility, when it leads men to kill others, is precisely what men are hanged for in well regulated communities. If we will only punish saints who commit murders we shall have few executions.” ...

WASHINGTON.

An evening paper commenting upon the disgraceful proceedings in the trial of the assassin of Garfield says: “We think we echo universal sentiment when we say that the time has come for this miserable business to stop. The threat of the court to gag the babbling devil would be far better in practice than in prospect. We firmly believe that if Judge Cox does not shut the felon’s foul mouth with a gag, some braver man will close it forever with a bullet, and that, too, with not merely the approbation but the applause of mankind. It is all very fine to talk of law and order, but there is limit to human patience. Guiteau has crowded that limit, and if Judge Cox does not act somebody else will. Let the rabid cur be muzzled.[”]

### Testimony of Charles Guiteau—November 30, 1881<sup>8</sup>

*Guiteau was on the stand from November 28 to December 2, 1881. The defendant’s testimony proved a critical point in the trial. While he was lucid and often cagey, some of his answers, and refusals to answer, on cross-examination were damaging for his “inspiration” theory. In some ways, Guiteau’s excellent recall and ability to hold his own against experienced lawyers for most of his testimony undermined Scoville’s insanity defense even more thoroughly. This excerpt comes from John Porter’s cross-examination.*

Q. Are you conscious of being a man of very considerable ability?

— A. I express no opinion on that, judge.

Q. You have been a man of a great deal of force of will and determination?

— A. Some people say so.

Q. It has been a characteristic of yours from boyhood, has it not?

— A. To be very earnest in what I undertake; yes, sir.

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8. Report of the Proceedings in the Case of United States vs. Charles J. Guiteau, Tried in the Supreme Court of the District of Columbia, Holding a Criminal Term, and beginning November 14, 1881, Part I (Gov’t Printing Off. 1882), at 606–17.

Q. You determined to kill General Garfield, did you not?

— A. I decline to answer. That is a pretty strong way to put it. I consider myself simply the agent of the Deity. I had no personal volition in the matter; if I had had any choice I would not have done it....

Q. Did you say, as Mr. John R. Scott swears, on leaving the depot on the day of the murder of the President, "General Arthur is now the President of the United States"?

— A. I decline to say whether I did or not.

Q. Have you any objection that the jury should know whether you said that or not?

— A. Well, it is possible I did say so.

Q. You think you did?

— A. My impression is that I said something to that effect....

Q. That you thought he was President?

— A. I supposed at the time that he was.

Q. You thought you had killed President Garfield?

— A. I supposed so at the time; yes, sir.

Q. You intended to kill him?

— A. I thought the Deity and I had done it, sir. I want it distinctly understood that I did not do that act in my own personality. I unite myself with the Deity, and I want you gentlemen to so understand it. I never should have shot the President on my own personal account. I want that distinctly understood.

Q. Who bought the pistol, the Deity or you?

— A. (Excitedly.) I say the Deity inspired the act, and the Deity will take care of it.

Q. Who bought the pistol, the Deity or you?

— A. The Deity furnished the money by which I bought it as the agent of the Deity.

Q. I thought it was somebody else who furnished the money?

— A. I say the Deity furnished the money with which I bought it.

Q. He furnished you all the money you ever had on earth, did He not?

— A. I presume He did. I have great respect for the Deity's fatherly care.

Q. Through whose hand was it that you were furnished the money to buy that murderous weapon?

— A. It is of no consequence whether it was Mr. Jones or Mr. Maynard, or anybody else. Mr. Maynard swore that he lent me \$15....

Q. What did you do with that money?

— A. I used it for several purposes.

Q. What were they?

— A. It is of no consequence. I have no objection to stating decidedly that I got \$15 of Mr. Maynard and used \$10 of it to buy the pistol with....

Q. Were you inspired to borrow \$15 of Mr. Maynard?

— A. I do not think I was specially; no, sir. It was of no consequence whether I got it from him or somebody else....

Q. Were you inspired to buy that British bull-dog pistol?

— A. I do not claim that I was to do the specific act; but I claim that the Deity inspired me to remove the President, and I had to use my ordinary judgment as to ways and means to accomplish the Deity's will....

Q. The only inspiration that you had, as I understand you, was to use a pistol on the President?

— A. The inspiration consisted in trying to remove the President for the good of the American people, and all these details are nothing.

Q. Were you inspired to remove him by murder?

— A. I was inspired to execute the divine will.

Q. By murder?

— A. So called; yes, sir; so-called murder.

Q. You intended to do it?

— A. I intended to execute the divine will, sir.

Q. You did not succeed?

— A. I think the doctors did the work.

Q. The Deity tried and you tried, and both failed, but the doctors succeeded?

— A. The Deity confirmed my act by letting the President down as gently as he did.

Q. Do you think that it was letting him down gently to allow him to suffer that torture, over which you professed to feel so much solicitude, during those long months?

— A. The whole matter was in the hands of the Deity, and I do not wish to discuss it any further in this connection. Of course I appreciate the mere outward fact of the President's disability in his long sickness as much as any person in the world. That is a very narrow view to take of this matter—just the mere outward fact of the President's disability and sickness....

Q. Did you contemplate his removal otherwise than by murder?

—A. No, sir; I do not like the word murder; I don't like that word.

MR. PORTER: I know you do not like the word; it is a hard word, but it is there.

— A. It don't represent the actual facts in this matter.

Q. It does not represent the inspiration?

— A. No, sir; it does not. If I had shot the President of the United States on my own personal account, no punishment would be too severe or too quick for me; but acting as the agent of the Deity puts an entirely different construction upon the act, and that is the thing that I want to put into this court and jury and the opposing counsel. I say this was an absolute necessity, in view of the political situation, for the good of the American people, and to save the nation from another war. That is the view I want you to entertain, and not settle down on a cold-blooded idea of murder. I never had the first conception of his removal as murder.

Q. Do you feel under great obligations to the American people?

—A. I think the American people may some time consider themselves under great obligations to me, sir...

### **Testimony of E.C. Spitzka—December 12, 1881<sup>9</sup>**

*The defense's leading expert witness, E.C. Spitzka, testified that Guiteau was almost certainly insane at the time of the crime, and indeed, throughout his life. The excerpts below include parts of both Scoville's direct examination and Walter Davidge's cross examination.*

BY MR. SCOVILLE:

Q. Do you know the prisoner here; have you seen him before?

— A. I examined him yesterday in jail....

Q. Will you state to the jury the result of that examination[?]

— A. The result of my examination was that I found this man insane.

Q. Did you have any question on that subject?

— A. Not the slightest....

Q. I wish you would state to the jury somewhat further, in your own way, the particular phase or character of the insanity in this case, as observed by you.

— A. I may say that would be very difficult to me to render clear to any jury not composed of experts. I can simply say that the marked feature of this man's insanity, is a tendency to delusive or insane opinion, and to the creation of morbid and fantastical projects; that there is a marked element of

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9. Report of the Proceedings in the Case of United States vs. Charles J. Guiteau, Tried in the Supreme Court of the District of Columbia, Holding a Criminal Term, and beginning November 14, 1881, Part II (Gov't Printing Off. 1882), at 964–79.



imbecility of judgement, and while I had no other evidence than the expression of his face, I should have no doubt that he was also a moral imbecile, or rather a moral monstrosity....

Q. ...Will you state whether you observed any indication of insanity from his eyes[?] I do not mean from your examination, but from his general appearance?

— A. That was to my mind the most conclusive evidence of insanity. I concluded that I had an insane man to deal with on sight, before I asked him any questions. He has got the insane manner as well marked as I have ever seen it in an asylum....

BY MR. DAVIDGE:

Q. What do you mean by insanity?

— A. That is a question I never attempt to answer. I can give you an approximate definition.

Q. I would be glad to have it.

— A. Any profound deviation from the normal standard of human thought and action, excluding the ordinary phenomena of the common nervous diseases of acute ... intoxication and of febrile delirium.

Q. There are very many degrees. There may be a greater or less departure from the standard that you mention?

— A. Certainly. There is every degree.

Q. There may be a degree involving want of discrimination between right and wrong, and there may be other degrees that do not involve that want of discrimination, may there not?

— A. That is so, and it varies in the history of the same person....

Q. Have you been a professor in any college?...

— A. I was professor of comparative anatomy at the Columbia Veterinary College....

Q. What sort of a college is that?

— A. It is a college where physicians are instructed in the art of treating the lower animals.

Q. Horses mainly, I suppose?

— A. Yes, sir. The branch I taught is one taught in medical schools.

Q. Yes?

— A. The branch that is pursued by such men as Thomas Huxley, by Baron Cuvier, by Gratiolet, by Haeckel, and other of our most eminent scientists. I have no reason to be ashamed of it.

MR. DAVIDGE. I do not say that you need to be ashamed of it.

THE WITNESS. The question has been asked me before or suggested from a special quarter[.] I know that this comes from the same quarter now, and I have expected it, and it is done with the purpose of casting a reflection upon the witness.

Q. All these celebrated gentlemen whose names you have mentioned belong to what are called horse doctors?

— A. I never have treated any animal but the ass, and that animal had two legs, and therefore I could not consider myself a veterinary physician, but a human professional.

Q. You are a veterinary surgeon, are you not?

— A. In the sense that I treat asses who ask me stupid questions, I am...

Q. At any rate, you made an examination as well as you could into his mental condition. Tell me how that examination was conducted.

— A. I represented myself as a professor of phrenology, in order that he should not suspect that I was a medical expert. In this way I was enabled to induce him to allow me to instill atropine into his eye. I told him that the science of phrenology had advanced, and we now examined the eye as well as the outside of the head. That was simply to insure my object, as he was quite refractory and was afraid something would be done to prevent him from sleeping; he wanted to be in good condition, in order to deliver a speech this morning...

Q. And this was a shrewd scheme concocted between you and Scoville in order to deceive that prisoner?

— A. I do not know about its shrewdness; it was a scheme altogether of my own concoction.

