Moonlight Offers Little Light

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In the first book-length study of Abraham Lincoln’s most famous criminal trial, John Evangelist Walsh proposes to set the record straight. Unfortunately, while trying to lay old myths to rest, Walsh clouds more than he clarifies.

The trial of William “Duff” Armstrong for murder in May 1858 has all of the ingredients of a fascinating courtroom drama. In his retelling of this familiar story, Walsh characterizes People v. Armstrong as “a case in which Lincoln’s emotions were stirred as perhaps they had never been before, to the point where he did something wholly out of character for him, manipulate the truth” (2). Walsh accuses “Honest Abe” of “witness tampering and the suppression of evidence,” and Lincoln’s actions even “may have involved the criminal act of suborning perjury” (2). To substantiate those charges, Walsh weaves a tale of implausibility based largely upon a third-hand reminiscence some fifty years after the case. Repeatedly reading contrary evidence to reach a foregone conclusion, Walsh rejects the old and discredited tale of Lincoln’s using an almanac for the wrong year but replaces it with new myths about Lincoln’s actions and motivations.

The general outlines of Lincoln’s most famous murder trial are well known. In August 1857, on the outskirts of a camp meeting in Mason County, Illinois, James Norris and Duff Armstrong fought with James Metzger, delivering several blows to his head and body. Armstrong allegedly struck Metzger with a slung-shot—a solid metal ball encased in leather with a short thong designed for striking an opponent in close combat. All of the participants and many witnesses had been drinking heavily. Metzger left the grove where the attack occurred and headed home on his horse, from which he
fell a few times on the way. When a doctor examined him the next day, he found that Metzger’s skull was fractured in two places. Two days later, Metzger died of his injuries. The sheriff arrested Norris and Armstrong, and a grand jury indicted them for the murder of Metzger. Norris came to trial quickly, and a jury found him guilty of the lesser charge of manslaughter and sentenced him to eight years in the state penitentiary.

Armstrong requested and received a change of venue to the Cass County Circuit Court, and his mother Hannah Armstrong asked Abraham Lincoln for help. Lincoln had known the Armstrongs when he lived in New Salem as a young man, and his wrestling match with Duff’s father, Jack Armstrong, had been an important initiation into local society. Lincoln represented Armstrong in the day-long trial in May 1858, and won his acquittal by discrediting a key prosecution witness who said he had witnessed the assault by the light of a three-quarters moon high in the sky. Lincoln produced an almanac that demonstrated that at the time of the attack, the moon was low in the sky, just an hour away from setting. A doctor also testified that a single blow from behind could have broken Metzger’s skull both in back and in front, as could have a fall from his horse. Finally, Lincoln made an emotional appeal to the jury to acquit Armstrong for the sake of his parents, who had been so helpful to Lincoln when he was a young man in New Salem.

In any review it is important to critique the book on its own terms rather than to review a book that the reviewer wishes had been written. Walsh insists that in his narrative “no slightest fictional coloring has been added. Everything said or suggested rests squarely on documented sources, as developed by close analysis and sober inference” (6). Yet from the very first paragraph, Walsh repeatedly adds just the “fictional coloring” he claims to have studiously avoided. In that paragraph, Walsh describes the mortally wounded victim as he arrived at home on the night of the attack. In doing so, he describes Metzger’s character, his relationship with his wife, his drinking habits, and even Metzger’s wife’s reaction to his “occasional sprees” (11). His source? “My picture of the injured man arriving home the night of the fight is obvious in the circumstances of the case” (132). Walsh apparently reconstructed the Metzgers’ home life based on “sober inference” from the grand jury indictment, which says nothing about Metzger’s arrival at his home. Repeatedly, this cavalier treatment of sources introduces elements of fiction into Walsh’s book. One of many other examples is his treatment of the death of Jack Armstrong. Although
Duff Armstrong recollected some forty years later that his father on his deathbed had urged Hannah Armstrong to sell everything to clear Duff of the charges of murder, Walsh writes that “there was one name out of his own past he’d like Hannah to see about, a man they both remembered fondly, Abe Lincoln” (18). In Walsh’s creative retelling, Jack Armstrong insisted that “Hannah must at least write to Abe and ask him for his help with Duff. . . . Tearfully, Hannah promised that she would” (20). The source? In a note in the back of the volume, the reader learns “that Jack personally suggested approaching Lincoln is my own conclusion” (134).

