Review Essay

Exploring Lincoln the Lawyer

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The debut of the Lincoln Legal Papers Project in 2000, with its massive new documentation of Lincoln’s law practice, created an opportunity for historians to offer a truly comprehensive appraisal of Lincoln’s legal career. For the first time, we possessed the necessary primary sources for analysis of what had been an imperfectly understood facet of Lincoln’s life. The result has been a steady stream of new books, articles, and monographs, to the point that we may now properly speak of Lincoln legal studies as a subfield in its own right, with its own historiography and themes.

A key theme of this new literature is integration. Lincoln legal scholars want to fully incorporate the newfound reappraisal of his law practice into our general understanding of his life. Not content to merely study the cases by themselves in a conceptual vacuum, we want to relate Lincoln the lawyer to Lincoln the politician, the president, and the man, as well as the practice of law in nineteenth-century America. We want to better understand the context and the environment within which he practiced law: the men and women he met in the courtroom, and the nature of the courtroom itself in his day. Both Guy Fraker’s study of Lincoln’s career practicing the law on Illinois’ Eighth Judicial Circuit and Robert S. Eckley’s biography of Lincoln confidant Leonard Swett fit comfortably into this trend.

Much of Fraker’s book is devoted to a general overview of Lincoln’s twenty-three-year career as an attorney: his reasons for becoming a lawyer, his legal education, his various partnerships, and a broad examination of the cases he litigated as he rode the Illinois Eighth Circuit—the “mud circuit,” as it was sometimes called. “Lincoln spent virtually his entire adult life in the Eighth Circuit,” Fraker...
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points out, and “there he became one of the leading lawyers in Illinois” (9).

It is a familiar story, which Fraker relates with a brisk and lively approach, leavened by his own considerable expertise as a practicing attorney from Illinois. Fraker has an excellent feel for the intricacies related to practicing law in Lincoln’s day, and a thorough understanding of the Eighth Circuit’s geography. Perhaps the most enjoyable and informative chapters of his book are those in which Fraker offers a detailed, almost step-by-step journey through the various towns and courthouses of the Eighth Circuit.

But *Lincoln’s Ladder to the Presidency* is more than merely descriptive. As the title suggests, Fraker sees Lincoln’s time on the circuit as a key component in his rise to political prominence and eventually the White House. For years Lincoln biographers have mined the Eighth Circuit for pithy tales about Lincoln’s wit, wisdom, and personality. But Fraker shows his time riding circuit was far more than a mere collection of anecdotes. “His lengthy travels on the circuit and time with its residents from all walks of life enhanced his understanding of human nature,” Fraker writes, “and he developed an extraordinary ability to listen and understand, without rancor, opposing viewpoints” (3).

All politics is local, and Lincoln constructed the foundation of his Illinois political career among the clients, fellow lawyers, and others he encountered in the Eighth Circuit’s courtrooms. “He created a broad base of friends and contacts in each county who ultimately provided the structure for him to stand upon politically as he began his rise to the presidency,” Fraker writes (4). Fraker saw Lincoln’s circuit work as indispensable to his political career: “The circuit offered a more reliable and committed source of political strength than Springfield” (148). During the 1840s and 1850s Lincoln used the circuit to network, build his political base, and establish a relationship with Illinois voters. Fraker’s account of Lincoln’s rise to political prominence is straightforward and fairly conventional, but his narrative rewards the diligent reader with nuggets of insight concerning the law’s influence on that process: Fraker’s observation that his association with fellow lawyers “breathed fresh oxygen on [Lincoln’s] flame of political ambition,” for example (209).

