

## Remembering Lincoln The Lawyer<sup>1</sup>

By Kelly Andersen

As a child I was taught to respect and admire our 16th president, yet I really did not comprehend why he was considered so great a man. I suspected it had something to do with the Gettysburg Address, or in general that he had been president during the Civil War, yet beyond that vague feeling I really knew very little about him.

Not long ago, while visiting a bookstore, I noticed a one-volume edition of Carl Sandburg's monumental six-volume epic biography of Lincoln,<sup>2</sup> and decided that while I could not afford the time to read six volumes, I most certainly could read one. Besides, I reasoned, Sandburg was unquestionably an excellent writer and deserved to be read, even if the study of Lincoln was inconsequential.

I was not disappointed in the book. It not only inspired a great respect for Lincoln, but bathed me with desire to know more and more about this most admired of all U.S. presidents. I soon returned to the bookstore and bought Lincoln biographies written by William H. Herndon<sup>3</sup> (Lincoln's law partner for more than 16 years), by Ward Hill Lamon<sup>4</sup> (Lincoln's law associate in Danville, Ill., where Lincoln traveled on the Illinois 8th Circuit) and by Isaac N. Arnold<sup>5</sup> (an attorney who practiced before the same bar as Lincoln and who served in Congress during Lincoln's administration).

After reading these well written biographies, I also read—for good measure—comprehensive biographies by Stephen B. Oates<sup>6</sup> and David Herbert Donald.<sup>7</sup>

These—written more recently—drew upon hundreds of sources not available to biographers who lived during Lincoln's lifetime, and not even available to Sandburg. All these books, added to my own two volume set of Lincoln's writings and speeches, have given me a great appreciation for Lincoln the man as well as Lincoln the lawyer. I write to share some interesting facts about this most remarkable attorney.

To understand Lincoln's greatness, it is first necessary to visit the vast challenges which confronted him as president. By understanding the greatness of the last four years of

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<sup>1</sup> *Oregon State Bar Bulletin*, "Lincoln the Lawyer," February/March, 1998, reprinted in the *Clark Memorandum, Brigham Young University Law School Magazine*, Fall 1998.

<sup>2</sup> Carl Sandburg, *Abraham Lincoln, the Prairie Years and the War Years, One-Volume Edition*, Harcourt Brace & Company, Copyright 1954.

<sup>3</sup> William H. Herndon and Jesse W. Weik, *Herndon's Life of Lincoln*, Da Capo Press, Inc., Copyright 1983.

<sup>4</sup> Ward Hill Lamon, *Recollections of Abraham Lincoln 1847 – 1865*, University of Nebraska Press, Copyright 1994.

<sup>5</sup> Isaac N. Arnold, *The Life of Abraham Lincoln*, University of Nebraska Press, Copyright 1994.

<sup>6</sup> Stephen B. Oates, *With Malice Toward None: A Life of Abraham Lincoln*, Harper & Row, Copyright 1997.

<sup>7</sup> David Herbert Donald, *Lincoln*, Simm & Schuster, Copyright 1995.

his life, it is then possible to work backward and understand how the practice of law served to form his character and intellect.

### ***Lincoln's Setting***

Between the time of his election as president and his taking the oath of office, a handful of states had seceded from the Union, and many more were threatening and poised to do so. The previous president, James Buchanan, in sympathy with the South and in anticipation of secession, had allowed many federal forts and arsenals to fall into the hands of secessionists and had permitted the Treasury to be looted by them. The chief justice of the U.S. Supreme Court, Roger Taney, with a well-known Southern bias, had strenuously used his office to influence the interpretation of the Constitution to guarantee slavery. The now infamous Dred Scott decision, holding that blacks were not people but merely property, was the last word of the Supreme Court on the most divisive issue of the day.