Q. It was adopted by Mr. Scoville?

— A. Yes.

THE PRISONER. I didn't care one way or the other. I only told the truth; that was all....

Q. ... You say you examined the shape of his head?

— A. I did. Then I said to him, "I will have to know a little about the psychology of your crime, on the removal of the President." He then said, "Psychological; doesn't that come from [illegible], mind, soul?" "Yes;" I said. Then I said, "What objection did you have to the President?" "I hadn't any; he was in the hands of Blaine;" I said, "Why didn't you remove Mr. Blaine if you had these objections against him; not the President?" he said, "Because that would not have done any good; there would have been just such another one as Blaine to step into his shoes, and Arthur would not have been President, and he has cemented the Republican party." Then he became

wildly excited about the trial. Yelled forth about the way the prosecution was attacking him, bringing up, as he said, lying witnesses, and he yelled out loudly, declaiming and showing the insane manner to perfection ...

I told him to keep cool; it was difficult to restrain him and he wandered off to another subject, I disremember what. I said to him, "Why do you interrupt the court then if you say that God has got this thing in His hands and will lead it to a successful conclusion as far as you are concerned, and that you are resigned to whatever fate is administered to you?" "Why," said he, "don't you know that Jesus Christ himself, who was so lamb-like, said "— something ... about somebody being sent down to utter condemnation for lying. Says he, "Can I not do the same thing? Am I not just in the position of Jesus Christ? Am I not here a martyr? Have I not sacrificed myself for the American people?" And so on through a regular farrago of the kind that is familiar to those who visit the wards of a lunatic asylum. That will about comprise what I found of his mental condition; I found his memory good; I found that he had the legal attainments, as far as I have a right to pass an opinion, of a third-rate shyster of a criminal court; he displayed a certain amount of judgment certainly; he parried questions to answer those that he preferred to answer, and betrayed great egotism in everything he said....

Q. About how long was this interview that you had with the prisoner?

— A. The time I was present in the cell was an hour and a half, about....

Q. You found that he parried questions?

— A. Wherever a question was asked whose answer would wound his egotism and vanity, he parried it to go off to some subject that would develop his greatness, or his high position, or his great services, or whatever else was flattering to his self-love....

Q. ... Did you form the opinion that this man did not know the difference between right and wrong?

— A. That would depend upon the interpretation that is given to that question. If you were to ask me whether he knew the legal consequence of acts I should say, without any hesitation, that at least since he has been a lawyer he has always known the ordinary legal consequences of criminal acts....

THE PRISONER. Ask him whether he thinks I was responsible on the 2d day of July last.

MR. DAVIDGE. That is a point in which we are all very much interested here. We think that is the legal standard. We may be wrong.

THE PRISONER. You are wrong, decidedly.

Q. If it is the legal standard, I understand you to say distinctly that you have no doubt he did know the difference between right and wrong, under that definition.

THE PRISONER. He said when I was a lawyer.

— A. I would not like to answer anything under the construction of a foreign mind. I wish to have my answer stand just as I gave it, that this man since he has been a lawyer has always known the ordinary consequences attaching to criminal acts. I wish to reserve again that that is not my test of right and wrong.

MR. DAVIDGE. I understand that; but it will be that of the court, we think.

THE WITNESS. Well, I have nothing to do with that.

MR. DAVIDGE. No; you have nothing to do with that.

### ***Boston Post* Editorial Supporting Justice Cox—December 15, 1881<sup>10</sup>**

*This editorial was one of several defending Justice Cox's conduct of the trial against the even more numerous and vociferous criticisms. It correctly noted that Justice Cox had deliberately given Guiteau latitude in the trial to ensure there could be no question that Guiteau had been, in Justice Cox's words, "hurried to the gallows without a fair trial."*

Everyday a great outcry goes up, especially from western papers, against Judge Cox, because he does not silence the gentle Guiteau. These western papers would gag the assassin, send him to solitary confinement, etc. In fact, these western editors are very terrible fellows, who, if placed in Judge Cox's place, would probably make as bad a mess of the case as possible. The fact is that Judge Cox is in a very embarrassing position. The country wants Guiteau convicted, but it cannot afford during the trial to show any animosity toward the prisoner, or in any way indicate an opinion for or against him. Judge Cox in this case represents the country, and under the circumstances, he can better afford to let his court be turned into a menagerie than do anything that can be pointed at in the future as prejudicing the case of the accused. The difficulties surrounding the judge should be appreciated, and though his course may not always be approved, he should, under the trying circumstances, be exempt from harsh criticism.

### **Testimony of Joseph S. Reynolds—December 15, 1881<sup>11</sup>**

*Guiteau's former mentor Joseph Reynolds offered some of the most damaging testimony in the prosecution's rebuttal evidence to Guiteau's deific decree defense. Reynolds's account of his visits to Guiteau in prison suggested that Guiteau was motivated by politics, rather than a divine in-*

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10. Boston Post, Dec. 15, 1881, at 1.

11. Report of the Proceedings in the Case of United States vs. Charles J. Guiteau, Tried in the Supreme Court of the District of Columbia, Holding a Criminal Term, and beginning November 14, 1881, Part II (Gov't Printing Off. 1882), at 1099–1105.

*spiration, to kill Garfield. Reasonable minds may differ as to whether Reynolds's testimony and Guiteau's in-court response strengthened or weakened Scoville's version of the insanity defense.*

Q. When did you [last see Guiteau] in Chicago?

— A. During about the year 1879. I do not think I heard anything of him or saw him after probably the early part of 1879.

Q. Where did you next see him?

— A. I next saw him on July 14th, of this year, in the jail.

Q. How long after the murder of President Garfield?

— A. That would be twelve days after....

Q. Did you have any extended conversation with him there on the subject of this murder?

— A. Well, I had quite an extended conversation. The first part of the conversation was not on the subject of the assassination, but the latter part of it was on that subject. I should say the general conversation probably lasted half an hour, and may be a little more, and then that matter came up and was talked about....

Q. How did the conversation commence?

THE WITNESS. About the assassination?

THE DISTRICT ATTORNEY. Yes.

A. He asked me where I was on the day—

THE DISTRICT ATTORNEY. (Interposing.) Do you desire to use the memorandum which you made[?]

THE WITNESS. It will assist me in being more accurate.

THE PRISONER. You would not allow me to refer to my Herald interview. I have no objection to the general's using the memorandum if he wishes to.

MR. SCOVILLE. State first what you remember.

THE WITNESS. I watched with considerable interest how he would introduce the subject. It was alluded to by him first by asking where I was on the day of the assassination....

THE WITNESS. (Referring to memoranda.) ... He said, "Where was you on the day of the assassination?"

MR. DAVIDGE. He used those words?

THE WITNESS. That was just the remark he made. He used that identical word....

Q. Did he use the word "assassinated[?]"

— A. ... He used the word. I use it just as he used it.

THE PRISONER. I never used it so in connection with General Garfield; I always spoke of it as the removal.

THE WITNESS. After that time you will observe he used the word removal.

Q. But at this time he said, "assassinated"?

— A. Yes. I recollect that distinctly.

Q. He said, "When the people know just why I assassinated the President."

— A. "When all this matter gets before the people, and they know just why I assassinated the President, there will be a big reaction in my favor. Such papers as the New York Herald, the Inter-Ocean, and the National Republican, and such men as General Grant, Mr. Conkling, Arthur, and General Logan, will at the proper time make themselves known as my friends. I do not know how long I will have to remain here. It depends on how soon the President dies. Then I will go abroad for a year or two"—

THE PRISONER. (Interrupting.) That is erroneous.

THE WITNESS. (Continuing to read.) "I have an understanding with Colonel Corkhill. He is not going to push this thing until the people are on my side,"—

THE PRISONER. That is what Corkhill said, but he lied about it since. That is the way he played double all last summer, in a lying sort of a way. I found him out. He is a first-class fraud.

THE WITNESS. (Continuing.) —"and then I will be discharged on a writ of habeas corpus." ...

Q. At that time public opinion was that the President was going to recover?

— A. Yes, sir....

THE PRISONER. You cut me off from newspapers and from reporters for three months. I made up my mind to let the Lord manage this whole business, just as He is doing....

Q. Did he make any reference to inspiration at that interview?

— A. He did not.

THE PRISONER. It was not necessary. Do you think I want to put that in every sentence?...

Q. When was the next interview?

— A. The next interview was the forenoon of the next day, July 15....

Q. Will you state to the jury what that conversation consisted of upon the 15th day of July.

— A. Yes, sir.

THE PRISONER. I want to ask the general if he was in the employ of Mr. Corkhill at that time? He pretended to be my friend, and said he had just gone from Chicago and wanted to see me. He was the second man I saw. Mr. Scoville

was the first and General Reynolds was the second. If he was in the employ of Corkhill at the time this conversation was obtained, I would like to know it. . . .

THE WITNESS. I suppose, your honor, that can come out on cross-examination?

THE COURT. Certainly. Go on. . . .

THE WITNESS. He was expecting every moment a reporter of this New York Herald, who was to bring him the short-hand [of Guiteau's autobiography] written out, and he was to revise it. He was quite anxious that that should occur, and was not so communicative as the day before, and what I elicited from him was more from direct questions than voluntary statements on his part.

THE PRISONER. That only shows the extraordinary trickery of the prosecution from the very start [striking the table with his fist]. They lied to me. Corkhill is the man that did it, and God Almighty will curse him for it. You mark my words, Corkhill; you mark my words man.

Q. What did he say in reply to any questions propounded by you at that interview?

— A. After making this explanation about the Herald man he said (reading from the memorandum), "I first thought of removing General Garfield about six weeks ago. For two weeks I was undecided. It was the situation at Albany that suggested it to me. As the factional fight became"—

THE PRISONER. That is true—the political situation that I have been thundering from the very start. The jury will understand that this man was a spy, sent there by the Government to get my private information, under the guise of being my own personal friend from Chicago. Let the American people pass on his character.

Q. You say it was the situation at Albany that suggested it to his mind. Go on.

— A. (Continuing to read). "As the factional fight became more bitter, I became more decided to remove Gen. Garfield."