When sources disagree with one another as reminiscent material often does, Walsh ignores contradictory materials and chooses those sources he feels best fit the story he is telling. For “any concerned reader,” he provides thirty pages of notes to help separate “hard fact from legitimate inference in the text” (8). Ironically, when discussing the famous fight between Jack Armstrong and Abraham Lincoln that figured so prominently in Lincoln’s acceptance into the male culture of the New Salem area, Walsh accuses historian Douglas L. Wilson of having “fallen into one of the more subtle errors in historical inquiry, building lofty theories on inadequate sources” (136). Despite this admonition, Walsh falls headlong into the trap about which he so carefully warns others. The result is a much less satisfying re-creation of an event from Lincoln’s life, with far less attention to the problems of reminiscent sources than Wilson deftly displays in his discussion of the wrestling match.1

The principal piece of evidence Walsh presents to indict Lincoln for “deliberate manipulation of the evidence” is a letter from one of the jurors in the trial, John T. Brady, to an attorney, James Gridley, who was doing research on the case in 1909. Brady’s letter to Gridley apparently has not survived, but Gridley reprinted a portion of that letter in a 1910 article in the *Journal of the Illinois State Historical Society*. Because he believes the content of this letter is so vital to his story, Walsh reprints that portion of Gridley’s article as Appendix A. In May 1858, John T. Brady was twenty-four years old; in 1909, he was seventy-five years old and would soon become the last surviving juror from *People v. Armstrong*, when jury foreman Milton Logan died the next year. In his letter to Gridley, Brady recalled having a conversation with Will Watkins two months after the Armstrong trial. Watkins insisted that when he spoke with

Lincoln before the trial, he assured Lincoln that he would not be a good witness, that he had seen too much. Lincoln would not let Watkins tell all he knew and insisted on asking only about his ownership of the slung-shot. Lincoln assured Watkins that he would not be cross-examined about other things he saw, and Watkins reluctantly agreed to testify. Watkins declared to Brady after the trial that “Duff Armstrong had killed Metzger by striking him in the eye with an old-fashioned wagon hammer” (113). He also insisted that the eight or ten witnesses who testified that Armstrong hit Metzger only with his fists “all swore to a lie, and they knew it” (113).

*Nelson* Watkins had been a witness in the trial, and he testified that he owned the slung-shot reputed to be the murder weapon and that he had laid it on a wagon before he fell asleep. The next morning he forgot to retrieve it, and when the wagon rolled away, the slung-shot fell to the ground and was later recovered and introduced into evidence as the murder weapon.

What, then, should a historian make of this document? Can it be trusted as an accurate representation of events? Walsh’s answer appears to be “Yes” and “No.” Walsh dismisses far too easily the difference in names by observing “the name Will, in place of Nelson, may be a slip, or may be another of Watkins’ names” (114). In addition, the 1910 article describes the weapon as a “sling-shot” and not a “slung-shot,” but again Walsh glides over the inconsistency by observing that “Gridley has simply misread Brady’s spelling, not understanding that slung-shot was correct” (114). Despite these problems, Walsh is “entirely satisfied that Watkins told only the truth about something in which he was directly concerned, and that Brady introduced no error or distortion. My principal reason for concluding so is easily stated: the Watkins testimony agrees with what is discoverable by other means as to Duff’s guilt” (114).

What then of Watkins’s observation that Armstrong killed Metzger, not with a slung-shot, but with a wagon hammer? “Concerning Watkins’ claim that the weapon Duff used on Metzger was what he called a ‘wagon hammer,’ I suggest that here Watkins himself was lying” (140). Watkins “told only the truth” in his reminiscence, yet he was lying? The mental gymnastics continue in Walsh’s discussion of Brady’s memories. Brady reminisced to Gridley that as the jury passed out of the courtroom to begin deliberations, he heard Lincoln tell Hannah Armstrong that “her boy would be cleared before sundown, which proved to be true” (145). Unsatisfied with Brady’s memory, Walsh has Lincoln tell Hannah Armstrong
that her boy would “be cleared before sun down” at the lunch break, after the prosecution had made its case but before Lincoln began his own presentation for the defense. Walsh’s reasoning? “I place it at the most probable juncture, that is, following presentation of the state’s case. Putting it at the end of the trial as Brady does radically changes the meaning. There it would properly refer to the possible time to be consumed by the jury deliberations” (145). Brady “introduced no error” in Watkins’s testimony but he failed to recall correctly the timing of this important comment?

