

See Clarendon 691.

Probably this is the first Edition.

VINDICATION

OF

Judge Advocate General Holt,

FROM


THE FOUL SLANDERS

OF

Traitors, Confessed Perjurers and Suborners,

ACTING IN THE

INTEREST OF JEFFERSON DAVIS.



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WASHINGTON, *Sept. 4th*, 1866.

TO ALL LOYAL MEN:

In the name of simple justice—which is all that I claim from friend or foe—your attention is respectfully invited to the subjoined article from the *WASHINGTON CHRONICLE* of yesterday, as presenting a perfectly truthful vindication of myself from the atrocious calumny with which traitors, confessed perjurers and suborners are now so basely pursuing me.

J. HOLT.

When the minority report of Rogers, upon the examination made by the Judiciary Committee into the testimony alleged to implicate Davis in the assassination of President Lincoln was published, it was so shameless in its perversions and falsehoods, and so malignantly slanderous in its tone that, in common with the loyal press of the country, we treated the paper with the silence and contempt which it so well deserved. It was felt that neither public justice nor the reputation of long-tried and faithful officers of the Government could suffer from utterances so foul, made in the interest of the rebellion, and under the inspiration of the relentless hate which traitors everywhere bear toward all loyal and true men. The imputation upon the integrity of the Judge Advocate General and the Bureau of Military Justice was not indeed distinctly and broadly affirmed in this report, though it was again and again covertly insinuated. Encouraged, however, by the silence of the press and of Judge Holt, this imputation has now audaciously assumed a phase so entirely novel and decided as to make it due to public opinion that some notice should be taken of it.

It is clear that a conspiracy has been formed to defame the Judge Advocate General and the Bureau of Military Justice, and to invoke upon him and the testimony which has been discredited such a measure of popular condemnation as, it is hoped, will give some support to the move-

ment, now so vigorously pressed, for the release of Davis. At the bottom of this conspiracy, or actively engaged in executing its purposes, is Sanford Conover, who, after having been fully proved guilty of subornation of perjury, has unquestionably sold himself to the friends of Davis, and is seeking with them to destroy the reputation of a public officer whose confidence he gained, as we shall hereafter see, by the most solemn protestations, and which confidence he subsequently most treacherously abused. The new feature in the operation of these conspirators, which is now attracting attention, consists in the manufacture of various notes containing calumnious allusions, with dates and averments and insinuations to suit, which purport to have passed between Conover and his suborned witnesses; and that Conover is directly engaged in this guilty work is proved by the publication, in connection with these notes, of letters addressed to himself by the Judge Advocate General, and which could only have left his possession to be distorted and used, as they have been, in furtherance of this conspiracy. We have now before us the *Springfield Republican* of August 14, the *New York Herald* of August 24, and the *National Intelligencer* of the same date, in which the notes referred to appear.

These are, one signed "M.," which bears date April 17, 1866, and is addressed to Conover; one signed "William Campbell," and addressed to Conover, dated

"St. Albans, Vt., Nov. 19, 1865;" one by the same without date; one signed "Carter," addressed to Conover, and dated "Quartermaster's Office, April 27, 1866;" one signed "Joseph Snevel," addressed to Conover, under date of "Westchester House, Nov. 14, 1865;" one signed "S Conover," addressed to Patten, under date of "Ephrata Mountain House, June 8, 1866." There are also two brief letters from the Judge Advocate General to Conover, the one dated March 17, 1866, and the other April 26, 1866.

Now, with the exception of the two last-named letters of the Judge Advocate General, we pronounce all these notes sheer fabrications, manufactured and skillfully adjusted in dates, statements, intimations, &c., to sustain this infamous raid on the character of the Bureau of Military Justice. To those thoroughly conversant with the history of the Conover testimony these papers furnish in themselves conclusive evidence of the spuriousness with which we now brand them. The hand of Conover, who is as shrewd as he is criminal, is seen throughout in adroitly arranging their suggestions, dates, &c., and placing them in such juxtaposition to the letters of the Judge Advocate General as to seem to give to the latter a signification wholly different from that intended by the writer. A more cold-blooded and devilish plot for the assassination of character has never been concocted in any age or country. It was a task meet for self-confessed perjurers and suborners, and zealously and faithfully are they keeping their faith with the traitors in whose service they are.