These lower rungs of the ladder in turn propelled Lincoln’s climb into national politics. Fraker offers a nice analysis the role played by his circuit colleagues in securing the Republican Party’s nomination for Lincoln in 1860. “This circle of close, dedicated friends gave Lincoln an asset within his party that was unique to his nomination
effort,” Fraker points out, enabling him to climb over the efforts of more nationally recognized figures in the Republican Party (240). He in turn rewarded many (though not all) of these friends with plum appointments during the war, chiefly Eighth Circuit judge David Davis, whom Lincoln placed on the U.S. Supreme Court in 1862. The circuit also afforded Lincoln subtle but important wartime leadership skills: his “ability to use the press to serve his presidency,” for example, “a product of his friendship with the variety of editors around the circuit and the many hours spent with them in the newspaper offices” (246).

Fraker emphasizes these relationships as a key component in Lincoln’s personal and professional development. Robert Eckley does so, as well, focusing on one relationship in particular: Lincoln’s long-standing friendship with fellow lawyer Leonard Swett, a colleague and frequent companion on the circuit, and a member of Lincoln’s inner professional circle.

Swett is “Lincoln’s forgotten friend” at least in part because he did not leave a significant cache of primary sources. His post-1865 reminiscences of Lincoln are immensely valuable and have become a staple of Lincoln scholarship, but they tell us little about Swett himself. Confronted with serious information gaps about his personal life, marriage, and other vital information, Eckley faced a real challenge as Swett’s biographer.

But Eckley does a lot with a little, and the result is a wonderful little gem of a biography. His efforts were worthwhile: as Eckley points out, Swett was a key figure in Lincoln’s life, both as a courtroom colleague (and occasionally opponent) and as a “sounding board” for Lincoln’s politics and ideas (x). While it might be a stretch to call Swett an intimate friend—Lincoln had few “intimate” friends of any kind—they were at the very least close colleagues. “The two men forged an enduring friendship,” Eckley observes, and that relationship continued into the war years and Lincoln’s presidency (1).

Swett was a curious character in many ways. A gifted speaker possessed of considerable intellectual ability, he nevertheless was beset for much of his life by serious money problems, most caused by ill-considered investments. While he excelled in the courtroom, he devoted much energy to a rancorous and (as often as not) fruitless pursuit of political success, which further exacerbated his financial difficulties and kept him from spending much time with his family. Lincoln never bestowed upon him a significant wartime appointment (Eckley suggests this was so because Lincoln knew he possessed Swett’s unswerving loyalty regardless of such patronage), and yet
Swett seemed to constantly hover in the background during many of the war’s dramatic moments. He helped Lincoln gain the Republican nomination in 1860 and form his cabinet, met Ulysses S. Grant, conferred with Republican machine politician Thurlow Weed, and engaged in earnest conversations with Lincoln about emancipation. “He freely roamed the halls of the White House,” Eckley points out, “despite not having any kind of title or position” (x).

By the time he turned forty, Swett was a middle-aged man who seemed to have little to show for his talents and hard work. In the end, Eckley astutely observes, Swett was able to become his own man only after Lincoln’s death. Looking to Lincoln (as well as David Davis, the Eighth Circuit’s judge) as mentor and guide, especially while they were both lawyers on the circuit, Swett seemed unable to ground himself and settle down. But “once Swett determined to stand on his own two feet without relying on Lincoln or Davis,” Eckley writes, “he soon built a thriving practice that enabled him to finally repay the debts that had plagued him for much of his life (9). And, in later years, Swett proved to be an honest and generally quite accurate observer of Abraham Lincoln. He “was blessed not only with extensive contemporaneous exposure to Lincoln, but also with the ability to write and tell a good story,” Eckley observes. “Many of his stories have been factually corroborated, and he made no attempt to enhance his own significance to Lincoln in his speeches and writings” (5).

Lincoln’s Ladder to the Presidency and Lincoln’s Forgotten Friend are two quite different books. While Fraker’s narrative offers a narrowly focused but richly textured legal, social, and political portrait of circuit life, Eckley wrote a straightforward biography, focused on one man. Taken together, both books—each in its own way—offer fine examples of the best features of the new Lincoln legal scholarship. Filling in the long-obscure details of Lincoln’s legal life, historians like Guy Fraker and Robert Eckley are making valuable contributions to our understanding of Lincoln and his times.