

This Week in Saratoga County History

A President, an Assassin, and a Lawyer

Submitted by Russ VanDervoort December 2, 2021

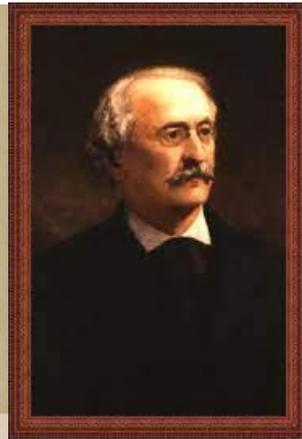
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James A. Garfield



Charles J. Guiteau



John K. Porter

The 20th President of the United States, James Garfield, was born in a log cabin in Ohio and was mule driver on the Ohio & Erie Canal. A graduate of Williams College, he later became an attorney and a skilled orator, and was elected to Congress in 1862. He then served as a Major General during the Civil War. In the 1880 election Garfield conducted a Front Porch Campaign and narrowly defeated another Civil War General and Gettysburg hero, Winfield Scott Hancock.

Charles Julius Guiteau was an American writer and attorney. Guiteau felt, falsely so, that his actions had contributed to Garfield's successful campaign and sought a consulship position to either Vienna or Paris. Failing in his pursuit of this honor he decided to shoot Garfield, which he did, wounding him, on July 2, 1881. Garfield succumbed to the wound on September 19, 1881.

John K. Porter was a Waterford, New York attorney. Born in Waterford on January 12, 1819, he was educated in both the Waterford and Lansingburgh Academies, later graduating from Union College in 1837. Upon his death, the *Albany Law Journal* stated; In our opinion, Mr. Porter comes nearer to being a genius than any other man in our bar.

How did destiny bring together this former Ohio canaller, a crazed and disgruntled office seeker, and a near-genius Waterford native and lawyer?

John's father, Dr. Elijah Porter, wanted John to follow in his footsteps. John was not interested in becoming a doctor but made a deal with his father that he would study medicine for six months. If he did not show a talent for it, his father would permit him to study law. At the end of that period John's father said; "Son I don't know what kind of lawyer you will make, but you'll make a mighty poor physician, so I will let you study law."

In 1846 John Porter, at the age of 27, was among those chosen to represent Saratoga County at the New York State Constitutional Convention. John became a leading lawyer in Waterford with a remarkable intellect, who was able to practice, in nearly every branch of the law. His skills soon made it possible for him to play on a larger stage.

In early 1865, Porter was appointed to the New York Court of Appeals to fill the vacancy caused by the resignation of Henry R. Selden. In November 1865, he was elected on the Republican ticket to the remaining six years of Selden's term, but resigned on December 31, 1867, and returned to private practice, now in New York City.

His record as an attorney would have made Dr. Porter proud. Son John successfully defended Horace Greeley, editor of the New York Tribune, in a libel case brought by the Assembly Speaker DeWitt C. Littlejohn. In 1875, he represented Henry Ward Beecher in his case against Theodore Tilton, who, in one of the most scandalous cases of the post-civil war era, accused Beecher of adultery with Tilton's wife. The jury could not reach a verdict. In February 1876, Porter defended Grant's military secretary Orville E. Babcock, who had been indicted during the prosecution of the Whiskey Ring frauds. Babcock was acquitted.

In 1876, two weeks after voters went to the polls to choose between Rutherford B. Hayes and Samuel J. Tilden, the New York State Bar Association was founded, and Porter became the Association's first president. He challenged the new organization to "exercise a collective and permanent influence" on the great issues of the day.

At this point in our story, late 1881, President Garfield was in Lake View Cemetery in Ohio, Guiteau is in a Washington D.C. jail awaiting trial, and the Honorable John K. Porter was retired, back home in Waterford.

The *National Park Service* reported the following on the trial of Charles J. Guiteau; At trial, the assassin Guiteau stated that "I did not kill the President. The doctors did that. I merely shot him." The trial lasted nearly two months and often had a circus-like atmosphere. The U. S. Attorney General, Wayne MacVeagh, put together a 19th-century dream team to prosecute Guiteau, among them John Porter of Waterford.

Porter was not a specialist, he was a laborious, keen, strongly-equipped man in nearly every branch of the law. He was a formidable cross-examiner and a trustworthy counselor. Arthur and MacVeagh deemed him necessary to the team. On cross-examination, prosecutor Porter tried to suggest to jurors that what the defense claimed was evidence of insanity was instead only evidence of sin. He forced Guiteau to concede that he thought the assassination would increase

sales of his autobiography. He demanded to know whether Guiteau was familiar with the Biblical commandment, "Thou shalt not kill." Guiteau responded that in this case "the divine authority overcame the written law." He insisted, "I am a man of destiny as much as the Savior, or Paul, or Martin Luther."

Judge Porter's cross-examination of Guiteau was so effective in defeating Guiteau's insanity defense that Francis L. Wellman gave it a chapter in his classic work *The Art of Cross-Examination*. In its December 2, 1881, headline, the New York Times characterized the cross-examination as "Guiteau's Day of Torture."

As a result of the trial, the prosecution team won a conviction after Guiteau went through a series of defense attorneys, most arguing an insanity defense. Guiteau was found guilty in January 1882 and met the hangman on June 30, 1882. By that time John Porter had returned to his retirement in Waterford. According to *The New York Times* obituary, Porter's "devotion to this case wore out his energy, and after its conclusion, he almost wholly gave up the practice of law." Porter died on April 11, 1892, in Waterford.