We have not the time or space to point out in detail the internal proofs of the fabrication of those notes of Conover and his co-perjurers which the notes themselves furnish, when viewed in their relation to surrounding circumstances, and must content ourselves with some general observations corroborating our position. Take for example the note signed "Carter," and dated "Quartermaster's Office, April 27, 1866;" it is in its every line and letter, an unadulterated lie, so far as Judge Holt is concerned, and he so pronounces it. This man Carter was one of the witnesses produced by Conover, but he has not been seen, communicated with, or even heard

of, by Judge Holt since he gave his deposition on the 9th day of February, 1866. Yet this note has been so fabricated, and placed, in date and position, in such relation to Judge Holt's letter to Conover of 26th April, 1866, as to suggest a meaning entirely different from that intended to be conveyed by its language. This letter was merely one of introduction, borne by Colonel Turner, who was sent to New York for the witnesses, and was addressed to Conover, who was supposed to know their whereabouts, with a view of inducing him to aid Colonel Turner in finding them; and it was written *before there was any ground known to the Judge Advocate General for suspecting the fraud which had been practised*. It was after Colonel Turner's arrival in New York, and after his conference with the witness, Campbell, that the subornation of perjury committed by Conover was discovered. Anybody, after this statement, by examining the note and letter in their relation to each other as published, can see how ingenious, and yet how atrocious, is the use which has been made of them. This note, in its falsehood, as well as in the vile and stealthy purpose it has been made to serve, is a fair sample of the whole.

Again, the letter of Judge Holt of 17th March, 1866, alluding to funds having been remitted to Conover for Campbell and Snevel, related to a small amount of money sent to meet the necessary expenses of these witnesses, who had been held by the authority of the Government, and with the understanding that their expenses should be defrayed—which in good faith was done, and properly done. Yet, as it will be seen by looking at the publication as made, this letter is placed between two fabricated notes containing suggestions which were evidently prepared to give to its words an utterly unwarrantable and infamous import. Thus the web has been woven throughout by an *Iago* spirit and cunning, but it crumbles into dust at the touch of honest truth.

Whether, however, the notes of these conspirators have been manufactured for the occasion—which we affirm as true beyond all question—or have been written at the times and by the persons they pur-

port to have been written by, we declare, upon the authority of the Judge Advocate General himself, that every word and syllable they contain calling in question, directly or by implication or insinuation, the integrity of his action or the sincerity and complete fairness of all he has done in any connection, either with the witnesses produced by Conover before the Bureau of Military Justice, or the testimony given by them, is wholly and malignantly false. His conduct, vindicated as it is by documentary evidence in the possession of the bureau, will abide any scrutiny to which it may be subjected by friend or foe.

Having entered upon this subject we deem it but just to the public to give in terms as brief as possible a summary of the history of Conover's agency, with its results, so far as it bears upon the aspersions spread before the country by the knot of conspirators and villains we are endeavoring to expose. We assert, therefore,

First. That the inquiry in which Conover was employed was not begun by the Judge Advocate General until he had received from this man distinct and repeated written assurances of the existence of testimony criminating Davis and others, and of his ability to procure it, and proffering his services to do so. Conover, though now wholly degraded, was then, so far as known to the Government, without a stain upon his character, and the Judge Advocate General, as the head of the Bureau of Military Justice, would have been unfaithful to his duty had he disregarded these assurances or taken action less direct and decided than he did. Having been summoned as a witness, Judge Holt, on the 18th of June last, gave his sworn evidence before the Judiciary Committee of the House of Representatives; and from this evidence we make the following extracts:

"In my previous testimony before the committee, I stated that, from the knowledge derived from the trial of the assassins of the President of the apparent complicity of Davis, Clay, and others in that crime, I felt it my duty to pursue the investigation further. I did so on the first opportunity that presented itself. That opportunity was found in the written assurances of a man known to me under the name of Sanford Conover, and who, under this name, had given important testimony on the trial of

the assassins—testimony, however, which did not bear upon the question of the guilt of the parties on trial as concerned in the actual murder of the President, but related only to the general conspiracy charged to have been formed for the commission of that crime, to which it was alleged that Davis, Clay, and others were parties.

"This man, it seems, had been a correspondent of the New York *Tribune* from Canada; and it was through Mr. Gay, of the *Tribune*—a citizen of well-known character for loyalty and integrity—that he was brought to the notice of the Government as an important witness. After he had given his evidence on the trial of the assassins, from his intelligence and apparently intimate association with rebel refugees and conspirators in Canada, I was satisfied that he had possessed unusual opportunities for acquiring information in regard to their plans and movements. Hence, when he wrote me alleging the existence of testimony implicating Davis and others, and his ability to find the witnesses, and proffering his services to do so, I did not hesitate to accept his statements and proposals as made in good faith, and entitled to credit and consideration.

