

## OPINION

# The congressman who got away with murder

By R. Marc Kantrowitz

With wealth, power and political connections, Daniel Edgar Sickles knew how to get what he wanted. When the popular, albeit emotional and volatile, congressman from New York learned that the district attorney of Washington, D.C., was having an affair with his wife, he took matters into his own hands.

Born in New York City on Oct. 20, 1819, Sickles married Teresa Bagioli, in her mid-teens and half his age, in 1852. He was elected to Congress four years later. They had a daughter, Laura, and were popular hosts to the Washington elite and insiders. It was at one of these soirees that Teresa, youthful and charming with a lovely round face, met the handsome and connected Philip Barton Key, the local district attorney.

A widower, Key beckoned from a famous family. His father, Francis Scott Key, wrote the "The Star-Spangled Banner" while his uncle, Roger Taney, served as chief justice of the U.S. Supreme Court. Key and Teresa soon started an illicit romance, with Key going so far as to rent a home to unsuccessfully shield their trysts from an all-knowing public.

*Judge R. Marc Kantrowitz sits on the Appeals Court. He can be contacted at rmarckantrowitz@comcast.net. Amal Bala assisted with the research of the above column, which is based primarily on "American Scoundrel" by Thomas Keneally.*

Sickles soon learned of the affair upon receiving an anonymous letter. Like lightning striking a mighty oak, Sickles, despite his past affairs, was jolted by the news. He wept and groaned and confronted his young wife, whom he forced to write a confession. In it, she admitted, in part, that she "did what is usual for a wicked woman to do."

The next day, Feb. 27, 1859, the lovesick Key wandered near the

Sickles home with the hope of seeing his lover. Sickles spotted Key, who at 40 was slightly older than Sickles, and became enraged. In short order, he followed and confronted his wife's lover, winding up in front of the White House.

"Key, you scoundrel, you have dishonored my house," Sickles exclaimed. "You must die!"

Sickles drew a pistol and fired, a near miss inflicting only a minor injury to Key's hand. A scuffle ensued. Sickles pulled back and drew another gun. "Don't murder me!" Key cried. From a few feet away, Sickles shot Key in the upper leg. Key collapsed to the ground, screaming for mercy.

Sickles again pulled the trigger. Click. A misfire. He pulled it yet again. This time a bullet went surging into Key's body just below his heart. Sickles stepped even closer. Click. Another misfire. A bystander jumped in, too late.

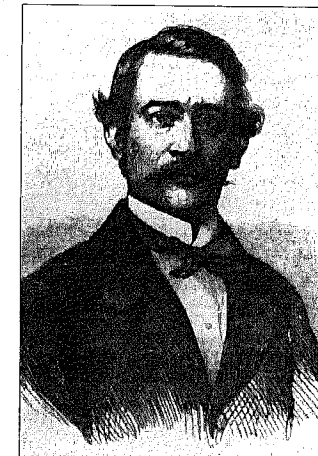
Like the speed of the bullets leaving Sickles' gun, news of the incident



DANIEL EDGAR SICKLES



TERESA (BAGIOLI) SICKLES



JAMES TOPHAM BRADY

shot throughout the nation, monopolizing the headlines. Sickles confessed to the killing and sat in jail where countless friends and politicians came to visit. He bemoaned the state of his marriage even though his own adultery was well known.

His murder trial began April 4, 1859. Sickles' legal team was impressive, with future Secretary of State Edwin Stanton and James Topham Brady, an insanity expert, representing him. That temporary insanity had not been used as a defense before was no impediment to it being used now.

Robert Ould inherited the job as DA. The trial at City Hall was crowded, the weather hot and muggy. The prosecutor depicted Sickles as a walking arsenal, intent on murder.

Brady countered that Sickles was a hero doing away with Key, a sexual predator. He also portrayed his client as being driven to temporary insanity, pushed over the edge by

an unfaithful wife. Sickles cried as the witnesses testified.

After a nearly month-long trial, the jurors set off to decide Sickles' fate. They didn't need much time. After 70 minutes, they came back: not guilty.

Sickles' popularity, political connections and crafty lawyers all combined to save him. He became the first defendant in America to successfully use the defense of temporary insanity. His supporters rejoiced. Sickles soon recounted the details of the shooting and casually admitted that he had every intention of killing Key.

### Epilogue

Despite his marital woes, it was not adultery that ended Sickles' marriage, but death.

Teresa died in 1867 from tuberculosis. Sickles became a Union general during the Civil War and lost a leg in defense of his nation. Despite his question-

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able decisions at Gettysburg, he was awarded the Medal of Honor, although it took some 34 years of probable campaigning to receive it. He remarried in 1871 and had two more children before he and his wife parted ways due to his womanizing.

At 93, he was accused of embezzling \$27,000 from the New York State Monuments Commission, which he chaired. A year later, in 1914, he suffered a cerebral hemorrhage in New York, died and was buried in Arlington National Cemetery. 