

# The Family Name's Mudd —and He Is Out to Clear It

■ **History:** At 91, grandson of man who aided Lincoln's assassin aims to prove that his ancestor got a bum rap.

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SAGINAW, Mich.—Even if his name wasn't Mudd, even if he hadn't spent more than seven decades obsessed by that skeleton rattling around in the family closet, Richard Mudd would be a pretty remarkable fellow.

At 91, he's updating the two-volume, 1,800-page Mudd family biography he first published 40 years ago. He's planning to lead a tour of history buffs to a remote Florida island this summer. A retired industrial physician and Air Force flight surgeon, he still conducts medical exams for pilots, actively serves on a variety of medical review boards and community organizations—and drives himself around this central Michigan auto manufacturing center to do it all.

Not that he hasn't slowed down a bit. Last year he had to give up handball after a bout with pneumonia. Still, he starts most days with an exercise regimen of 25 sit-ups and half an hour or so on the treadmill or stationary bike.

But back to that skeleton, which is at the heart of Richard Mudd's overarching passion. It belongs to Mudd's grandfather, Samuel Mudd, an obscure Civil War-era doctor who set the broken leg of John Wilkes Booth, Abraham Lincoln's assassin, after Booth fled Washington, D.C., in April, 1865. He was later convicted by a military commission of conspiracy in the assassination.

Richard Mudd insists his grandfather was merely a victim of circumstances, a doctor who did nothing more than treat an ailing man who showed up at his door. Convinced that Samuel Mudd was railroaded by hysterical Union forces desperate for scapegoats, the grandson has crusaded his entire adult life to rewrite history and exonerate "Dr. Sam."

Now, after 72 years, he could be on the verge of attaining that goal since the Pentagon has finally agreed to review the case. A decision could be at least a year off, but Richard Mudd is already ecstatic. "I don't know whether my blood pressure will stand it," he glowed. "I will be in high heaven. I don't think the [review] board can do anything else but [clear Samuel Mudd.]"

It's been a lonely and frustrating struggle for Richard Mudd, a lifelong overachiever who began researching his grandfather's case while simultaneously earning degrees in both history and medicine at Georgetown University.

Over the years, he's collected tens of thousands of books and documents, turning his basement into a mini-research library on not just the Mudd case but all aspects of the Civil War. He's given hundreds of lectures and slide shows, gotten schools and monuments dedicated to Samuel Mudd and cajoled resolutions of support for his cause out of several state legislatures.

He's also enlisted the support of congressmen, senators and even Presidents Jimmy Carter and Ronald Reagan, though both leaders concluded that even they were powerless under the Constitution to overturn a criminal conviction.

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# MUDD: Grandson Wants to Clear the Family Name

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And then there were the publicity stunts, distributing thousands of "Save Dr. Mudd" bumper stickers and T-shirts, bombarding the Postal Service with petitions for a Dr. Mudd stamp and even an appearance on the TV quiz show "To Tell the Truth."

"He is very proud of the Mudd family and I think he does not like the fact that the Mudds have to live with this black mark on their name," explained 50-year-old Thomas Mudd, one of Richard's seven children.

Still, it all seemed like tilting at windmills. Then, last year the Pentagon—under prodding from another sympathetic politician, Sen. Joseph R. Biden Jr. (D-Del.)—relented and agreed to let an Army administrative appeals panel review the case and posthumously change the outcome if it determined Samuel Mudd had gotten a raw deal.

There's only one little flaw that might interfere with any uplifting made-for-Hollywood style finale to the saga of the Drs. Mudd. Some of the nation's most respected Civil War experts disagree with Richard Mudd. They think his grandfather was guilty.

"I think he helped Booth escape and he had to pay the consequences for that and for his lack of candor at the trial," explained William Hanchett, a retired San Diego State history professor and author of "The Lincoln Murder Conspiracies," a 1983 study of the assassination.

The case for or against Samuel Mudd, whom his grandson likes to portray as a simple country doctor trying to raise four children on a Maryland farm, hangs on subtle details and inferences. But the basic facts aren't in dispute.

Booth, an actor and Confederate sympathizer, broke a leg as he fled from Ford's Theater after shooting Lincoln on that fateful Good Friday night, April 14, 1865. Shortly before dawn the next morning he showed up on horseback at Samuel Mudd's home, 30 miles southeast of the capital in rural Charles County, Md. Mudd set the leg and gave Booth and a companion some food and a place to rest.

Later that day, Mudd rode into nearby Bryantown where he encountered some pickets from the 13th New York Cavalry who told him that Booth had shot Lincoln. He said nothing, but at church the next day—well after his visitors

had left—Mudd asked a cousin to inform authorities in town that two suspicious men had been to his home. Mudd was later arrested. Meanwhile, Booth was surrounded and killed by a federal posse that caught up with him in Virginia.

In all, a military commission convicted eight people of conspiring to kill Lincoln. Four were hanged. Mudd was sentenced to life, but spent only four years in the military stockade at Ft. Jefferson, a fetid inlet off the Florida Keys. He was pardoned by President Andrew Johnson as a reward for helping to save fellow inmates and soldiers during a yellow fever epidemic. Still, Mudd himself was weakened by the epidemic and he died in 1883, a broken man.

To a great degree, the debate over Samuel Mudd's culpability hinges on what happened before the assassination, not after. Mudd, it turns out, had met Booth at least two or three times in late 1864 and Booth even stayed at Mudd's home one night.

At his trial, Mudd said he had failed to recognize Booth when he showed up the morning after the assassination because it was dark and the actor was wearing false whiskers, traveling under an assumed name and didn't speak much. Booth, he said, claimed to have broken the leg after falling off a horse.