"The first letter which I received from him was written from New York, and bore date the 26th of July, 1865. This letter I have now in my hands for the examination of the committee. In it will be found all the details of the assurances to which I have just referred. The letter is as follows:

"NEW YORK, July 26, 1865.

"*Brigadier General Holt:*

"DEAR SIR: Believing that I can procure witnesses and documentary evidence sufficient to convict Jeff. Davis and C. C. Clay of complicity in the assassination of the President, and that I can also find and secure John H. Surratt, I beg leave to tender the Government, through you, my services for these purposes.

"Since my appearance as a witness before the commission I have been engaged to some extent, on my own account, in seeking further evidence to implicate Davis, Clay, and others, and I feel warranted in saying that my efforts have not been without some success. I can promise to find at least three witnesses—men of unimpeachable character—who will testify that they submitted to Davis propositions, which he approved, to destroy the President, Vice President, and Cabinet, and that they received, indirectly from the rebel Government, money to enable them to execute the proposed scheme. Letters, I am assured by one of the parties referred to, can be adduced to corroborate a part of their statements.

"Two of these persons can testify that they were present with Surratt at an interview with Davis and Benjamin last spring, in which the plot under which Mr. Lincoln was assassinated was discussed and approved by both functionaries.

"These men may be relied on. As I have already said, their character is unimpeachable. They despise and hate Davis now as intensely as they once admired and loved him. Besides they feel the necessity of doing some meritorious action to insure the forgiveness and pardon of the Government they have outraged.

"The interest I have manifested in this case has been prompted solely by a desire to serve the Government, though I must admit that it has been intensified by my hatred of the rebel leaders. The rebellion has ruined me financially, and I have suffered much at the hands of Davis & Co. It will be no fault of mine if they escape without their just deserts.

"You may depend that I can and will, if desirable to you and the Government, accomplish all I promise, and more.

"If it is not intended to try Davis and others for complicity in the assassination, I shall be glad to be sent after Surratt. I have ever believed that I could find him, and I am confident that I can now devise a scheme for his capture. I do not enter into particulars, because I know the value of your time too well to trouble you with a long letter. If the propositions I submit are entertained, I will call on you and be more explicit.

"Please favor me with a reply at once, and in the meantime believe me to be your most obedient servant,
SANFORD CONOVER.

"Direct in care of S. H. Gay, *Tribune.*"

On the 2d August thereafter another letter, if possible more earnest and urgent in its tone, was written to the Judge Advocate General by Conover, who, in consequence of these representations, was, after a conference with the Secretary of War, and with his assent, engaged as an agent of the Government to collect the testimony, of the existence of which he claimed to have knowledge. He was occupied some six or seven months in the South, in the North, and in Canada, and from the various points he visited corresponded with Judge Holt, as did several of the witnesses. This correspondence is preserved in the files of the bureau, and establishes, beyond the possibility of question, the perfect good faith with which the Judge Advocate General acted; and it also shows that, with the information thus communicated to him, and which he had no reason to distrust, he could not have done otherwise than continue the inquiry.

Second. We affirm that, instead of the Judge Advocate General having had any ground for suspecting the fraud while in progress, or having in any way sought to conceal it, he endeavored to have the testimony subjected to every possible test; and it was through his own direct action that the crime which had been committed was

discovered, and that this horde of perjurers was finally dragged to the light. After having, in his testimony before the Judiciary Committee, presented the original correspondence to which we have referred, and detailed the circumstances under which the various depositions had been given, he concluded his evidence in the following words:

"There was nothing in the previous history of Sanford Conover, as known to me, to excite any distrust either in his integrity, in his truthfulness, or in the sincerity with which he had made his propositions to the Government, that led to his being employed as an agent for the collection of the testimony which was supposed to exist in reference to the assassination of the President. On the contrary, there was much in his intelligence, which was marked and striking, and in his apparent frankness and his known connection with important sources of information, to inspire faith in his professions and promises. There was much, also, to inspire this faith in his correspondence with me, as already exhibited, while apparently engaged in the difficult and responsible duty imposed upon him. That correspondence was characterized by unusual intelligence, by great variety of detail, and by a naturalness which seemed to protect it from criticism; and my confidence in the testimony was strengthened by my knowledge that it was in accord with, and seemed to be in a large degree a natural sequence from other facts which had been testified to as having occurred in Canada, by witnesses known to the Government, and whose reputation has not been, and cannot, it is believed, be successfully assailed.

"Upon the passage of the resolution of the House of Representatives appointing a committee to investigate and ascertain what testimony existed in regard to the complicity of Davis in the assassination of the President, I appeared before this committee, in obedience to its summons, and gave my testimony, and produced before it the depositions to which I have referred, together with the reports which I made, and which reports, with the opinions therein expressed upon the questions involved, were based upon these depositions and upon the other proofs therein presented and commented on; upon which proofs these depositions were but cumulative, though strongly so.