Most of the great military talent of the nation was comprised of men of the South, including Robert E. Lee, a military genius who the aged and retiring General Winifred Scott told Lincoln in early 1861 was a talent worth the equivalent of 50,000 infantry soldiers. (Not until Ulysses S. Grant was appointed in early 1864 would Lincoln have a commanding general who was not afraid of Lee.)

On top of these problems, Lincoln had to contend with unbelievably diverse opinions regarding how to deal with a civil war—and eventually whether the war was even worth the unfathomable cost in blood and treasure. The rainbow of his critics included “peace Democrats,” who favored a restoration of the Union with slavery guaranteed in all states and territories; “conservative Republicans,” who wanted the Union preserved but slavery undisturbed in the South; “liberal Republicans,” who wanted slavery prohibited in all new territories and states, but were willing to have it gradually abolished in the South; and, finally, “abolitionists,” who wanted slavery abolished in all states and territories, but were sometimes divided as to whether or not the Union itself should be preserved. One of the great ironies of the Civil War, as noted in Michael Shaara’s classic novel *Killer Angels*<sup>8</sup> was that the North was divided in fighting for the Union while the South was united in fighting for disunion.

As the North suffered one humiliating military defeat after another, many naturally blamed Lincoln. Discontent exploded in 1864 when George McClellan, discharged General of the Army of the Potomac, campaigned against Lincoln for president on a platform to immediately end the war. Smoldering anti-war embers flamed into a roaring, flaming anti-war movement, which dwarfed anything witnessed in our generation during the Vietnam War.

To understand just how bloody the Civil War was—and how vibrant the anti-war movement became—it is necessary to put some statistics in perspective. The Civil War,

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<sup>8</sup> Michael Shaara, *The Killer Angels*, David McKay Company, Inc., Copyright 1974.

with its 600,000 war dead, was the bloodiest war ever fought by American soldiers -- bloodier, in fact, than all other American wars combined. If fought today with our U.S. population approaching 300 million people, we would be appalled at 600,000 casualties. But this war was fought at a time when the U.S. population -- North and South combined -- was 30 million people, or just one-tenth its present size! If the same war were fought today, it would take six million casualties to affect a proportionate number of hearts and homes.

The Vietnam war -- with its 50,000 casualties, spread out over a 10 year period -- drove from office Lyndon Johnson (a "seasoned" former congressman, senator, majority whip and vice president) under a strain and pressure that he could not endure. By contrast, Lincoln had no prior federal government experience, except for a two-year term in Congress 12 years before he became president; yet he had to deal with far greater complexities, far fewer resources and far more casualties than Johnson.

The bloodiest single day of the Civil War was the climax of the battle of Antietam, fought in Maryland in September 1862, in which more than 25,000 soldiers fell (North and South combined, in about equal numbers). With the country then one-tenth its present size, a comparable battle in our lifetime would have 250,000 war dead in a single day! When finally in 1864 Lincoln turned command of all Northern armies over to Ulysses S. Grant, battle casualties mounted at appalling rates -- over 50,000 Union casualties in the late spring and early summer of 1864, or what would be 500,000 casualties today (more than all of U.S. casualties in World War II) if measured in proportion to our present population. With such enormous costs, and still as yet an uncertain outcome, came pressure upon Lincoln to do something -- anything -- to end the war and bring peace to what Sandburg described as a "wailing humanity."

By August 1864 Lincoln was so despised as to appear unelectable to a second term. Even Republicans who had nominated him for a second term only months before were now openly asking him to resign his candidacy and thus give way to someone who had a chance of being elected. Even formerly die-hard Unionists were now calling for peace, offering either to recognize the South as an independent nation, or allow a restoration of the Union with slavery guaranteed.

And yet Lincoln—with consummate political skill and inspired judgment—somehow managed to hold the fragile and weary Union together and preserve a nation. Had he failed, the map of the continent upon which we live would be divided not just between North and South, but European interests likely also would have intervened to claim continental soil. Even the South—born with an acknowledgment that any state could secede from a central government—would likely have further fractured. And, since the United States came to the aid of European democracies in World Wars I and II, even the face of the world map would likely have been dramatically altered. Little wonder that General Grant, on learning of Lincoln's re-election, enthused that the news was "better than a battle won."

