

Charles Julius Guiteau Did Not Assassinate President James Garfield

By Hans Sherrer

For more than 130 years books, magazine articles, and even encyclopedias have described Charles Julius Guiteau as President James A. Garfield's assassin. They are wrong. Guiteau did not kill Garfield.

Guiteau did use a pistol to twice shoot Garfield on July 2, 1881 at the Baltimore and Potomac train station in Washington D.C. Those wounds, however, were not life threatening. The first bullet grazed Garfield's arm without striking a bone. The second bullet that struck him in the back did not strike any vital organs, although it did break two ribs. That bullet came to rest behind Garfield's pancreas.

Guiteau utterly failed in his attempt to shoot Garfield to death.

Compelling evidence is presented in *Destiny of the Republic* (Doubleday, 2011) by Candice Millard, that corrects the major historical error that Guiteau murdered Garfield.

[Destiny of the Republic](#) sets forth in detail that Garfield's physicians failed to protect the non-fatal wound in his back from infection, and then to protect him from its catastrophic effects. Garfield's death was a homicide — but it was the negligence of his physicians that directly led to his death. Guiteau's failure simply provided the opportunity for Garfield's physicians to fatally interfere with his recovery by their negligent care for him.

Methods to protect wounds from infection discovered in 1865

By the 1860s it had been known for centuries by doctors from observation and experience that an infection could develop in an open wound.

Relying on Louis Pasteur's germ research, English physician Joseph Lister discovered in 1865 that an infection and pus didn't develop in a boy's open wound treated with carbolic acid, and that was protected with a clean bandage sterilized in antiseptic. In 1867 Lister [published his findings](#) in a series of six articles in the British journal *The Lancet*.

As a result of Lister's work, for more than ten years prior to Garfield's shooting it had



Charles Julius Guiteau
(Sept. 8, 1841 - June 30,
1882) (Biography.com)

sterilized instruments and clean bandages by doctors with clean hands and clothing.

Lister's discoveries were known in the U.S. and a minority of doctors adopted the anti-septic practices of their European and English counterparts.

Lister's work even inspired St. Louis chemist Joseph Lawrence to develop in 1879 [a solution for use](#) as both a general germicide and a surgical antiseptic. To honor Lister he named his creation *Listerine*. First marketed to doctors in 1881 — the year of Garfield's shooting — *Listerine* began to be marketed in diluted form to dentists for oral care in 1895. In 1914 *Listerine* became the first over-the-counter mouthwash sold in the United States.

Garfield's doctors were skeptics of anti-septic treatment of open wounds

Influential doctors in the U.S. pooh-pooed the idea an infection was caused by microscopic germs — because they couldn't be seen with the naked eye. Dr. Willard Bliss and his colleagues who "treated" Garfield were among the skeptics.

If Garfield's doctors had simply used consistent sanitary practices that included dressing his back wound with clean bandages and allowed it to heal in a sanitary environment, it is expected he would have been up and about in a matter of days. Instead he was allowed to lie on filthy bedding, his wound that was repeatedly probed by doctors with dirty hands and unclean instruments was covered with unsterile bandages, and he was "cared" for in a dingy, moldy, rat infested building. (Immediately after the shooting Garfield was laid on a dirty mattress in the train station, and then, until his last several weeks Garfield was cared for at the White House, which at that time was in extreme disrepair.)

Although Bliss and his colleagues didn't know the bullet that entered Garfield's back was lodged behind his pancreas, the bullet

been accepted by the medical profession in Europe and England that to minimize the possibility a lifethreatening infection would develop from germs, it was essential to treat a knife or gunshot wound in a clean environment with

sterilized instruments and clean bandages by doctors with clean hands and clothing. wasn't causing any medical problems. Quite unnecessarily and to the extreme detriment of Garfield's recovery, Bliss and other doctors repeatedly and unsuccessfully probed to find the bullet. It was located during Garfield's autopsy.

Due to his doctor's grossly negligent mistreatment Garfield developed gruesome infections and ailments that are described in *Destiny of the Republic*. His doctors were so close-minded that they didn't reconsider their opposition to providing sanitary care, even as Garfield's condition worsened as he wallowed in filth. He died on September 19, 1881 — 79 days after he was shot.