THE PRISONER. That shows it is politics gentlemen, instead of office[-]seeking. You fellows say I was a disappointed office-seeker.

— A. (Continuing.) "I knew Arthur would at once become President."

THE PRISONER. (Interrupting.) That shows you are weak and false in your position. . . .

— A. (Continuing.) "If I had not seen that the President was doing great wrong to the Stalwarts, and was wrecking the Republican party, I would not have assassinated him."

THE PRISONER. I would not have removed him, and there would not have been any inspiration for his removal, either. (Striking the table with his fist.) The Deity forced me to do it. . . .

— A. (Continuing.) "I had not a particle of ill-will towards General Garfield

as a man. It was the critical situation of the Republican party that required he should be removed. When the Stalwarts are in power I have no fear of being punished. They will know it was I that placed them in power, and for doing that they will not see me punished. They will have the best of reasons for not punishing me, for there was no malice in the act of my shooting.”

— A. ... “It was a patriotic act. I thought my friends would come to see me by the hundred; I expect them now when General Garfield is dead. It is proper they should not come now.” That was the substance of the conversation....

### **Testimony of John Gray—December 30–31, 1881<sup>12</sup>**

*The Prosecution called several expert witnesses to rebut the defense’s claim that Guiteau was insane at the time of the assassination. Their final witness, John Gray, the superintendent of the New York State Lunatic Asylum in Utica, put the medical case against Guiteau most forcefully.*

BY THE DISTRICT ATTORNEY:

Q. I will ask you to tell the jury what is insanity.

— A. Insanity is a disease of the brain, in which there is an association of mental disturbance, a change in the individual, a departure from himself, from his own ordinary standard of mental action, a change in his way of feeling and thinking and acting.

THE PRISONER. That is my case. I shot the President on the second of July. I would not do it again for a million dollars, with the mind I have got now....

Q. ... I understand you to say that, in your thirty years’ experience with the insane, you have never met any form of insanity which is exhibited alone through depravity, immorality, or viciousness?

— A. No, sir; that would be in direct antagonism to the very idea of insanity. That is vice and wickedness, there being no disease.

Q. You do not believe in moral insanity, so called?

— A. No, sir; I have not, for a great many years.

Q. Will you explain to the jury what that term signifies?

— A. It is intended to signify a condition of perversion of the moral faculties, or moral character of the individual, leaving the intellectual faculties still sound. Inasmuch as I, in my own view, cannot conceive of any moral act, or the exercise of any moral affection, without an intellectual operation or mental action accompanying it, so I cannot possibly dis sever this mental unity. I look upon man, in his mental condition, as being a simple unit; that his mental being consists of his intellectual and moral faculties so united

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12. Report of the Proceedings in the Case of United States vs. Charles J. Guiteau, Tried in the Supreme Court of the District of Columbia, Holding a Criminal Term, and beginning November 14, 1881, Part II (Gov’t Printing Off. 1882), at 1591–1618.



that everything he does must spring out of them jointly. Disease is a thing of the body; a sickness of the brain, if it is insanity. No physical sickness could reflect itself through a man's moral nature only.

Q. Suppose a man was a habitual liar, a habitual cheat, a hypocrite, an ingrate, and was habitually imposing upon other men through such conduct, would that indicate, to your mind, insanity?

— A. No, sir; it would indicate depravity.

Q. Has insanity, in itself, any tendency to incite men to become criminal?

— A. No, sir; no more than neuralgia or dyspepsia, or anything else. It is only a disease of the brain. It don't put anything new into a man; it only perverts what is there....

Q. You have stated that you have had an experience with the insane covering thirty years, and have been a close, careful observer and student of their habits and conversation. I will ask you to state whether from your examination of the prisoner you have formed an opinion as to whether he was sane or insane, at the time you were making your examination?

— A. I did.

Q. Will you state what that opinion was

— A. My opinion was that he was sane.

THE DISTRICT ATTORNEY. The court may now adjourn....

***Saturday, December 31, 1881.***

... BY THE DISTRICT ATTORNEY.:

Q. You stated, on the adjournment of the court last night, that from your examination of this prisoner made in the jail, you were of the opinion at that time that he was a sane man. Will you give to the jury the reasons which convinced you that that opinion was correct?

— A. In looking over the history of the prisoner as given to me by himself, and considering his physical health through life, first, I can see no evidences at any period through his life when he has been insane, or has had any symptoms of insanity....

Coming down to the period of his arrival in Washington on the 5th of March he was in good health, and he came for the purpose of applying for an office; that during that time down to the killing of the President he continued in good health; said he had not even had a headache or any evidences whatever of any physical disturbance. He followed up his efforts to obtain an office, as he informed me, persistently, and in the manner which he himself thought best to secure it, by personal application. He claimed no inspiration or no insanity of any kind....

THE PRISONER. I claim inspiration at the beginning and at the middle and at the end of this entire transaction. The whole thing was derived from inspiration. All these experts understand it.

THE DISTRICT ATTORNEY. Go on, doctor.

— A. (Continuing.) I took into consideration, in forming my opinion, his statement that this inspiration which he claimed, or press of Deity, did not come to him at the time of the inception of the act, and not until after he had fully made up his mind to do the act.

THE PRISONER. The making up of my mind was the result of the grinding pressure, and there is where the inspiration came. Right on that very point. The grinding pressure made the inspiration. Get that in straight now.

THE DISTRICT ATTORNEY. Go right on, doctor.

— A. (Continuing.) Also that during this time in which he was considering the question he held in abeyance his own act, his own intention. He controlled his own will; he controlled his own thoughts, reflections, and intentions to do or not do the act pending the obtaining of the consulship....

And the presence in him of reason, judgment, reflection, and self-control, in regard to his act, controlled me in forming my opinion; also, the fact that he controlled himself as to the time in which he should do this act of violence.

THE PRISONER. The Lord don't employ a fool to do his work. Please remember that.

— A. (Continuing.) All of which, in the light of my experience with insane persons who have the delusion that they are controlled or directed or commanded or inspired by the Almighty, would be entirely inconsistent. Such self-control, self-direction, and self-guidance is antagonistic to anything I have ever seen in my personal experience in connection with the insane, having such a delusion as a command of God or a pressure of God upon them, or an inspiration. I took into consideration also, in that same connection, the fact of his providing carefully for his own safety and protection after the act—preparing beforehand, before he had committed the act, deliberately, for his own preservation.

THE PRISONER. I was not going to allow an infuriated mob to destroy me when they didn't know anything about my motive.

— A. (Continuing.) In the light of my experience with insane persons of that class, laboring under such insane delusions, there would be no preparation for personal safety, and no thought of personal safety.

THE PRISONER. You are talking about cranks.

— A. (Continuing.) Also, the fact that he stated to me that he recognized his mental condition as one of insanity; that he recognized this which he

claimed as insanity under the terms of pressure of the Deity and inspiration, beforehand, and he stated to me that he had looked further into that matter and had considered in connection with it, that it was a defense, and a defense which he would make after he had committed the act.

THE PRISONER. That is absolutely false. I never said so.

— A. (Continuing.) Those circumstances and statements are utterly inconsistent with anything in the nature of insanity that I have ever experienced or observed in connection with any act of violence towards an individual, and especially in connection with any case where there is a profound delusion that they are under the command of God[.]... In considering whether this was or could be an insane delusion those circumstances were taken into consideration, and then the fact—

THE PRISONER. (Interrupting.) Insane pressure is the word. I don't claim there was any delusion about it.

— A. (Continuing.) —and then the fact that when persons recognize a delusion as an insane delusion in themselves, and claim that the delusion is evidence of insanity, they cannot be insane. That must be assumed. No man who has such a delusion and is insane, recognizes himself as anything but sane, or recognizes that delusion as anything but an evidence of his sanity. Whenever he recognizes it as a delusion, and as a false belief, and as a false conception in his own mind, and reasons upon it, he ceases to be an insane man.

THE PRISONER. You are talking about cranks. Talk about Abraham and the thirty-eight cases in the Bible where God Almighty directed people to kill.

— A. (Continuing.) I took into consideration also the deliberation with which he proceeded, as well as the change of purpose, from time to time which he manifested....

THE PRISONER. Dr. Gray this morning is arguing the case for the prosecution, which no expert has a right to do; he is just to confine himself to facts and not go into an argument. Porter will do that business—Judge Porter, I mean....

### **Charles E. Grinnell, “Concerning some Criticisms upon the Trial of Guiteau”—January 1882<sup>13</sup>**

*Near the end of the trial, Charles Grinnell, a prominent Boston lawyer and editor of the American Law Review, published this editorial defending the conduct of the Guiteau case against criticisms in the press.*

The certainty that Guiteau's case will remain one of the most celebrated in history stimulates some critics to judge the persons concerned by unreasonable standards, and without

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13. Charles E. Grinnell, *Concerning Some Criticisms upon the Trial of Guiteau*, 16 Am. L. Rev. 50, at 50–55 (Jan. 1882).

even a due regard to necessity. From an historical point of view, we have to ask whether the conduct of a cause which took a nation, with all its imperfections, by surprise has been according to such a standard as the time, the place, the circumstances, and the average character and education of the people allow and require...

The whole nation has been excited, the whole court has been excited, the prisoner is either one of the most excitable of the sane or of the responsible insane, or is an irresponsible insane person...

It is no child's play to try to reckon one's own bearings, and to form an opinion concerning the wavering line by which certain individuals are doomed either to death or imprisonment, according to what one's own mental poise indicates as a tentative standard of sanity for practical purposes; but it must be done by each man on the jury. It is not pleasant to be a public prosecutor of men, whether proved innocent or guilty; but some lawyer must do it. It requires a more robust mind and heart than can be found in every rich or successful lawyer to face dire fate as Mr. Scoville has done, and fight for fair play against the prejudice and malice of slanderous folk, against leaders of the bar, against his very client, who claims to be his own counsel in the case, and against the danger from other assassins. Nor do we know any judge on any bench, and we know not a few, north, south, east, and west, in the United States, who we believe, up to the moment of this writing, would, on the whole, have fulfilled the grave duties of the judicial trust in the conduct of this trial, and especially in the most difficult task, the judicious treatment of the prisoner, with a more profound or more elevated conception of the true meaning and use of the discretion of the court than Mr. Justice Cox...