"Decided, however, as was my confidence in the truthfulness of these depositions, I was not willing that the committee should accept my estimate of them, or base any action of their own solely on that estimate. Hence I urged—certainly the chairman, and I think another mem-

ber of the committee—that I should be directed or requested to bring before them the more important of these witnesses produced by Conover, who were believed to be within the reach of the Government, in order that, by their cross-examination, their bearing while testifying, and by such other tests as they might be subjected to, the committee should be enabled to determine for themselves what degree of credit their evidence was entitled to.

“In consequence of this suggestion of mine, and of its having been repeated and urged, I received the direction of the Hon. Mr. Wilson, chairman of the committee, to send for these witnesses, or the more important of them. I accordingly sent to the city of New York Brevet Colonel Turner, judge advocate, giving him, as I now remember it, the names of Campbell, Snelvel, McGill, Wright, Patten, and Mrs. Douglass; these being the witnesses I had reason to believe might be obtained within a reasonable time. It is barely possible that the name of Patten was not embraced in this list, owing to my supposing him to reside in Saint Louis; but the most important of the witnesses were certainly included. Colonel Turner, on proceeding to New York, had an interview with Campbell, who has repeatedly been referred to by me; and in a conversation with Colonel Turner, Campbell declared that the testimony which he had given in his deposition before the Bureau of Military Justice was false, and that it had been fabricated by or under the supervision of Sanford Conover. This I learned from Colonel Turner, and I learned he made the same statement at the same time in regard to the testimony of Snelvel, and expressed the opinion that the other witnesses who had been produced by Conover had also sworn falsely and under assumed names. Col. Turner brought Campbell on to Washington, and I then suggested that Mr. Wilson, chairman of the committee, should telegraph for Conover, in order that he and Campbell might be confronted in their examination, and opportunity thus afforded the committee of determining the question of credibility at issue. Conover accordingly came and went before the committee, and while undergoing examination there, Campbell was introduced, and having been sworn, he stated that his deposition given before the Bureau of Military Justice was false in all respects, and was wholly and completely the fabrication of Conover; who then being present, replied under oath that this declaration of Campbell was untrue, but declined to offer any explanation. After, however, Campbell had been withdrawn, Conover suggested to the committee as a reason why he (Campbell) had made his statement that

he had probably been corrupted, and supposed he could make more by falsifying his former testimony than he could by sustaining it.

“I said to Conover immediately after his examination closed, that I was utterly astounded at the evidence Campbell had given. His reply was, ‘You cannot be more so than I am.’ I then added: ‘You see the position in which you are placed; now, if what is charged against you is false, your only mode of vindication is to bring before the committee the witnesses whom you produced, and whose depositions were taken before the Bureau of Military Justice, in order that they may be examined and reaffirm their testimony.’ He said he would proceed to New York with the officer of the committee, and assist him in finding the witnesses; and would, as I understood him to say, return with them to Washington. He left, as I was told, with the officer of the committee; but on arriving at New York separated himself from him, and was not seen by him afterward; and up to this time he has not communicated with me, nor has he made any effort, as I believe, to produce the witnesses, nor has he offered any vindication of his conduct.

“This action of his, added to the declarations under oath of Campbell, followed up, as they were afterwards, by the testimony of Snelvel as to the utter falsity of the depositions which he and Campbell had given, left on my mind a strong impression that Conover had been guilty of a most atrocious crime, committed under what promptings I am wholly unable to determine. I employed him under no contract for any stipulated compensation. He had no reason from me to believe that he would receive more for his labor in the event of his success than in the event of his failure to discover the testimony which he alleged existed; nor had he authority to give to the witnesses any other assurance than that they should not be personally compromised by speaking the truth. He only had reason to believe, and was so assured, that all expenses would be paid and that a fair compensation for the services performed—both in view of their importance and of the extreme danger to which it was supposed they might expose him—would be made, but nothing beyond this.

“Although but two of the witnesses, to wit: William Campbell and Joseph Snelvel, have been found and produced, and have declared the falsity of their depositions, yet, considering the conduct of this agent of the Government as exposed and explained, it is believed that the same discredit which seems to attach to these two depositions of Campbell and Snelvel should attach to all the depositions given by the witnesses

brought to the Bureau of Military Justice for examination by Conover; and I would therefore suggest, unless the grounds for discrediting these depositions be in some way removed, that all that testimony be withdrawn from the consideration of the committee. The witnesses whose depositions under this view would be withdrawn are the following: John McGill, William Campbell, Joseph Snelvel, Farnham B. Wright, Sarah Douglass, Mary Knapp, W. H. Carter, and John H. Patten.