After Garfield's death Bliss responded to criticism of his methods by claiming he had at times used carbolic acid in treating Garfield. However, it wasn't an integral part of his treatment.

Guiteau's apprehension, trial, and execution

Guiteau was apprehended at the train station immediately after shooting Garfield at close range, and he readily admitted he fired the pistol.

While Guiteau was jailed and before Garfield died, one of his guards, Army Sergeant John A. Mason, made a failed attempt on September 11, 1881 to kill him. The bullet Mason fired into Guiteau's cell grazed his head. Mason was convicted of attempted murder by a military court-martial and sentenced to a dishonorable discharge, loss of all pay and benefits, and confinement at hard labor for eight years. In 1882 the U.S. Supreme Court [denied Mason's writ](#) of *habeas corpus*.

After Garfield died, Guiteau's [federal indictment](#) for murder stated he inflicted Garfield's "mortal wound," and he "feloniously, wilfully and of malice aforethought, did kill and murder" him.

Guiteau's trial began on November 14, 1881 in the United States District Court for the District of Columbia. It was the most sensational civilian trial up to that time in American history. (The accused conspirators in Abraham Lincoln's murder were tried by military tribunal.)

Guiteau's lawyers presented an insanity defense. During his trial Guiteau continuously exhibited bizarre behavior that included frequently cursing and insulting the judge, witnesses as they testified, the prosecutors, and even his own lawyers. He also passed

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notes to random spectators in the courtroom in which he solicited legal advice. In his defense to justify wanting to kill Garfield, Guiteau testified in the form of reciting lengthy poems.

The jury rejected his insanity defense in convicting him on January 5, 1882 of first-degree murder. The judge sentenced Guiteau to death.

Two issues in Guiteau's appeal were the district court in the District of Columbia didn't have jurisdiction to try him for murder because Garfield died in New Jersey; and, the judge erred by not giving a jury instruction on diminished responsibility for a mental disorder short of insanity. In its [decision on](#) May 22, 1882, the appeals court ruled the district court had jurisdiction because the shooting that caused Garfield's death occurred in the District of Columbia, and he wasn't entitled to a diminished responsibility instruction. The U.S. Supreme Court declined to consider Guiteau's writ of *habeas corpus* that was based on his argument the district court in D.C. lacked jurisdiction.

On June 30, 1882 Guiteau was hanged. He was 40.

Guiteau's execution sealed the historical lie repeated untold times that he murdered Garfield.

Events related to Guiteau's shooting of President Garfield

Up to his late 30s Guiteau had worked in obscurity as a lawyer, bill collector, and as a theologian. As a result of his interest in politics he wrote a speech in support of Republican Ulysses S. Grant's 1880 presidential campaign. After Garfield won the Republican nomination Guiteau revised the speech primarily by substituting Garfield's name for Grant, and he printed and distributed several hundred copies. The speech asserted that if Democrat Winfield S. Hancock was elected president there would be a second civil war. Guiteau also gave at least one speech to a small crowd in support of Garfield.

Garfield comfortably defeated his Democratic opponent Winfield S. Hancock, 214 electoral votes to 155, although the popular vote was fairly close.

Guiteau thought his work on Garfield's behalf was critical to his victory.

On New Year's Eve 1880 Guiteau, who was

destitute, wrote Garfield asking for a diplomatic appointment. Then, after Garfield's inauguration in March 1881 Guiteau applied for posts as minister in Austria and consul general to Paris. He traversed between the White House and the State Department promoting his appointment. [He wrote](#) Secretary of State James Blaine many letters, arguing that Garfield was elected because of the "rebel war claim idea" in Guiteau's speech. He asserted that because of his role in the campaign he deserved an appointment as "a personal tribute."

Guiteau wrote a letter to Garfield on May 10 about the Paris consulship, and on May 14 Secretary Blaine [told Guiteau](#) at the State Department: "Never bother me again about the Paris consulship so long as you live."

The rebuffed Guiteau sought to kill Garfield as revenge for what he thought was being slighted.[Note 1]

On June 15 Guiteau bought a snub-nosed, forty-five caliber revolver for \$10 with borrowed money. On June 16 [Guiteau wrote](#) an "Address to the American People" that argued Garfield's assassination was necessary because of "the basest ingratitude to the Stalwarts" and that Garfield would wreck the Republican Party.