Of course, at the beginning every one concerned in the trial necessarily felt the pressure of an intense public excitement. We do not think that every utterance of the judge has been of the soundest in law or in wisdom, nor do we think that all that Mr. Scoville has done has been in the best taste; but, taking all the things which we have tried to suggest into consideration, we are convinced that, on the whole, the trial has been conducted according to such a standard as the time, the place, the circumstances, and the average character and education of the people of this country allow and require. Therefore we say that, so far from being a disgrace to the District of Columbia, the trial is an honor to the United States.

We do not expect all of those gentlemen to agree with us who have not travelled through the United States. Especially do we not expect to persuade those discontented travellers whom we have heard in Europe sneering at our common country in some broken form of foreign speech...

We have already grown familiar with the quasi-conspiracy of excitement by which some of the mildest mannered of men trick themselves into the notion that they desire

somebody else effectively to assassinate Guiteau. They fancy that it would be well that one who has committed a murder for his own sake should be murdered for their sake by some volunteer in crime who, proxy though he be, could not implicate his moral principals....

Since the beginning of this remarkable trial, the eyes of the learned and the ignorant, the experienced and the inexperienced, the wise and the foolish, all over the country, have been turned, not upon Mr. Justice Cox, but upon hurried telegrams and breathless editorials about what that learned and sensible gentleman is understood as having said, under most trying circumstances. Now, it seems to us to savor of a weakness, pardonable perhaps in a law school, for lawyers to scoff at a judge because he is not one of the greatest authorities in the law. Such a test, if applied practically, would drive most students, professors, attorneys, and counsellors into occupations far humbler than those of their present profession....

Matters of form, manner, and taste are always subordinate among the unpretending people, who make the larger part of the good and sound life of every country; and when a false prophet is on trial for his life for the murder of a ruler, it is in the interest of truth that the court should be long-suffering. There is dignity in patience, good temper, self-control, and consideration for others' infirmities or vices, whether in an army, an insane hospital, a market, or a court. Whether it would have subdued the prisoner into some measure of decorum to have resorted to more aggressive means of discipline, in or out of the court-room, is a question about which differences of opinion spring from different temperaments. But from our observation of the prisoner we think that, notwithstanding his outrageous behavior, it has been wise not to take any more notice of his license than the court has taken. If he is not insane, he would probably, even under discipline, still play his game to influence the jury; if he is insane, it might add more difficulties and delays to the trial to attempt to silence him.

After all, then, it is our opinion that, in this as in many other important cases, the persons who are on the spot, and who are responsible for the matters in hand, have understood and attended to their business with a discretion superior to that of some of the most highly esteemed among the spectators.

### **Closing Argument of Walter Davidge—January 12–13, 1882<sup>14</sup>**

*Davidge offered the first closing argument for the prosecution, portraying Guiteau as “the greatest criminal of the age.” This excerpt from his lengthy argument focuses on the issue of Guiteau’s sanity.*

[I]f any human being has that degree of intelligence which enables him to understand the act which he is doing, and if he has sense enough to know and does know that the act is in violation of the law of land, or wrong, then no frenzy, no passion will afford any excuse whatever; then no disease of his moral nature will constitute any excuse whatever; then no belief, however profound, although a man through reason and reflection may reach the conclusion that the act is the suggestion of or commanded by Almighty God, will afford any excuse whatever for the perpetration of crime. The sole and exclusive excuse is disease of the mind obliterating the sense of the difference between right and wrong, and absolutely controlling the judgment and reason of the party.

Thus, you will see, gentlemen, that the degree of reason necessary to make a man responsible is very limited indeed. Thus you will see that a man may be what has been here styled a crank, or off his balance, or even partially insane, and may be abundantly responsible for crime....

What is the act committed here? Murder! Murder by lying in wait, what is commonly called assassination. How large a degree of intelligence does it take to inform any man that that is wrong; that that is in violation of the law of the land? What degree of intelligence was requisite to make a lawyer know that it was in violation of the law of the land to kill? What degree of intelligence was required to make a religious man know that the everlasting edict had gone forth from Almighty God “Thou shalt do no murder”? The degree of intelligence, gentlemen, is necessarily small. There is no hardship in holding a man to responsibility where he has sense enough to know the act he is doing and the moral character of that act. It is that element which gives such great importance to the present case. If I could conceive it possible that by your verdict you were to assert that the degree of intelligence required by these instructions did not exist here, I would deplore that result more deeply than I have language to express. I would regret a result of that sort as tantamount to inviting every crack-brained, ill-balanced man, with or without motive, to resort to the knife or to the pistol, and to slay a man for party purposes, or, it may be, without any purposes whatever....

My learned brothers on the other side say not that this man did not know what he was doing; for they have not the hardihood to deny that. They know that that bullet propelled from that pistol and entering the body of a human being would produce death. But the defense is twofold. Mr. Scoville says that the intelligence of this man was of such a low

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14. Report of the Proceedings in the Case of United States vs. Charles J. Guiteau, Tried in the Supreme Court of the District of Columbia, Holding a Criminal Term, and beginning November 14, 1881, Part III (Gov’t Printing Off. 1882), at 1863–66, 1876–78, 1926.

order that he did not know that it was wrong to commit a murder. Mr. Scoville says that his intelligence was habitually so low that he did not know it was wrong to slay the President of the United States. The prisoner apprehending the falsity of a pretension of that sort supplemented it with another, and he acted wisely. He said he was no fool, and we all know that he is no fool. . . . You doubtless have observed that at a certain point in the trial . . . the prisoner denounced Mr. Scoville as a fool or a jackass for insisting on the first line of defense. It is not for me to say how far the prisoner's view of the conduct of his counsel was right or wrong. I believe, and I will show you hereafter, that Scoville acted for the best. He did all that could be done, though heaven knows that all was not much. . . . But it indicates the shrewdness and intelligence of this defendant, that he fully apprehended the situation. He knew he would inevitably be uncovered here. He knew that it was impossible to run the gauntlet of this trial as an imbecile, but that he would be stripped both in respect of intellectual and moral character, hence he had his cherished invention, to wit, the so-called inspiration. . . .

A word or two now as to the crime here. I have said it was murder. It is more than murder. It is the murder of the head of a nation itself; the murder of the Chief Magistrate of fifty millions of people. It is said that "There is divinity which doth hedge in a king." We have no king. But one would suppose that the ruler of a republic such as we boast, through the simple majesty of his august office, and without royal forms or royal trappings, would inspire respect equal to that inspired by either king or kaiser. That is the crime, political assassination! The murder of the head of a great republic! This man, the slain, was great in council, great in the field, endeared to the hearts and affections of the people.

It has been said here that the murder of one man is not different from the murder of another. It is so in point of law, it is so in respect of the indictment; but when you are called to pass upon the great question whether the defendant is to be shielded from punishment on the ground of want of intelligence, it becomes of the utmost importance to know exactly whose light of life was extinguished. A man may not have intelligence enough to be made responsible, even for a less crime; but it is . . . very hard to conceive of the individual with any degree of intelligence at all, incapable of comprehending that the head of a great constitutional republic is not to be shot down like a dog. That is the victim. . . .

I told you the crime. Political assassination. I told you the victim. Now, who is this prisoner? In the beginning we did not know who he was. We could not have entertained a very good opinion of him in the beginning; but for a little while here he passed quite current as an imbecile, a fool. He has since been uncovered; indeed, you will recollect he uncovered himself. He went upon the stand. After that, nobody any longer doubted the degree of intelligence of that man. After that, nobody doubted that he knew the act he was doing; that he had intelligence enough to know that act was wrong.

What has been shown by the developments of the present case? Why, that this man, represented to you by the opening speech of Mr. Scoville as weak, incapable of talking coherently, an imbecile (you recollect all these representations), is one of the vilest of the human race, a man of gigantic schemes all his life, showing a tendency in the direction of schemes that would startle an ordinary mind[.]... If I were to sum up the moral and intellectual qualities of that man, I would say he had the daring eye of the vulture combined with the heart of the wolf.

Such is the crime, such is the victim, such is the slayer. It is a very strange coincidence that this great and good man, among the foremost not only of his countrymen, but of the world, should, by some mysterious dispensation, be brought in contact with this low, vile, wicked man in relation of slayer and slain; and yet it is so....

In the beginning it was sought to show that the prisoner was off his balance; that he was crazy; that he was insane, as one or two said, all generalities amounting to nothing and meaning nothing. Now the court comes in and says to you that the insanity you are to look for in this case is that degree of insanity that disables a man from knowing what he is doing and that the act is wrong. Did he know he was planting a bullet in the body of the President? That is the first and not denied. Next, did he know that it was wrong to rob a nation of its chief, a woman of her husband, children of a father, and a man of his own life; did he know it? That is the only question before you at present....

Whenever a crime is committed that thrills and startles humanity and no other defense is available, that of insanity is almost sure to be interposed. In the present case the example set in respect of other great crimes appears to have been followed. There was no peculiar disadvantage in respect of the experiment here. The prisoner was and is peculiar in his manner. His counsel, Mr. Scoville, had, if he has not now, the sympathy of the community. Very many people too of aesthetic taste thought it would be a very happy escape from a dilemma involving as they thought national disgrace, if it could be established that the murderer of a President of this great country was insane—a large body of sentimentalists, for whose opinions let me say, I have little or no respect; for go where you will in this great land, you cannot travel a hundred miles without meeting both the court house and the jail, and these institutions which dot this land over from North to South are simply the indications that whatever we would have, yet the weakness and wickedness of human nature are such as to require corresponding means set in force for the punishment of human crimes....