It is to this enormously gifted man that I pay respect—not as a president but as the country lawyer he was before he became president.

### ***Lincoln the Country Lawyer***

Lincoln's legal career began Sept. 9, 1836, when at the age of 27 he was licensed to practice in the courts of Illinois. Although having had less than one year of formal education, he realized the absolute need as a young adult to know grammar. He had, accordingly, assiduously studied a grammar primer book until he knew the accepted rules. Although he had acquired some interest in the law as a youth while watching trials at the county courthouse, he would work as a rail-splitter, a store clerk, a surveyor, a postmaster, a volunteer soldier and a state representative, before he would actually practice law.

In one of these ventures—the store—he and his partner failed miserably, partly because of poor management and partly because the community of New Salem where they lived was dying economically. The two men ended \$1,100 in debt—a sizeable sum for the time. When Lincoln's partner died in 1835, Lincoln agreed to pay the entire debt alone, even though Illinois law at that time may have absolved him of his partner's share of the debt.

To understand just how monumental that debt was it is necessary to understand the value of a dollar in 1835. The governor of Illinois earned \$1,400 per year, and a nice home could be bought for \$1,100.

It took Lincoln years to pay this debt—which he and his friends sometimes referred to as his “national debt” —and yet pay it he did: every penny. It would be eight years after he passed the bar before he would own a home, since he devoted his earnings to paying the debt before he rewarded himself. The act of paying the debt, in combination with many other similar acts of uncompromising integrity, earned him the well-deserved nickname “Honest Abe.”

The practice of law in Lincoln's day was quite different than it is today. With no theaters or movies or other cultural outlets in what was then considered the western United States, the courtrooms of Illinois attracted townsfolk who attended as a form of recreation. A great lawyer of the day carried an aura much like the super-athlete of today. The profession attracted some of the brightest and best, not only for the intellectual and economic rewards, but also for the sheer glamour and prestige of being a prominent actor in the scenes of life. Courtrooms were exciting—even for spectators—and no doubt a public hanging buzzed with spectators praising or lamenting the skill, or lack of skill, of the attorney who had achieved this death sentence—or who had failed to prevent it.

Ward Lamon Hill, who was 18 years younger than Lincoln and who associated Lincoln in many cases, wrote:

My personal acquaintance with Mr. Lincoln dates back to the autumn of 1847. In that year...I left my home in...Virginia, and settled at Danville, Vermillion County, Illinois. That county and Sagamon, including Springfield, the new capital of the State, were embraced in the Eighth Judicial Circuit, which at that early day consisted of fourteen counties. It was then the custom of lawyers, like their brethren of England, "to ride the circuit." By that circumstance the people came in contact with all the lawyers in the circuit, and were enabled to note their distinguishing traits. I soon learned that the man most celebrated, even in those pioneer days, for oddity, originality, wit, ability, and eloquence in that region of the State was Abraham Lincoln.<sup>9</sup>

Though Lincoln loved the practice of law, and the powers of logic and reason which it tested and required, he was also constantly involved in politics, and he frequently traveled widely within Illinois and eventually even into other states, campaigning for presidential candidates and against the expansion of slavery into new territories. Except for the years 1853 to early 1858, when he tells us he practiced law "more assiduously" than at any time before, he always maintained a very busy political calendar, while simultaneously practicing law.

Despite his relentless political involvement, his law practice was an extremely busy and thriving one. In addition to trying all manner of jury and bench trials in both law and equity, and regularly riding the 400 mile circuit on horseback or in a buggy, he still managed to argue 240 cases before the Illinois Supreme Court, a daunting number of appellate cases even for an attorney who practices a lifetime, doing only appellate work with no political commitments. In time Lincoln would handle some of the biggest cases of the day, including the rights of counties to tax railroads, and the competing rights of railroads and riverboats. Yet his practice remained so diverse that he would also try a murder case just months before becoming president.