He wrote that killing Garfield was "not murder; it is a political necessity." Guiteau's "Address" didn't become known until later.

Guiteau then began stalking Garfield. His stalking culminated in his failed attempt to kill Garfield on July 2, 1881.

The reason for Guiteau's erratic, odd, and self-destructive behavior is not known. It is speculated he may have had syphilis, which can cause physiological mental impairment, or he may have been a psychopath with an excessively exaggerated sense of self-importance. Or he may have been insane as is concluded in the article *Was Charles Guiteau Insane?*, [which states](#): "His overwhelming insanity is now widely regarded as the true motivation for the attack on Garfield. As he was about to be executed on June 30, 1882, Charles Guiteau cried out, "I saved my party and my land, Glory Hallelujah!" Even in his last moments, Guiteau displayed that he was indeed insane."



The attack on the president's life and the arrest of the assassin (Library of Congress)

Yes Guiteau was a strange and violent person.

Yes Guiteau wanted to kill President Garfield.

Yes Guiteau shot Garfield in an attempt to kill him.

But no, the non-life threatening wounds he inflicted did not kill Garfield.

Guiteau's jury did not know that Garfield's death was due to the negligent conduct of Dr. Bliss and his colleagues for deliberately allowing Garfield to reside in unsanitary conditions, and avoiding the use of sanitary medical practices that would have prevented his back wound from becoming infected.

So unbeknownst to Guiteau's jurors they convicted him, and he was subsequently executed, for a murder that he not only didn't commit, but that didn't even happen. The jury didn't even have the option to convict Guiteau of attempting to murder Garfield — the much less serious crime he actually committed.

There is no evidence Garfield's doctors responsible for his death intended for him to die. Consequently, given what is known today they couldn't have legitimately been prosecuted for murder, which requires criminal intent. However, they could have been prosecuted for manslaughter that only requires negligent conduct. The only question is whether the conduct of individual doctors could be considered voluntary or involuntary manslaughter, depending on the degree of their knowledge and involvement in his case.

Can Guiteau be exonerated?

Although it is now known that Guiteau was convicted of something he didn't do, there is no provision in federal law to allow a court to posthumously vacate a deceased

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person's provably wrongful conviction. A *habeas corpus* petition to vacate a conviction can only be filed by a living person in custody, and a *coram nobis* petition can only be filed by a living person whose sentence is completed. Guiteau's case highlights the deficiency of federal (and state) law to provide a mechanism for a conviction to be posthumously vacated judicially based on compelling evidence not known by the jury or another trier of fact at the time of a person's conviction.

It isn't exactly analogous to Guiteau's case, but it is instructive to consider the failed effort begun in 1990 by a descendant of Dr. Samuel A. Mudd to obtain an order overturning Mudd's 1865 conviction by a military tribunal for conspiracy to murder President Abraham Lincoln. Dr. Mudd's conspiracy conviction was based on the aid he provided to John Wilkes Booth by performing surgery on his injured leg after he shot Lincoln. Sentenced to life in prison, Mudd was granted a full presidential pardon in 1869 in recognition of his efforts to assist medical officers during an epidemic of yellow fever. In 2002 — 12 years after the case was filed in 1990 — the United States Court of Appeals, District of Columbia Circuit ruled against Mudd's descendant for two reasons: First, he did not assert a relevant personal interest in correcting Mudd's record of conviction; and, second he (and if alive, Mudd himself would have) lacked standing to pursue overturning Mudd's conviction under the statute he relied on, because Mudd was not a member of the armed forces. (The appeals court's ruling is, [Mudd, et al v. White](#), 309 F. 3d 819 (Ct of Appeals, DC Cir., 2002)).

The one avenue available to symbolically — but not judicially — clear Guiteau's name would be a posthumous presidential pardon, such as was granted Dr. Mudd. Regardless of the legitimacy of a president to pardon Guiteau on the basis of his actual innocence, an application would be extraordinarily controversial and face significant and possibly insurmountable political hurdles. Particularly considering that granting it would fly in the face of the collective weight of Guiteau being publicly identified as Garfield's murderer for more than 130 years.