All crime is a delusion. All wickedness is a delusion. What thoughtful man would do wrong when he might do right? What man has ever done wrong without feeling and knowing afterwards that it was the unwise thing he could do? The court tells you that not only must the prisoner have labored under a delusion, but that that delusion must



be an insane delusion and the product of disease of the mind. All these learned men who have been examined here—I will not stop to name them—declare that this man is not the subject of disease of the mind; and the court tells you, furthermore, that even if he had disease of the mind, the extent of that disease must have been so great that he did not know, whilst hatching this fearful crime, either that it was against the law of the land or that it was wrong in itself. Such is the very language of the court....

### **Closing Argument of Charles Guiteau—January 21, 1882<sup>15</sup>**

*Guiteau's argument to the jury reflects his own theory of the case, as well as his manifold linguistic and pronounced character traits. The excerpt below is taken from the first part of his address.*

THE PRISONER. I am going to sit down because I can talk. I am not afraid of any one shooting me. This shooting business is declining.

THE COURT. (To the Prisoner.) You may proceed now.

THE PRISONER. If the court please, gentlemen of the jury: The prosecution pretend I am a wicked man. Mr. Scoville and Mr. Reed say I am a lunatic. I certainly was a lunatic on July 2 when I fired on the President, and the American people generally think I was, and I presume you think I was. Can you imagine anything more insane than my going to that depot and shooting the President of the United States? You are here to say whether I was sane or insane at the moment I fired that shot. You have nothing to do with my condition before or since that shot was fired.... If I fired it on my own account I was sane. If I fired it, supposing myself the agent of the Deity I was insane, and you must acquit. This is the law as given in the recent decision of the New York court of appeals. It revolutionizes the old rule and is a grand step forward in the law of insanity. It is worthy of this age of railroads, electricity, and telephones, and it well comes from the progressive State of New York. I have no hesitation in saying that is a special Providence in my favor, and I ask this court and jury to so consider it. Some of the best people of America think me the greatest man of this age, and this feeling is growing. They believe in my inspiration, and that Providence and I have really saved the nation another war....

I desire to thank my sister, brother, and counsel, Mr[.] Scoville and Mr. Reed, for their valuable services on this trial. I intend to give my counsel an ample fee, especially Mr. Scoville. He is a stanch man and a hero, and I commend him to Chicago and the Northwest as a first-class lawyer, and a Christian gentleman. We have differed as to this defense. He has his theory and I have mine. I told him to work his theory for all it was

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15. Report of the Proceedings in the Case of United States vs. Charles J. Guiteau, Tried in the Supreme Court of the District of Columbia, Holding a Criminal Term, and beginning November 14, 1881, Part III (Gov't Printing Off. 1882), at 2202–07.

worth, and he has done it in a masterly way, and I commend him for his zeal and ability as an advocate. Considering his slight experience as an advocate, he showed himself to be a man of marked resources. In other words, you cannot tell what there is in a man until he has a chance. Talent lies dormant. A chance develops it. Some men never have a chance, and go down in obscurity. There are plenty of brains in this world. It is only the man who has a chance that develops brains. It is brains and opportunity, i.e., Providence, that makes great men....

I am not here as a wicked man, or as a lunatic, I am here as a patriot, and my speech is as follows. I read from the New York Herald, gentlemen. It covers over a page. It was sent by telegraph Sunday, and published in all the leading papers in America Monday:...

To-day I suffer in bonds as a patriot. Washington was a patriot. Grant was a patriot.... They raised the old war-cry, "Rally round the flag, boys," and thousands of the choicest sons of the Republic went forth to battle, to victory or death. Washington and Grant, by their valor and success in war, won the admiration of mankind. To-day I suffer in bonds as a patriot, because I had the inspiration and nerve to unite a great political party, to the end the nation might be saved another desolating war....

Admitting that the late President died from the shot, which I deny as a matter of fact, still the circumstances attending the shooting liquidate the presumption of malice either in law or in fact. Had he been properly treated he probably would have been alive to-day, whatever my inspiration or intention. The Deity allowed the doctors to finish my work gradually, because He wanted to prepare the people for the change and also confirm my original inspiration. I am well satisfied with the Deity's conduct of the case thus far, and I have no doubt that He will continue to father it to the end, and that the public will sooner or later see the special providence in the late President's removal. Nothing but the political situation last spring justified his removal. The break in the Republican party then was widening week by week, and I foresaw a civil war. My inspiration was to remove the late President at once, and thereby close the breach before it got so wide that nothing but a civil war could close it. The last war cost the nation a million of men and a billion of money. The Lord wanted to prevent a repetition of this desolation and inspired me to execute His will.

Why did He inspire me in preference to some one else? Because I had the brains and nerve, probably, to do the work. The Lord does not employ incompetent persons to serve Him. He uses the best material He can find. No doubt there were thousands of Republicans who felt as I did about the late President wrecking the Republican party, and had they the conception, the nerve, the brains, and the opportunity and special authority from the Deity they would have removed him. I, of all the world, was the only man who had authority from the Deity to do it. Without the Deity's pressure I never should have sought

to remove the President. This pressure destroyed my free agency. The Deity compelled me to do the act, just as a highwayman compels a man to give him money, after placing a pistol at his victim's head. The victim may know it is absolutely wrong for him to give money that his wife and child need, but how can he keep it with a pistol at his head?...

General Arthur, as President, is doing splendidly. No man can do better. I am especially pleased with his conciliatory spirit and wisdom toward the opposition. It is exactly what I wished him to do, viz., unite the factions of the Republican party, to the end that the nation may be happy and prosperous....

In short, everybody politically is happy, save a few cranks, and they will probably be happy soon. Happiness is catching. The political situation to-day is just what I knew it would be last June if Mr. Garfield was removed. Everything in this case so far has gone about as I anticipated last June, which is an evidence of the Deity's confirmation of my act.

I have been in jail since July 2, and have borne my confinement patiently and quietly, knowing that my vindication would come. Thrice I have been shot at and came near being shot dead, but the Lord kept me harmless.

(Rising excitedly and pointing at his sleeve.) There is the mark of Jones's bullet as I was going to my home in the jail one day. It came very near piercing my heart. . . . You see how the Lord has protected me (resuming his seat)....

I have no doubt as to my spiritual destiny. I have always been a lover of the Lord, and whether I live one year or thirty—

(The prisoner here broke out crying, wiped his eyes with his handkerchief and proceeded with emotion.)

I am His. I have had this idea for twenty years, and it has never left me. As a matter of fact I presume I shall live to be President. General Arthur is a good man, every way. I happen to know him well. I was with him constantly in New York during the canvass. So with General Grant, Conkling, and the rest of those men. They have not taken an active part in my defense because it would not be proper. But I know how they feel on this case. They elected Garfield, and they know that under Blaine's influence he proved a traitor to them, and imperiled the Republic. Had Garfield shown the spirit and wisdom of Arthur he probably would have been alive to-day. But he sold himself body and soul to Blaine; and Blaine is morally responsible for his death. Mr. Blaine is a good fellow personally, but he is a good, vindictive politician, and he wanted to get even with Grant and Conkling and Arthur for defeating him at the Chicago Convention, and Garfield weakly yielded himself to Blaine's influence, and it finally resulted in his death.

The prosecution have introduced certain witnesses who are guilty of rank perjury, and it has excited my wrath, and I have denounced them in plain language. I hate the mean, deceptive way of the prosecution. My opinion of the District attorney is well known. The

defense has been unfortunate in having insufficient counsel, but notwithstanding this I expect justice will be done me, and my motive and inspiration vindicated.

People are saying, "Well, if the Lord did it, let it go."

The mob crucified the Savior of mankind, and Paul, his great apostle, went to an ignominious death. This happened many centuries ago. For eighteen centuries no man has exerted such a tremendous influence on the civilization of the race than has the despised Galilean and His great apostle. They did their work and left the result to their Almighty Father. And so must all inspired men do their work regardless of consequences, and leave the result to the Almighty....

**"Forcible Epithets Applied to Garfield's Murderer by Judge Porter," *Boston Daily Globe*—January 25, 1882<sup>16</sup>**

*This article praising John Porter's forceful closing argument captures both the emotion in the courtroom and the reception of Guiteau's case in much of the nation.*

Washington, January 24.—Judge Porter spoke all day today, but did not conclude his argument.... He will, it is thought, speak until he has produced such a frame of mind among the jurors as will leave no doubt as to the verdict....

His brief review of what he had gone over yesterday enabled him to repeat with redoubled emphasis the scathing denunciation he then applied to the prisoner. He had shown, he said, that [Guiteau's] defence was founded on sham and brazen falsehood.

**UNTRUTHS HAD BEEN UTTERED** with effrontery forced by persistency, reduplicated by reiteration. He had shown this prisoner to be a liar and a swindler and a murderer. They had seen him grow from a lawless, disobedient, ungrateful child to be a vile man that stung those who had benefitted him; that he had an inordinate lust for unholy notoriety and malice as unbounded as his vanity until he had become, not by birth, as Dr. Spitzka said, but by culture, a moral monstrosity. As the speaker warmed in his theme new and more forcible epithets came to his tongue. Such execrations have seldom fallen from the lips of man....

The press, too, had been arraigned and convicted of **THE MURDER OF GARFIELD** by the blistered tongue of this murderous liar. Judge Porter paid a glowing tribute to ex-Senator Conkling and General Grant, though he mentioned the names of neither of the gentlemen, who, he said, had been charged, with the present President of the United States, as responsible for the assassination.

The prisoner having cried out from the dock that General Arthur was made president

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16. *Forcible Epithets Applied to Garfield's Murderer by Judge Porter*, *Boston Daily Globe*, Jan. 25, 1882, at 1.

by his inspiration, Judge Porter turned upon him sharply and said that President Arthur had been made president by Guiteau as he might have been made president by a rattlesnake. The prisoner, whose interruptions were made usually with characteristic sang froid, became furious when Judge Porter, with solemn utterance, declared that, though Guiteau had sworn that he prayed to God, there was not a soul in that assembly that shrunk from meeting his Maker as this wretch did.