His first law partner, John Logan, tells us that Lincoln was not a wide reader of the law, but that he would "work hard and learn all there was in a case he had in hand," and that he was "useful in getting the good will of juries" by putting himself "at once on an equality with everybody."<sup>10</sup> His third and last law partner, William Herndon, agrees that Lincoln was not a wide reader, Herndon claiming that no man "read less and thought more" than Lincoln.

Isaac Arnold, who practiced in the same courts as Lincoln, observed that Lincoln's fees were "ridiculously small and that his wants were few and simple."<sup>11</sup> Yet by sheer volume of work he earned between \$2,000 to \$3,000 per year.

Arnold says that a stranger's first impression of Lincoln was that of a "kind, sincere and genuinely good man of perfect truthfulness and integrity. He was one of those men

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<sup>9</sup> Lamon, *supra* at 14.

<sup>10</sup> Quoted in Herndon, p. 210.

<sup>11</sup> Arnold, *supra* at 82.

whom everybody liked at first sight.”<sup>12</sup>

Ward Hill Lamon, Lincoln’s “local partner” in Danville and later in Bloomington, records that

Whenever it was known that Lincoln was to make a speech or argue a case, there was a general rush and a crowded house. It mattered little what subject he was discussing -- Lincoln was subject enough for the people. It was Lincoln they wanted to hear and see; and his progress round the circuit was marked by a constantly recurring series of ovations.<sup>13</sup>

Lamon provides an example of Lincoln’s wit by recalling an occasion when Lamon ripped the seat of his trousers in a wrestling match outside the courthouse. His short coat did not cover his resulting embarrassment. As he faced the jury -- a cheek exposed to the row of attorneys behind him -- some of the attorneys, quietly chuckling, started a “subscription paper” to buy Lamon a new pair of pantaloons, one of the them noticing that he was a “poor but worthy young man.” The various attorneys in the courtroom behind Lamon added many humorous comments, but Lincoln topped them all when he wrote: “I have nothing to contribute to the end in view.”<sup>14</sup>

On another occasion Lincoln and Lamon represented a conservator appointed to safeguard a fund of \$10,000. A “designing adventurer” (according to Lamon) sought to remove the conservator so that he might get at the fund. A contested hearing had been set and a protracted contest was expected. Anticipating a great fight, Lamon had charged a fixed fee of \$250. Unexpectedly, the case was tried in less than 20 minutes and to the complete satisfaction of the client, who promptly and happily paid the full fee. When Lincoln learned of the charge he insisted that Lamon refund the client at least one half the fee. Lamon protested that the fee had been fixed in advance and that the client was perfectly satisfied. “That may be,” replied Lincoln, “but I am not satisfied. This is positively wrong. Go, call him back and return half the money at least, or I will not receive one cent of it for my share.”<sup>15</sup>

On another occasion Lamon observed that Lincoln had won a railroad case. As the judge was about to announce the dollar amount of the judgment, Lincoln rose to say that the opposing side “had not proved all that was justly due to them in offset,” and then added that justice required an offset against his client for a certain amount.<sup>16</sup> Such acts no doubt helped confirm Lincoln’s reputation of unflinching integrity.

Lincoln’s first two partnerships were relatively brief (each being only a few years), but his last partnership, with William Herndon, lasted 16 years and was so amiable that Lincoln intended to return to the practice of law with Herndon after he served as

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<sup>12</sup> Id. at 83.

<sup>13</sup> Lamon, *supra* at 16.

<sup>14</sup> Id. at 18.

<sup>15</sup> Id.

<sup>16</sup> Id. at 20.

president. The firm of Lincoln and Herndon was very busy, and constantly grew in the volume and quality of cases it handled.