The difficulties an application for Guiteau's pardon would encounter is indicated by a pending pardon request that evokes little controversy, and which is [supported by prominent](#) U.S. Senators Harry Reid and

John McCain. Presidents George W. Bush and Barack Obama [have declined](#) to posthumously pardon former World Heavyweight Boxing Champion Jack Johnson for his 1913 Mann Act conviction for traveling across state lines with his white girlfriend. Johnson fled the country after his conviction, but years later he returned to the U.S. and eventually served 366 days in prison. The Mann Act was enacted to punish interstate trafficking of women for prostitution. The flamboyant Johnson's conviction by an all-white jury has the appearance of having been based on racial prejudice, and not substantial evidence that traveling with his white girlfriend violated federal law. Even so, Johnson has not been pardoned. Background information about Johnson's case is in [Justice Denied's article](#), *Pardon Sought For Boxer Jack Johnson*.

While alive Guiteau experienced the egregious error of being convicted and executed for a murder he didn't commit, and after his death his name continues to live in infamy. Unless a mechanism is enacted to posthumously correct such errors, the historical record will continue to officially show Garfield's death was from the hand of a lone assassin.

The ongoing public discussion about whether an innocent person has been executed is affirmatively answered in the case of Guiteau. The only question is how many more have been executed. Particularly because Guiteau was executed after his conviction of a crime that didn't even occur.

Endnote 1. Guiteau's reaction was consistent with his history. In 1875 while living with his sister, Frances, and her family he raised an axe as if he wanted to strike her when she chided him for his laziness. She asked her doctor to examine her brother. Guiteau fled after the doctor concluded Guiteau was insane and recommended that he be placed in an asylum. Guiteau also permanently ended his relationship with his brother, John, after John impressed upon the deadbeat Guiteau the importance of paying his debts.

Source: [Destiny of the Republic](#) by Candice Millard (Doubleday, 2011)

[The United States v. Charles J. Guiteau](#), 1 Mackey 498, 12 DC 498 (D.C. Cir. 1882) (Denying appeal in case no. 14,056, 5-22-1882)

[Mudd, et al v. White](#), 309 F. 3d 819 (Ct of Appeals, DC Cir., 2002)

[Ex parte Mason](#), 105 US 696 (1882)

[Was Charles Guiteau Insane?](#), By Mike McIntyre, *SURG*, Vol 2, No 2 (2009)

[The Trial of Charles Guiteau: An Account](#), by Douglas O. Linder (2007)

[The Life and Trial of Guiteau the Assassin](#), By John Clark Ridpath (Jones Brothers & Company, Cincinnati, 1882)

[Harry Reid, John McCain push for boxer pardon](#), By Natalie Villacorta, *Politico*, February 13, 2014

[Like Bush, Obama rebuffs pardon for boxing great Jack Johnson](#), By Anita Kumar, *McClatchy Newspapers*, March 11, 2013

[Joseph Lister, 1st Baron Lister](#), Wikipedia.org (last visited 5-10-2015)

[Listerine](#), Wikipedia.org (last visited 5-10-2015)

[Pardon Sought For Boxer Jack Johnson](#), By Hans Sherrer, *Justice Denied*, March 21, 2009



Innocents Database Is Now Searchable and Sortable

The [Innocents Database](#) linked to from [Justice Denied's](#) website is the world largest database of wrongly convicted people. After more than a year of work the Innocents Database is now available in three online versions that allow both user defined searches, and user defined sorts of any combination of more than 100 columns of data. The three versions are:

- [U. S. cases from 1989 to 2015](#)
- [U. S. cases prior to 1989](#)
- [International cases up to 2015](#)

The sortable versions can be accessed from the Innocents Database's homepage at, [www.forejustice.org/innocentsdatabase.htm](#).

For example, with the sortable version a user can quickly find out how many men, women, or both, have been exonerated in California since 1989 -- or before 1989. Or a user can find out how many people exonerated in New York (or the entire U.S.) falsely confessed. Similar sorts can be performed on all the international cases or for individual countries.

The Innocents Database is an ongoing project that began almost 19 years ago, and now contains almost two million bytes of data. The sortable versions improve the accessibility and usefulness of that information to the public and researchers.

Javascript MUST be enabled in your browser for the sorting function to work, and a user may find the sortable versions unsuitable for a small screen device (e.g., mobile phone), or a slow Internet connection (e.g., dial-up).