“You are an infernal scoundrel,” shrieked Guiteau. “God Almighty will put you down below with Corkhill.” ...

In reply to the theory that the “political situation” did it, Judge Porter observed that it is true that in the heat of political strife they said hard things of one another, but is that hoisting the black flag and giving liberty to a murderer to kill whom he pleases? That’s the theory of this defence. ... Judge Porter referred to the scriptural passage that described the scene where the cast out devils took refuge in the swine and the swine rushed into the sea and were choked. Whether or not, he said, the devil in Guiteau was to be choked by law remained for the jury to say. Judge Porter suffered many interruptions by the prisoner. He became silent whenever the prisoner spoke and then, turning his own words upon him, let flow the ever ready torrents of denunciation.

Guiteau vented his rage by repeatedly charging the speaker with being a wine bibber. His favorite exclamations when Judge Porter had finished a particularly high sounding sentence were, “That’s all bosh,” or “That’s very fine,” “Do that again.”

He pretended to read from the newspapers during a portion of the day, but his wonderful ears never lost a word that Judge Porter uttered, though he was separated from him by the width of the room. Part of the day the prisoner was engaged in answering demands for his autograph. When the court adjourned a few minutes after 3 o’clock Judge Porter was at once surrounded, and was kept busy replying to compliments bestowed upon him. Then he fell into the hands of the ever-present autograph hunters, and could not go away until long after the other participants in the trial had disappeared....

### **Charge to the Jury—January 25, 1882<sup>17</sup>**

*Justice Cox's lengthy charge to the jury focused primarily on the question of Guiteau's insanity. While Justice Cox did not, as many observers demanded, instruct the jury to find Guiteau guilty, his instruction suggests that he found much of Guiteau's own evidence damning.*

Gentlemen of the Petit Jury:

[T]o constitute the crime of murder, the assassin must have a responsibly sane mind... An irresponsibly insane man can no more commit murder than a sane man can do so without killing. His condition of mind cannot be separated from the act. If he is laboring under disease of his mental faculties—if that is a proper expression—to such an extent that he does not know what he is doing, or does not know that it is wrong, then he is wanting in that sound memory and discretion which make a part of the definition of murder...

The defence of insanity has been so abused as to be brought into great discredit. It has been the last resort in cases of unquestionable guilt, and has been the excuse to juries for acquittal, when their own and the public sympathy have been with the accused, and especially when the provocation to homicide has excused it according to public sentiment, but not according to law. For these reasons, it is viewed with suspicion and disfavor, whenever public sentiment is hostile to the accused. Nevertheless, if insanity be established ... it is a perfect defence to an indictment for murder, and must be allowed full weight...

[T]here is a debatable border-line between the sane and the insane, and there is often great difficulty in determining on which side of it a party is to be placed. There are cases in which a man's mental faculties generally seem to be in full vigor, but on some one subject he seems to be deranged. He is possessed, perhaps, with a belief which every one recognizes as absurd, which he has not reasoned himself into, and cannot be reasoned out of, which we call an insane delusion, or he has, in addition, some morbid propensity, seemingly in harsh discord with the rest of his intellectual and moral nature.

These are cases of what, for want of a better term, is called partial insanity.

Sometimes its existence, and at other times its limits, are doubtful and undefinable. And it is in these cases that the difficulty arises of determining whether the patient has passed the line of moral or legal accountability for his actions...

[T]he true test of criminal responsibility, where the defence of insanity is interposed, is whether the accused had sufficient use of his reason to understand the nature of the act with which he is charged, and to understand that it was wrong for him to commit it; that if this was the fact he is criminally responsible for it, whatever peculiarities may be shown about him in other respects; whereas, if his reason was so defective, in consequence of mental disorder, generally supposed to be caused by brain disease, that he could not un-

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17. Guiteau's Case, 10 F. 161, 163–86 (S.D.N.Y. 1882).

derstand what he was doing, or that what he was doing was wrong, he ought to be treated as an irresponsible person. . . .

You are to determine whether, at the time when the homicide was committed, the defendant was laboring under any insane delusion prompting and impelling him to the deed.

Very naturally you look, first, for any explanation of the act which may have been made by the defendant himself at the time or immediately before and after.

You have had laid before you, especially, several papers which were in his possession, and which purport to assign the motives for his deed. . . .

The emphatic manner in which, in both the papers delivered to Gen. Reynolds, the defendant declared that the assassination was his own conception and execution, and whether right or wrong he took the entire responsibility, his detailed description of the manner in which the idea occurred to him, and how it was strengthened by his reading, etc., and his omission to state anything about a direct inspiration from the Deity at that time, are all circumstances to be considered by you on the question whether he then held that idea.

On the other hand, you have the prisoner's testimony in which he now asserts that he conceived himself to be under an inspiration at the time. He also advanced this claim in his interviews with the expert witnesses shortly before the trial.

It becomes necessary, then, to examine the case on the assumption that the prisoner's testimony may be true, and to ascertain from his declaration and testimony what kind of inspiration it is which he thus asserts. . . .

According to the testimony of Dr. Gray, the prisoner said that he had received no instructions, heard no voice of God, saw no vision in the night, or at any time; that the idea came into his own mind first, and after thinking over it and reading the papers, when he arrived at the conclusion to do the act, he believed then it was a right act, and was justified by the political situation.

When asked how he could apply this as an instruction from the Deity, he said it was a pressure of the Deity; that this duty of doing it, as he claimed, had pressed him to it.

Again, he said he had not connected the Deity with the inception and development of the act; that it was his own. He did not get the inspiration until the time came for it, and that the inspiration came when he had reached the conclusion and determination to do the act.

Perhaps the most remarkable of the prisoner's statements to Dr. Gray was that at the very time when he was planning the assassination, he was also devising a theory of insanity which should be his defence, which theory was to be that he believed the act of killing was an inspired act. . . .

[Guiteau] says that while pondering over the political situation the idea suddenly occurred to him that if the president were out of the way the dissensions of his party would be healed; that he read the papers with an eye on the possibility of the president's removal, and the idea kept pressing on him; that he was horrified; kept throwing it off; did not want to give it attention; tried to shake it off; but it kept growing upon him, so that at the end of two weeks his mind was thoroughly fixed as to the necessity for the president's removal and the divinity of the inspiration. He never had the slightest doubt of the divinity of the inspiration from the first of June. He kept praying about it, and that if it was not the Lord's will that he should remove the president there would be some way by which His providence would intercept the act. He kept reading the newspapers, and his inspiration was being confirmed every day, and since the first day of June he has never had a doubt about the divinity of the act.

In the cross-examination he said: If the political necessity had not existed the president would not have been removed—there would have been no necessity for the inspiration. About the first of June he made up his mind as to the inspiration of the act, and the necessity for it; from the sixteenth of June to the second of July he prayed that if he was wrong, the Deity would stop him by His providence; in May it was an embryo inspiration—a mere impression that possibly it might have to be done; he was doubting whether it was the Deity that was inspiring him, and was praying that the Deity would not let him make a mistake about it; and that at last it was the Deity, and not he, who killed the president.

Again, the confirmation that it was the Deity, and not the devil, who inspired the idea of removing the president, came to him in the fact that the newspapers were all denouncing the president. He saw that the political situation required the removal of the president, and that is the way he knew that his intended act was inspired by the Deity; but for the political situation, he would have thought that it came from the devil....

On all this the question for you is, whether, on the one hand, the idea of killing the president first presented itself to the defendant in the shape of a command or inspiration of the Deity, in the manner in which insane delusions of that kind arise, of which you have heard much in the testimony; or, on the other hand, it was a conception of his own, followed out to a resolution to act; and if he thought at all about inspiration, it was simply a speculation or theory, or theoretical conclusion of his own mind, drawn from the expediency or necessity of the act, that his previously conceived ideas were inspired.

If the latter is a correct representation of his state of mind it would show nothing more than one of the same vagaries of reasoning that I have already characterized as furnishing no excuse for crime.

Unquestionably a man may be insanely convinced that he is inspired by the Al-



mighty to do an act, to a degree that will destroy his responsibility for the act.

But, on the other hand, he cannot escape responsibility by baptizing his own spontaneous conceptions and reflections and deliberate resolves with the name of inspiration.

On the direct question whether the prisoner knew that he was doing wrong at the time of the killing, the only direct testimony is his own, to the contrary effect...

It has been argued with great force, on the part of the defendant, that there are a great many things in his conduct which could never be expected of a sane man, and which are only explainable on the theory of insanity. The very extravagance of his expectations in connection with this deed—that he would be protected by the men he was to benefit, would be applauded by the whole country when his motives were made known—has been dwelt upon as the strongest evidence of unsoundness.

Whether this and other strange things in his career are really indicative of partial insanity, or can be accounted for by ignorance of men, exaggerated egotism, or perverted moral sense, might be a question of difficulty. And difficulties of this kind you might find very perplexing, if you were compelled to determine the question of insanity generally, without any rule for your guidance.

But the only safe rule for you is to direct your reflections to the one question which is the test of criminal responsibility, and which has been so often repeated to you, viz., whether, whatever may have been the prisoner's singularities and eccentricities, he possessed the mental capacity, at the time the act was committed, to know that it was wrong, or was deprived of that capacity by mental disease...

From the materials that have been presented to you two pictures have been drawn by counsel.

The one represents a youth of more than the average of mental endowments, surrounded by certain demoralizing influences at a time when his character was being developed; starting in life without resources, but developing a vicious sharpness and cunning; conceiving "enterprises of great pith and moment," that indicated unusual forecast, though beyond his resources; consumed all the while by insatiate vanity and craving for notoriety; violent in temper, selfish in disposition, immoral, and dishonest in every direction; leading a life, for years, of hypocrisy, swindling, and fraud; and finally, as the culmination of a depraved career, working himself into a resolution to startle the country with a crime that would secure him a bad eminence, and, perhaps, a future reward.