Here then is the conclusive evidence that Lincoln suppressed evidence and suborned perjury. What also of James Gridley’s reaction to these damning revelations? Walsh observes, “Though he is about to publish to the world what amounts to a serious accusation against Lincoln’s integrity as a lawyer, he introduces the passage very briefly and circumspectly, as if treating some incidental side issue” (112). Gridley likely introduced Brady’s reminiscences in this manner precisely because he found them not “a serious accusation” but rather the fragmentary memories of a man thinking back over two-thirds of his life to an event clouded by time. Elsewhere, Walsh praises Gridley’s “reverence for hard fact” (5) but is clearly disappointed that “Gridley himself shies away from the evidence he’d turned up” (139).

The rest of Walsh’s treatment of this dramatic trial displays a similar lack of care with sources. Two examples will perhaps suffice. After dispensing, once again, with old accusations that Lincoln used an almanac from a different year or a carefully altered almanac from 1857, Walsh launches headlong into a defense of the witness whom Lincoln discredited with the genuine 1857 almanac. Walsh insists that no judge, no jury, no prosecuting attorney, even on the rural prairies of antebellum Illinois, would have been fooled by a faked almanac or an almanac from a different year. Yet, Walsh would have his readers believe that these same astute jury members, attorneys, and judge could be blinded by Lincoln’s eloquence and cross-examining sleight of hand into acquitting a guilty murderer. Lincoln so discredited prosecution witness Charles Allen over the location of the moon that he took the prosecution’s fact that “the moon had not set, had in fact been a whole hour from setting, thus giving ample light for Allen and the other eyewitnesses to see by—and had deftly clouded the jury’s perception of that fact, so that it appeared to support the defense” (55, 58). Walsh attempted to restore Allen’s credibility by conducting the experiment of standing in an open field on several moonlit nights and
viewing various objects at various distances. Walsh rather stridently concludes from his experiments that “a three-quarters moon in an unclouded sky a full hour from setting would have given plenty of light!” (61). Walsh ignores the fact that the fight took place at Walker’s Grove, not in an open field. Surrounding trees would have screened the moonlight and created shadows in the light of a three-quarters moon low in the sky. Although his conclusions about moonlight seek to explain away Allen’s error, that error discredited Allen’s testimony in the eyes of jurors too intelligent to be duped by the wrong almanac. Furthermore, the district attorney, one of those “experienced legal minds in the court at Beardstown” whose failure to challenge the almanac “is the final proof that the almanac was genuine,” became a fool when it came to the moon (91, 97). “No alert prosecutor could possibly allow a defense attorney to get away with such a slickly distorting maneuver,” Walsh concludes (58). Nevertheless, state’s attorney Hugh Fullerton failed to re-examine Allen to reassert that he could have seen the events to which he testified by the light of a moon low in the sky.