Herndon was himself a colorful character. He was a wide reader, having probably the largest private library in Springfield; and he was a chatter-box talker, enthusing about a vast array of subjects and theories. On occasion Lincoln would relax on the sofa in the law office and ask Herndon to bring him up to date on Herndon's latest reading.

According to witnesses, neither Lincoln nor Herndon was a tidy office keeper. One client even claimed to have seen seeds sprouting in accumulated dust along the edges of the walls of their somewhat dilapidated second-story office. According to Herndon, Lincoln was not highly organized or systematic. As Herndon analyzed Lincoln's lack of system, Herndon began to keep a binder wherein he noted the latest cases of importance to the practice and he would then feed Lincoln the most germane legal opinions pertaining to Lincoln's appellate work. The partnership worked like magic, the younger Herndon adoring "Mr. Lincoln," as he called him, and Lincoln appreciating his young partner, whom he consistently referred to as "Billy."

They equally divided their fees, and the accounting was simple: when Lincoln collected a fee he would divide the money and put Herndon's share in an envelope, writing "Herndon's half" on the outside, and Herndon would do likewise. Neither ever had any occasion to suspect that any fee was ever withheld from the other.

Almost every description I have read of Lincoln's success as a lawyer includes a comment about his great ability to get to the "nub" of a case, and articulate its essential justice in language everyone could understand. He would readily give up minor points in order to give greater emphasis to essential points.

Herndon tells us that Lincoln's mind was continually searching for the "first cause" of things. As an example, he recites that after Lincoln returned from a trip East, where he had seen Niagara Falls, he and Herndon were conversing in the office regarding its beauty. Herndon writes:

"I was endeavoring to entertain my partner with an account of my trip, and among other things described the Falls. In the attempt I indulged in a good deal of imagery. As I warmed up with the subject my descriptive powers expanded accordingly. The mad rush of water, the roar, the rapids, and the rainbow furnished me with an abundance of materials for a stirring and impressive picture. The recollection of the gigantic and awe-inspiring scene stimulated my exuberant powers to the highest pitch. After well nigh exhausting myself in the effort I turned to Lincoln for his opinion. 'What,' I inquired, 'made the deepest impression on you when you stood in the presence of the great natural Wonder?'

"I shall never forget his answer, because it in a very characteristic way illustrates how he looked at everything. 'The thing that struck me most forcibly when I saw the Falls,' he responded, 'was where in the world did all that water come from?'

"He had no eye for the magnificence and grandeur of the scene, for the rapids, the mist, the angry water, and the roar of the whirlpool, but his mind, working in its accustomed channel, heedless of beauty or awe, followed irresistibly back to the first cause. It was in this light he viewed every question. However great the verbal foliage that concealed the nakedness of a good idea, Lincoln stripped it all down till he could see the way between cause and effect. If there was any secret in his power this surely was it."<sup>17</sup>

Although Lincoln's fees were generally small ("the lawyers of the circuit often complained that his fees were not at all commensurate with the service rendered"<sup>18</sup>) he could, on occasion, charge a whopping fee. The best example was his work for the Illinois Central Railroad in a case commonly known as the "McLean County Tax Case." The issue was whether a county could tax the railroad. The railroad maintained that only a state could levy such a tax. If McLean County won, other counties would soon levy a similar tax. It was, according to Lincoln's pre-engagement letter, the largest case then going in Illinois.<sup>19</sup>

Lincoln charged a retainer of \$200. The case was long and protracted, but Lincoln was ultimately successful in the case, saving the railroad millions of dollars in taxes. Upon completion of the work, he billed the railroad \$2,000 minus his \$200 retainer. The railroad gasped at the fee: "This is as much as Daniel Webster himself would have charged," complained railroad management, refusing to pay the fee.