The other represents a youth born, as it were, under malign influences, the child of a diseased mother, and a father subject to religious delusions; deprived of his mother at an early age; reared in retirement and under the influence of fanatical religious views; subsequently, with his mind filled with fanatical theories, launched upon the world with no guidance save his own impulses; then evincing an incapacity for any continuous occupa-

tion; changing from one pursuit to another—now a lawyer, now a religionist, now a politician—unsuccessful in all; full of wild impracticable schemes, for which he had neither resources nor ability; subject to delusions about his abilities and prospects of success, and his relations with others; his mind incoherent and incapable of reasoning connectedly on any subject; withal, amiable, gentle, and not aggressive, but the victim of surrounding influences, with a mind so weak and a temperament so impressible that, under the excitement of political controversy, he became frenzied and insanely deluded, and thereby impelled to the commission of a crime, the guilt of which he could not, at the moment, understand.

It is for you to determine which of these is the portrait of the accused....

Now gentlemen, retire to your rooms and consider this matter, and make due deliberation in the case of the United States against Guiteau.

### **Sentence—February 4, 1882<sup>18</sup>**

*Following the jury's verdict on January 25, the court heard a series of arguments seeking to set aside the verdict on February 3 and 4, 1882. After rejecting these, Justice Cox sentenced Guiteau to hang. The judge's sentencing statement offers an insight into his view of the case, while Guiteau's response to his death sentence is illustrative of his disruptive and erratic conduct throughout the trial.*

THE PRISONER. Do I understand it is necessary to pass sentence now[?]

THE COURT. The sentence is passed now, but the execution of it is deferred until after the consideration by the court in banc.

THE PRISONER. Within what time will your honor—(To Mr. Scoville who is attempting to silence him.) Keep quiet yourself. You just keep your mouth still; you convicted me by your fool theory and consummate asinine conduct. If you had kept entirely away from me I would have had the best lawyers in America, and I could have got them in October, but you came on to the case and I didn't ask you. Your intentions are good, but you are deficient in brains and experience. I want brains and experience on this case and not intentions. That is my record on you. Now, I want you to let me alone and I will pull out of this. You have got me into this trouble.

THE DISTRICT ATTORNEY. The duty is imposed on me now of asking the court to pass sentence in accordance with the verdict.

THE PRISONER. I ask your honor to defer that as long as you can.

THE COURT. (To the prisoner.) Stand up. (The prisoner arose.) Have you anything to say why sentence should not be passed upon you[?]

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18. Report of the Proceedings in the Case of United States vs. Charles J. Guiteau, Tried in the Supreme Court of the District of Columbia, Holding a Criminal Term, and beginning November 14, 1881, Part III (Gov't Printing Off. 1882), at 2419–22.

THE PRISONER. I am not guilty, sir, of the charge set forth in the indictment. It was God's act and not mine, and God will take care of it, and don't the American people forget it; and every officer, judicial or otherwise, from the President down to that marshal (Mr. Henry), taking in every man on that jury and every member of this bench, will pay for it, and the American nation will roll in blood if my body goes into that ground and I am hung. I tell you the mills of the gods grind slow, but they grind sure. Those Jews put the despised Galilean into the grave and they had their way for a little time, but at the destruction of Jerusalem, forty years after, the Almighty got even with them. I tell you I am here as God's man. I have no fear of death. Kill me tomorrow if you want to. I am here as God's man and have been from the start. I care not what men shall do with me.

THE COURT (Solemnly.) You have been convicted of a crime which was so terrible in its circumstances and so far reaching in its consequences that it has drawn upon you the notice of the whole world and the execrations of all your countrymen. Under the excitement produced by such an offense as that it was no easy task for you to have a fair trial. But you have had the whole power and treasury of the government in your service to protect your person from violence and to secure the attendance of your proofs from the most remote parts of the country. I think you have had as fair and impartial a jury as ever assembled in this court. You have been defended by counsel with zeal and ability and devotion that merit the highest encomiums, leaving nothing to be desired for you in that respect, and I have certainly done my best to secure a fair presentation of your defense. Notwithstanding all this you have been found guilty. It would have been a comfort to many people if the verdict of this jury had established the fact that your act was that of an irresponsible man. It would have left people in the satisfying belief that the crime of political assassination was something entirely foreign to the institutions and civilization of this country. But the result of your trial has denied people that comfort, and it is only left to the country to accept the fact that even that crime may be committed, and it is for the courts to deal with it by imposing the highest penalty known to the criminal code in order to deter others from following so vicious an example. Your career has been so extraordinary that people may have well at different times doubted your sanity. But I cannot do otherwise than believe, as this jury believed, that when this crime was committed you thoroughly understood the nature of this act and its consequences, and you had entire control of your actions.

THE PRISONER. (Interjecting.) I was acting as God's man.

THE COURT. (Continuing.) Your own testimony shows that you recoiled with horror from the idea when it first occurred to you. You say that you prayed against it; that you thought it might be a suggestion of the devil. All these things show that your conscience was warning you against it. Yet, by a kind of wretched sophistry of your own, you worked yourself up to the commission of this offense in face of the plain protest of your own conscience. What motive could

have induced you to this perverse exercise of your faculties may be a matter of speculation. I think probably most men will think that with some possible mixture of political fanaticism, a morbid desire for self-exaltation was the real inspiration of the act. Your own testimony seems to me to sweep away some of the theories of your own counsel. They have maintained and thought honestly that you were driven against your own will by some insane, irresistible impulse to commit this act. But your testimony shows that you deliberately resolved to do it, that you willed to do it, and that your own deliberate but misguided will was the sole impulse to the commission of the deed. All this may seem insanity to some people, but the law looks upon it as a willful crime.

I need not enlarge any further upon this case. You will have a full opportunity of having any errors that I may have committed to your prejudice redressed in the general term. But meanwhile, it is necessary that I should pronounce the judgment of the court, which is that you be taken hence to the common jail of the District of Columbia, whence you came, and there be kept in confinement, and that on Friday, the 30th day of June, in the year of our Lord, one thousand eight hundred and eighty-two, you be taken to the place prepared for your execution within the walls of said jail, and then and there, between the hours of twelve o'clock meridian and two post meridian of the same day, you be hung by the neck until you shall be dead; and may God have mercy upon your soul.

THE PRISONER. (Wildly.) And may God have mercy upon your soul. I am a good deal better off to-day than that jury is.

MR. SCOVILLE. (Interposing and addressing the court.) I enter an appeal in accordance with the statute provided.

THE PRISONER. (Continuing.) I am here as God's man, and don't you forget it. God Almighty will curse every man who has had anything to do with this case. Don't you forget that.

MR. SCOVILLE. (Addressing the court.) I suppose the order will be granted staying the execution until after the next term of court.

THE COURT. Yes; the next term of the court will be the fourth Monday of April.

THE PRISONER. (Continuing clamorously.) Nothing but good has come from Garfield's removal, and that will be posterity's idea on it. Everybody is happy here except a few cranks. Nothing but good has come to this country by his removal. That is the reason the Lord directed me to remove him....

I would rather be in my place than Corkhill's. I shall have a flight to glory, and I am not afraid to go. But that man Corkhill is—we will let up on Corkhill and those scoundrels. They have a permanent job below. I will go to glory. I won't go yet. I expect to be President before I go.

## Opinion of the Supreme Court of the District of Columbia Upholding Guiteau's Conviction—May 22, 1882<sup>19</sup>

*The District of Columbia did not gain a federal appellate court until 1893. However, a general term of the SCDC heard an appeal in Guiteau's case, in which the defendant's lawyers argued that the court did not have jurisdiction. There were two primary grounds for this argument: (1) that the statute making murder a federal capital offense when committed on land under federal control did not include the District of Columbia; and (2) that the murder had not been committed in the District because Garfield had died in New Jersey. The excerpt below focuses on the first question. Justice Alexander Hagner's concurring opinion is omitted.*

MR. JUSTICE JAMES (delivering the opinion of the court):

... This indictment is founded on section 5339 of the Revised Statutes of the United States, which provides that—

Every person who commits murder within any fort, arsenal, dock-yard, magazine, or in any other place, or district of country under the exclusive jurisdiction of the United States \* \* \* shall suffer death.

As the argument on the part of the defendant questioned the application of this general statute to the District of Columbia, and as this question has not hitherto been formally presented on appeal, we propose now to re-examine it, notwithstanding indictments under this statute have always been sustained in the criminal court and sentence [h]as been affirmed here.

That part of section 5339 which has been cited was drawn, in the revision of the statutes, from the act of April 30, 1790, known as the first crimes act, which was passed in the second session of the first Congress, when the legislature was occupied in measures for putting the new government in operation...

The Constitution of the United States had provided that:

The Congress shall have power \* \* \* to exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings. (Art. I, sect. 8.)

It will be observed that, in designating the places in which the commission of murder should be deemed a crime against the United States, the legislature employed substantially, and to some extent precisely, the language found in that clause of the Constitution

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19. Report of the Proceedings in the Case of United States vs. Charles J. Guiteau, Tried in the Supreme Court of the District of Columbia, Holding a Criminal Term, and beginning November 14, 1881, Part III (Gov't Printing Off. 1882), at 2569–71.

which conferred upon it the power to exercise exclusive legislation over certain places.... Considered from this point of view, the terms of the law indicate an intention to provide, so far as the crime of murder was concerned, not only for the forts, arsenals, magazines, and dock yards mentioned in the Constitution, but for the particular district described in the same clause of that instrument. The designation of place was as strictly applicable to the district, as to the forts and magazines there mentioned. And if it be objected that the new government possessed at that time no district of country which had become its seat, the answer is, that neither had it at that time the dock-yards and magazines for which the statute provided protection against this crime. Every part of that section related to places yet to be acquired. Therefore, if its terms aptly described the "district of country" which has since been acquired as the seat of the Government of the United States, they must be held to apply to that district quite as certainly, and by the same rule of construction, by which they applied to forts and dock-yards which were not then in existence, but have been acquired since the passage of that act. We are not even embarrassed, under this theory of construction, by a suggestion that Congress must be supposed, in that case, to be legislating about a matter which then floated in uncertainty; for this very district of country, subject to ascertainment by certain measures to be taken on the part of the United States, was accepted, for the purposes of a seat of government, by the act of July 16, 1790, passed at the same session with the crimes act, and only eleven weeks later, so that its acquisition must already have been regarded as substantially an accomplished fact....