Richard Mudd says his research supports that alibi. And he argues that, with no telephones, radios or CNN around to blurt out instantaneous news, his grandfather couldn't have known Booth had done anything wrong at the time he showed up even if Mudd had recognized him.

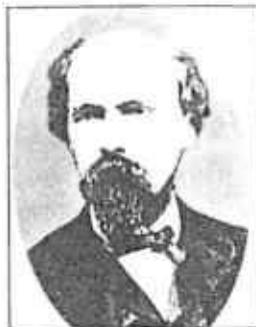
"But the hysteria of the public was so great that whoever they tried had to be found guilty," Richard Mudd declared.

Prominent historians applaud Richard Mudd for his doggedness and dedication, but simply disagree with him. They say that the circumstances of those earlier Mudd-Booth meetings strongly suggest that the doctor, also a Confederate sympathizer, was involved with Booth and others in a plot to kidnap Lincoln that eventually failed.

Hanchett, the retired San Diego State scholar, said Samuel Mudd probably wasn't part of the subsequent assassination plot and may truly not have known what Booth had done when he arrived at Mudd's home. Still, Hanchett believes Mudd became an accessory in the case by deliberately waiting



Richard Mudd, surrounded by Lincoln assassination memorabilia, above, hopes to clear name of his ancestor Samuel Mudd. below.



to report Booth's presence until the assassin was long gone.

"Richard Mudd's vanity is terribly involved here," said Hanchett of the grandson's relentless quest. "I don't think it's so much that he wants to clear his grandfather's name as he wants to score the triumph of his life. He's spent so many years working on this that it's taken on a life of its own."

Richard Mudd came upon his quest almost by accident. Discussion of grandpa was a taboo subject around the Mudd household when he was growing up in Washington in the early part of this century, a time when memories of the Civil War were still fresh in the minds of many. He can't remember his father, aunts or uncles ever mentioning Samuel Mudd.

He can, however, remember that

they all seemed to harbor an inexplicable bitterness against the government, a bitterness that sometimes manifested itself in silly ways. His father, also a doctor, protested government regulations by driving so slow that he was stopped with what may have been one of the capital's first fines for impeding traffic.

One day as a teen-ager Richard was rifling through the family library when he came across a book written by his Aunt Nettie about her father, Samuel Mudd. Richard didn't think much of it until a few years later when he was taking that double major in history and medicine at college.

"I knew I was going to be a doctor and here was a doctor setting a man's broken leg and getting put in prison for it," he recalled. "I just couldn't get away from it."

Still, Richard Mudd has found time for a lot of other things in his life as well, not the least of which has been attending to his seven children, 35 grandchildren and 23 great-grandchildren. He has spent decades tracing the genealogical path of all the Mudds, a sprawling family of English origin that traces its roots in this country back to 1605. There were, he has found, 21 Mudds who fought in the American Revolution and, oddly in the Civil War, an even 21 who fought on the Northern side and 21 who fought for the rebels. There

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have been 14 Mudd Roman Catholic priests, 72 nuns and 50 Dr. Mudds. But only one dentist.

Richard Mudd served as a flight surgeon in the Army Air Corps, later the Air Force, both in World War II and Korea. And for his regular paycheck, he worked as an industrial doctor at several General Motors auto plants, which is how he eventually ended up in Saginaw.

The auto giant indulged his busy extracurricular schedule, and even paid for a few of the lecture trips. Mudd also led periodic tours to Ft. Jefferson, another of which he's scheduled to conduct in a few weeks. Company policy forced him to retire at 65, but he has never totally quit practicing medicine just as he never has been able to let go of that fixation on his grandfather.

He has mustered considerable help along the way. Sen. Paul Simon (D-Ill.), a Lincoln scholar in his own right, once pressed former President Carter to at least explore what could be done to formally exonerate Mudd. "I did take the trouble to go over [the case] and it just seemed to me the evidence was just not there [to convict]," Simon explained. "If that trial were to come up today he would not be found guilty."

The break in the case came when George McNamara, a Philadelphia investment banker and amateur autograph collector, wrote to Mudd to get his signature. They started corresponding, and pretty soon McNamara began writing lawmakers asking for help on Mudd's behalf.

To both Mudd and McNamara's surprise, Sen. Biden's office took up the cause and leaned on the right people in the Pentagon to get the case reopened.

The case is being reviewed by the Army Board of Correction of Military Records, which could sim-

ply review the case or consider new arguments. If that happens, Richard Mudd has already hand-picked a nostalgia-laden team of defense lawyers that includes a great-grandson of Samuel Mudd. Also on board is Candida Steel, a Washington lawyer and the great-great-granddaughter of Thomas Ewing, the union general whose budding political career was shattered because he agreed to defend Samuel Mudd at the military tribunal.

"It would certainly send chills up and down my spine," said Steel of the possibility that she might get to pick up where her famous ancestor left off. ". . . I would be absolutely honored and delighted to stand in my great-great-grandfather's shoes."

Such a prospect is deeply disturbing to Virginia historian James O. Hall, who like Hanchett is considered an authority on the assassination. Hall said using political clout to prod a military panel into tinkering with the nation's historical record is a bad idea.

"They have no background in scholarly research," he complained. "All they'll do is look at the record and say, 'Sen. Biden wants us to do it' and so do it. I think that's a dangerous precedent."

To Richard Mudd, such arguments are just sour grapes. And even if the board declines to overturn the conviction, the media-savvy Mudd says he really can't lose. "The exoneration is what I want but I'm also going to make it very plain that we're going to get an awful lot of publicity out of it if they turn it down," he cautioned. "There's going to be millions of people who say, 'How come the Army is turning down this poor doctor who set a man's broken leg.'"

Times researcher Tracy Shryer contributed to this story.