"I append hereto, as a part of this my deposition, official copies of all the letters and telegrams of Sanford Conover and others heretofore referred to, the whole being marked 'Exhibits to the deposition of J. Holt, Judge Advocate General.'"

"I deem it proper to remark (which possibly I may in effect have done previously) that I conferred freely with these witnesses, before and while examining them; that they appeared to possess the ordinary amount of intelligence, and certainly assumed perfect self-possession and frankness of manner, and seemed to be, so far as I could judge, under no improper influence; and there was nothing either in the testimony which they gave—regarded in the light of other evidence in possession of the Government, and which has not been successfully controverted—or in their manner while deposing calculated in any degree to excite doubt as to their truthfulness; and I did not at any time question the sincerity and honesty with which they were speaking. The disclosure made by Campbell to Colonel Turner was the first intimation which I had received of the shameless fraud which, it is alleged by two of the witnesses, has been committed upon the Government by Conover."

It will be observed, by reference to the report of the Judiciary Committee, that, in accordance with the view above expressed by Judge Holt, they gave to the Conover testimony no consideration whatever. After having given this evidence, the Judge Advocate General made an elaborate report to the Secretary of War, presenting a full history of Conover's agency, and declaring the testimony introduced by him to be discredited, and formally withdrew all the depositions from the consideration of the Government.

Third. While a wily and profligate endeavor is made, through the fabricated notes of which we have spoken, to create the impression that large sums of money have been bestowed upon these perjured witnesses and their suborner, Conover, with a view to or as a reward for their cor-

ruption, this, like every other vile insinuation contained in the papers, is utterly false. We are authorized by the Judge Advocate General to say that nothing beyond what was deemed necessary to meet the actual and reasonable expenses of these witnesses was paid them. They were long held by the Government awaiting the trial which it was anticipated might be ordered in the cases of Davis, Clay, &c., and while thus waiting their expenses were properly met by the Government; and this was in accordance with the rule pursued in many other cases—a rule often absolutely essential to maintain the interests of public justice. As to Conover, his expenses were also paid, and he was allowed in addition what was regarded as a just compensation for his services during the six or seven months that his agency for the bureau continued, and no more. All averments or insinuations that a dollar was ever paid to these men for any other than the purposes mentioned are wholly untrue.

Thus is exposed the true nature of this elaborate but transparent conspiracy, which, in aiming to serve and to save the chief of the traitors, has not hesitated to attempt to overthrow the official character of the Judge Advocate General. And while this attempt must of course be as fruitless as it has been desperate, the endeavor of the conspirators to protect Davis from the charge of complicity in the assassination of President Lincoln must be alike in vain. It is true that that portion of the testimony brought forward by Conover is at this time discredited; and the friends of Davis, in the confusion raised by their outcry against the Judge Advocate General, would hope to have it understood that this is *all* the material testimony upon which the charge is based. But, in point of fact, it is but one branch of the body of proof which has accumulated in the case. Long before the production of the testimony in question, a tribunal, composed of officers of the first rank and intelligence, had, after the fullest investigation, and upon proof which has not been, and, it is believed, cannot be assailed, pronounced the head of the rebellion *guilty* of the crime which crowned its infamou-

history. Since then, other and equally reliable evidence has been presented; and the Judiciary Committee of the House of Representatives, in whose report it is set forth, have declared, upon an examination of this and the previous proofs, and excluding from their consideration that now discredited, that "there is probable cause to believe that he (Davis) was privy to the measures which led to the commission of the deed." This verdict has been accepted by the great mass of thoughtful and loyal men throughout the country, and cannot but, we are assured, become the deliberate conclusion of history. And the present attempt to do away with the judgment which has been passed upon Davis as an assassin, by seeking to make the impression that that judgment rests solely or largely upon the testimony produced by Conover, and

thus interpose a cloud of doubt and uncertainty before the mass of proof which remains unimpeached, must, we are persuaded, be readily comprehended, and everywhere exposed and denounced. We affirm, as our concluding remark, that this judgment, long since formed, is based in no degree on this testimony, which was never given to the country until discredited, but that it has for its foundation a volume of evidence, documentary and otherwise, in the possession of the Government, which has not been controverted, but which, standing as it does, intact, points to Davis, as involved in the assassination of the President, with "the slow unmovable finger" of a condemnation which no clamors, however loud or frantic, of traitors and their sympathizers, can shake or disturb.