We believe, therefore, that the third section of the act of 1790 has been in force in this district ever since it came under the exclusive jurisdiction of the United States. But if we had had any doubt upon that question, we should hold, without doubt, that it has been in force here since the 21st day of February, 1871, by virtue of the act of that date establishing a new form of government for this District. The thirty-fourth section of that act, which is now embodied in section 93 of the Revised Statutes, for the District of Columbia, provides that:

All the laws of the United States which are not locally inapplicable shall have the same force and effect within the District as elsewhere in the United States.

Under the operation of this provision other laws of the United States relating to crimes have been enforced here; and if any law can come within the description of "not locally inapplicable," surely the law of 1790, which, by its strict and peculiar terms, is not only applicable, but, as we think, was originally intended to be locally applied, must do so....

## Justice Joseph Bradley's Opinion Denying Guiteau's Petition for a Writ of Habeas Corpus—June 19, 1882<sup>20</sup>

*Federal law did not permit criminal appeals to the Supreme Court of the United States until 1889. However, federal prisoners could challenge their detention on the ground that the trial court lacked jurisdiction through a collateral suit seeking a writ of habeas corpus. In a final attempt to gain judicial recourse, Reed petitioned the Supreme Court for such a writ. Petitions were ordinarily heard by a single justice, who could decide the case himself or refer the matter to the full Supreme Court. In this instance, Associate Justice Joseph Bradley determined that the SCDC had jurisdiction. Bradley's decision not to refer the case to the full Supreme Court effectively ended the judiciary's involvement in Guiteau's case.*

MR. JUSTICE BRADLEY:

Charles J. Guiteau, being in prison under sentence of death for the murder of President Garfield, applies for a habeas corpus to be discharged from said imprisonment, on the ground that the criminal court of the District of Columbia, by which he was tried and convicted, had no jurisdiction of his offense. The supposed want of jurisdiction is based on the fact that, although the mortal wound was inflicted in the District, the death of the President took place in New Jersey; whereas the act under which the indictment was found (section 5339 of the Revised Statutes) only declares that murder committed within any fort, arsenal, dock-yard, magazine or in any place or district of country under the exclusive jurisdiction of the United States, shall suffer death; and jurisdiction is only given to the court to try "crimes and offenses committed within the District." (Revised Statutes District of Columbia, sec. 763, as amended.) It is contended that the murder was committed only partly within the District and partly in New Jersey, and, therefore, cannot be said to have been committed within the District.

By the strict technicality of the common law this position would probably be correct, although Lord Chief Justice Hale, the greatest criminal lawyer and judge that ever lived, uses this language: "At common law," says he, "if a man had been stricken in one county and died in another, it was doubtful whether he were indictable, or triable in either; but the more common opinion was, that he might be indicted where the stroke was given, for the death was but a consequent, and might be found, though in another county; and if the party died in another county, the body was removed into the county where the stroke was given for the coroner to take an inquest super visum corporis." This passage shows that, in Hale's opinion, the principal crime was committed where the stroke was given, and that when the production of the dead body gave the jury ocular demonstration of the corpus delicti, the difficulty of jurisdiction was overcome. But to remove the doubt as to

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20. Report of the Proceedings in the Case of United States vs. Charles J. Guiteau, Tried in the Supreme Court of the District of Columbia, Holding a Criminal Term, and beginning November 14, 1881, Part III (Gov't Printing Off. 1882), at 2634–36.

the power of the jurors to try such a case, it was enacted by ... statute ... that the murderer might be tried in the county where the death occurred; and to remedy the difficulty where the stroke, or the death, happened out of England, it was enacted by a subsequent statute ... that the trial might be in the county where the stroke was given, if the party died out of the realm; or where the death occurred, if the stroke was given out of the realm; thus, in effect, making the murder a crime in the county in which either the stroke was given or the death occurred. These statutes, as the supreme court of the District hold, and as their reasoning satisfactorily shows, were in force in Maryland in 1801, when the District of Columbia was organized, and, by the organic act of Congress, became laws of the District. If, therefore, the District had continued a part of the State of Maryland, with those laws in force, and if the murder in question had taken place exactly as it did, it would have been considered a murder committed within the State of Maryland, and within the county out of which the District was carved, and would have been indictable and triable in such county. When, therefore, Congress, in 1801, conferred upon the court of the District jurisdiction to try all crimes and offenses committed within the District, it gave jurisdiction to try the murder of which the prisoner has been found guilty, the present law being a mere codification of that enactment. For the same reason, the crimes act of 1790, when it came to operate upon the District, became applicable to such a murder...

It is unnecessary to say that such a construction of the statutes and acts of Congress much better subserves the purposes of justice, and is more in consonance with their object and intent, than the extremely technical construction contended for on behalf of the prisoner...

In a case of grave doubt and difficulty, and appellate in its character (as this case is), I have a right, undoubtedly, to refer the matter to the Supreme Court of the United States, ... but such is not the usual course, and is not to be followed, if it can well be avoided. Prompt action is one of the beneficial characteristics of the remedy of habeas corpus, and is due both to the prisoner and to the administration of justice. The law gives jurisdiction to, and places the responsibility upon, a single judge to grant or refuse the writ; and it is his duty to decide an application therefor if he can do so with reasonable confidence in his own conclusion; and it is his right to do so in every case.

The application is denied.



**Opinion of Attorney General Benjamin Harris Brewster Recommending the Denial of a Petition for Reprieve—June 23, 1882<sup>21</sup>**

*After Guiteau failed to secure an acquittal in the courts, both his family and outside groups attempted to obtain clemency from President Arthur. The document below, issued weeks before Guiteau's execution, reflects Attorney General Benjamin Harris Brewster's advice that the President should reject an effort by members of the National Association for the Protection of the Insane and the Prevention of Insanity to have the President set up a commission to investigate Guiteau's mental health. Arthur ultimately rejected all calls for clemency or pardon.*

TO THE PRESIDENT:

SIR: Yesterday was sent to me by your secretary the papers presented by Miss Chevallier,<sup>22</sup> of Boston, consisting of petitions and letters from physicians and experts in support of an application for the appointment of a commission to consider the mental condition of Charles J. Guiteau, and also praying for his reprieve pending such an investigation. In addition to the papers transmitted to me by your secretary, I have had presented to me to-day a written argument or statement from Dr. W. W. Godding, and also an argument signed by George M. Beard, M.D.; W. W. Godding, M.D.; and Miss A. A. Chevallier. The whole question has been carefully and thoughtfully considered, and I have arrived at the conclusion that I can not recommend a reprieve for the purpose requested. It is doubtful if the President, in a case like this, has the power to appoint such a commission to reverse the sentence of the law. The case of this man has been thoroughly and fairly tried in a prolonged public judicial investigation, in a court of competent jurisdiction, before an able, upright judge, and a jury of impartial men. Abundance of testimony was offered upon the question of his sanity or insanity; in fact that was the main and only issue and the only point contested. The willful, deliberate, and premeditated killing of President Garfield by the defendant, Charles J. Guiteau, was an admitted fact. It was conceded to have been done by lying in wait for his victim with a deadly weapon, carefully prepared for the purpose. The weapon was used with intent to kill, and the shooting by the defendant caused the death of President Garfield. All these facts were undisputed. The only question mooted was of the moral, mental, and legal responsibility of the accused. The question of sanity or insanity, I repeat, was the only issue. He had a painfully protracted trial, during which latitude in every particular was allowed, almost to the straining of the law, in his behalf; more latitude than was ever known to have been given to any defendant in all of the recorded annals of the law. He was permitted to say at pleasure all that occurred to him, whether in order or out of order. The evidence was overwhelmingly against him upon this very point of insanity. The case was submitted to the jury by a judge of acknowledged

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21. Official Opinions of the Attorneys-General of the United States, Advising the President and Heads of Departments in Relation to Their Official Duties, and Expounding the Constitution, Treaties with Foreign Governments and with Indian Tribes, and the Public Laws of the Country, vol. XVII (Gov't Printing Off. 1890), at 394–96.

22. Social worker A.A. Chevallier was the National Association's secretary.

learning; a discerning, cautious, upright officer, in a charge that was calm, deliberate, and fair, and within one hour after that charge the jury found the prisoner guilty in manner and form as he stood indicted. In view of this I again express my decided conviction that the requests submitted in these petitions ought not to be granted....

The assertion that the sense of all the best medical talent sustains this application . . . is contradicted by Dr. Godding, who to-day, when heard orally by me, admitted that outside of those now applying for this reprieve the preponderance of the medical talent of this country was the other way and believed him to be sane. I will further add that the defendant has exhausted all of the remedies of the law for his relief. Since his trial his cause has been heard with deliberate care before the whole bench of the Supreme Court of the District of Columbia, and no error in fact or law has been found, but that court dismissed his appeal and ordered judgment on the verdict.

After that he applied to Mr. Justice Bradley, of the Supreme Court of the United States, for a writ of habeas corpus, and again the subject was considered by that learned justice, and the careful conduct of the Supreme Court of the District commented on and applauded and the writ of habeas corpus refused.

At the last hour you are asked to reprieve this justly condemned man—to investigate in an unusual if not irregular way a fact that has been solemnly determined by the constituted authorities of the law.

I submit it ought not to be done. It will establish a dangerous precedent. It will shake the public confidence in the certainty and justice of the courts by substituting your will for the judgment of the law and its forms at the instigation of a few who assert that he was and is insane, and who press their application contrary to the “preponderance of the medical talent of the country who believe the other way and think him sane,” as is admitted by one of the most conspicuous, earnest, and important of the petitioners.

I am, sir, very respectfully,

BENJAMIN HARRIS BREWSTER.

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