Stung by the rebuke, Lincoln inquired of other attorneys whether or not they felt the fee was fair. The consensus was that he had charged too little for the incredibly valuable services he had performed. The somewhat miffed and normally inexpensive Lincoln had had enough and decided that under the circumstances the railroad should pay \$5,000 (\$500,000 today). He presented an amended bill and sued the railroad when it refused to pay, calling upon six prominent attorneys as expert witnesses. He obtained a judgment for the full amount, collected it, and -- amazingly-- continued to represent the railroad in other matters during and after the litigation.

Herndon concluded his description of this affair by noting: "...[M]uch as we deprecated the avarice of great corporations, we both thanked the Lord for letting the Illinois Central Railroad fall into our hands."<sup>20</sup>

Isaac N. Arnold, who often saw Lincoln in court, said:

Lincoln was, upon the whole, the strongest jury lawyer in the state. He had the ability to perceive with almost intuitive quickness the decisive point in the case. In the examination and cross-examination of a witness he had no equal. He could always make a jury laugh, and often weep, at his pleasure. His legal arguments addressed to

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<sup>17</sup> Herndon, p. 238-9.

<sup>18</sup> Lamon, p. 17.

<sup>19</sup> Speeches and Writings 1838 – 1858, p. 298.

<sup>20</sup> Herndon, p. 284.



the judges were always clear, vigorous, and logical, seeking to convince rather by the application of principle than by the citation of cases. A stranger going into court when he was trying a cause would, after a few moments, find himself on Lincoln's side, and wishing him success. He seemed to magnetize everyone. He was so straightforward, so direct, so candid, that every spectator was impressed with the idea that he was seeking only truth and justice. He excelled in the statement of his case. However complicated, he would disentangle it, and present the real issue in so simple and clear a way that all could understand. Indeed, his statement often rendered argument unnecessary, and frequently the court would stop him and say: "If that is the case, Brother Lincoln, we will hear the other side." His illustrations were often quaint and homely, but always apt and clear, and often decisive. He always met his opponent's case fairly and squarely, and never intentionally misstated law or evidence.<sup>21</sup>

As Lincoln's reputation grew, so did the quality and magnitude of his cases, especially in federal court. In 1857 he was hired to defend a patent infringement suit brought by McCormick Manufacturing against a Manny Washburne of Cincinnati, Ohio. McCormick was represented by a Reverdy Johnson, one of the most renowned attorneys in the United States. Lincoln looked forward to the contest and the opportunity to go against Johnson. Just before trial, and unknown beforehand to Lincoln, his client also hired Edwin M. Stanton (later Secretary of War in the Lincoln administration), a nationally prominent attorney from Philadelphia.

Throughout the trial Stanton treated Lincoln rudely and with a great air of superiority. Through an open door, Lincoln heard Stanton inquire of another: "Where did that long-armed creature come from, and what can he expect to do in this case?"<sup>22</sup> Though Lincoln's feelings were deeply hurt, he stayed with the case but played only a minor role, Stanton having taken advantage of Lincoln's generosity in offering Stanton a leading role. Lincoln was also disappointed in the judge of the case: "If you were to point your finger at him, and a darned needle at the same time, he never would know which was the sharpest."<sup>23</sup>

One of Lincoln's last jury trials involved Duff Armstrong, the son of Hannah Armstrong, who had befriended Lincoln when he was penniless and unknown. Duff was accused of murder, the state's primary witness claiming that he could see Duff commit the act "by the light of the moon." The high drama of the trial occurred when Lincoln produced an almanac showing that on the night in question the moon had set three minutes before midnight, so that it could not have been "straight overhead" as the witness claimed it was when the alleged murder occurred. The witness was visibly overcome by apparent uncertainty, and his prolonged pause proclaimed volumes of reasonable doubt.

Lincoln produced most of what he wrote in longhand, even after becoming president. His writings are distinctively Lincoln, such that a paragraph written by him on a subject not familiar to the reader could nevertheless be recognized by one familiar with the rest

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<sup>21</sup> Arnold, p. 84.

<sup>22</sup> Herndon, p. 287.

<sup>23</sup> Id.

of Lincoln's writings. His genius was in untangling and then expressing in simple language -- often in single syllables -- the most complex ideas imaginable. Isaac N. Arnold notes the following passage as representative of the whole of Lincoln's writings: "Let us have faith that right makes might, and in that faith let us to the end do our duty, as we understand it." Arnold notes that only two words in the whole sentence have more than one syllable.<sup>24</sup>

Not only is his language beautiful and comprehensive, but his logic and reasoning -- honed no doubt by his years of practicing law -- are the admiration of any careful student of his writings. What he wrote, however, was not always easily produced. Lamon notes that it took Lincoln five hours of "intense mental activity" to compose the following paragraph:

It has been intimated to me that the gentlemen who have acted as the legislature of Virginia in support of the rebellion may now desire to assemble at Richmond and take measures to withdraw the Virginia troops and other support from resistance to the general government. If they attempt it, give them permission and protection until, if at all, they attempt some action hostile to the United States, in which case you will notify them, give them reasonable time to leave, and at the end of which time arrest any who remain. Allow Judge Campbell to see this, but do not make it public.

Lincoln weighed, balanced, and intensely thought through the likely effect as well as endless other possible side effects of each word. At issue was a deep legal question which four bloody years of war had still not settled -- whether the elected representatives of a state in rebellion against the national government had authority to legally act for and on behalf of the state. Had Lincoln recognized the right of the legislature to withdraw the Virginia troops, he would also have admitted their legality to act in other matters, thus dooming an attempt to reconstruct governments in rebellious states. On the other hand, southern troops would not recognize the authority of any but the state legislature which had acted during the war. Thinking through all the possible consequences which could flow from the exact wording of the message, Lincoln eventually referred to "the gentlemen who have acted as the legislature of Virginia," later explaining -- when his letter was in fact misconstrued as he feared it would be -- that he "did this on purpose to exclude the assumption that I was recognizing them as a rightful body. I have dealt with them as men having power de facto to do a specific thing."<sup>25</sup> Would to God that politicians of our day did as much thinking and had as much wisdom!

Lincoln had an uncanny memory for stories, and the good judgment and skill to weave a moral into them. He used stories, he said, as "labor saving devices." He maintained that a good story can bring home a point more eloquently than pages of explanations.

On one occasion he told Lamon a story which Lamon found so humorous that his

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<sup>24</sup> Arnold, p. 343.

<sup>25</sup> Lamon, p. 310.

laughter disrupted the courtroom and Judge David Davis fined him \$5 for contempt (a hefty fine in today's currency). At the next recess Lamon paid the fine, but still laughing told the judge the story was worth every cent, whereupon the judge, in spite of himself, asked Lamon to repeat the story. Unfortunately the story itself has not survived, perhaps because its humor lay largely in how Lincoln alone could tell it.

In reading Sandburg's biography, which contains hundreds upon hundreds of Lincoln's stories in the context of the situation Lincoln told them, I wondered how anyone could possibly remember so many apt stories, and know precisely when to use them. Soon his stories became legendary, and many have been repeated by generations of school children for more than a hundred years.

During the intensely satisfying quiet moments I have spent studying Lincoln's life and words, I have been most impressed by his ability to think so clearly and write so well. In an age where modern presidents have speech writers, letter writers and note takers, and are fed with canned briefs by subordinates who have done the thinking for them, I am not surprised that our nation has not produced another Lincoln. He seemed to know that the struggle to clearly express an idea is an important part of coming to correct conclusions. His presidential decisions proved dazzlingly deft and inspired. No doubt the experience of his prairie years as a country lawyer served him and his country well during the four years of our nation's most intense struggle to define itself. The eternal wisdom of his immortal words would also help "bind up the nation's wounds" long after his death.