In perhaps an even more far-fetched exercise in connecting historical dots, Walsh declares that “Lincoln from the White House silently engineered a pardon for Norris,” the man convicted of manslaughter for the assault on Metzger (75). Silently, indeed. Boldly, Walsh insists that although “surviving documents in the matter are scanty . . . they prove beyond doubt something never yet suspected” (75). To support this interpretation, Walsh has to distort the nature of Lincoln’s law partnership, ignore the nature of petitions for the release of prisoners, and invent relationships that did not exist. It is true that Norris, learning of Armstrong’s acquittal, sought Lincoln’s assistance in appealing his conviction. Whether Lincoln replied is unknown, but Walsh assures his reader that Lincoln could not have taken Norris’s case because it would have revealed his deceptions in the Armstrong trial. Once again, Walsh contradicts himself. Earlier, many observers were certain of Armstrong’s guilt, even after his acquittal (138–39). However, in his discussion of Norris, those familiar with the trials “felt that Duff’s acquittal also proved the innocence of his companion that night” (78). In October 1861, William Pelham gathered 148 signatures from Mason County residents on a petition asking for the pardon and release of James Norris. Pelham presented the petition to Governor Richard Yates. Included with the petition was a letter by William Herndon, asking the governor to see Pelham and to
grant the request. Walsh naively concludes that this rather bland note removes “any least hesitation as to President Lincoln’s involvement” (78). According to Walsh, Yates “didn’t need to be told that behind Herndon’s perfunctory request lay Lincoln’s personal endorsement, that is, didn’t need to be told that Herndon was writing on behalf of Lincoln, was acting in the matter at Lincoln’s explicit direction” (79, emphasis in the original). If so, why then did Yates deny the request for a pardon? Walsh provides not a shred of evidence to suggest that Lincoln asked for, wished for, or engineered this request. Lincoln had little correspondence with Herndon during his presidency, and although he intended to resume their partnership when he returned from Washington, the two men rarely, if ever, discussed legal cases after Lincoln left for the White House. Petitions for the release of prisoners who had families to support was a common occurrence in nineteenth-century Illinois. Local communities grew tired of supporting the wives and children of prisoners, and often after the convicted man had served some time in prison, local residents appealed for his release so that he could work to support his family. That Herndon would write a short note in support of such a petition is unremarkable; Lincoln himself wrote in support of such petitions when he had not been involved in the trial. The existence of such a note proves nothing about Lincoln’s involvement, and in the absence of any documentary evidence that Lincoln was involved, statements that Herndon acted at “Lincoln’s explicit direction” are baseless. Yates did pardon Norris in 1863, after Norris appealed to the governor directly, again with no evidence of any involvement by Lincoln.

Such conclusions illuminate one of the frustrations of documentary editing. Editors, such as those with the Lincoln Legal Papers, can carefully assemble documentary resources and even offer context for those documents. They cannot, nor should they, control how historians and others use those documents. The best historians, however, draw on extensive contextual research and even the knowledge accumulated by such documentary editing projects to check unfounded assumptions and rein in runaway interpretations. Too frequently, authors take documents out of their context and develop theories that have little basis in fact.

In the case of Moonlight, Walsh is working with two particularly difficult types of documents, court records and reminiscences. In the days before court reporters and verbatim transcripts, the documentary records of trials can be frustratingly meager. A few pleading documents may outline the main contours of charges and coun-
tercharges, accusations and defenses. They must be used with care, as attorneys prepared these documents within an adversarial system to provide the best arguments for their side, not an objective statement of facts. Dozens of other documents may simply record that the court continued a case until the next term or that a particular person appeared in court to be a witness. Not only do such “witness affidavits” fail to provide any information about what the witness said, they do not even offer conclusive proof that the person testified at all. They merely declare that the person had appeared in court to be a witness if called upon and should be reimbursed for their time and traveling expenses. Very rarely is there any indication of what testimony was offered in the case unless it was recorded in the written affidavit of a person who was not present to give oral testimony. Of more than fifty-one hundred cases documented by the Lincoln Legal Papers, only two have anything approaching a modern transcript of a trial, both prepared by newspaper reporters rather than court officials. People v. Armstrong is not one of those cases.

Reminiscent material is also notoriously unreliable and inconsistent. Two witnesses to the same event often remember it very differently years later. Compounding this problem is Lincoln’s assassination in April 1865, which elevated him to the status of a martyr and colored the memories of all who knew him. Walsh fails to come to terms with the fragile and complicated nature of reminiscent sources, and when faced with disagreements or contradictions between or among them, he chooses only one version of events as possible. Walsh admits that scholars have suggested various reasons for witness Charles Allen’s absence from court in the early days of the term, “but,” he concludes, “the evidence all points to the situation I describe” (144). In other cases, Walsh even makes conclusions about the prosecution’s case from reminiscent material describing Lincoln’s actions. In his fanciful re-creation of the trial, Walsh describes the state’s attorney’s asking witness Charles Allen to stand up and demonstrate how he saw Armstrong hit Metzger. Walsh’s source? Two reminiscences that recall that Lincoln asked Allen to demonstrate what he saw. Although Walsh proclaims that his description of the prosecution’s case “is carefully based on all available records,” he admits that the two reminiscences “refer to what was done by Lincoln, but surely Fullerton would have thought of it too” (145).

People v. Armstrong is one of Abraham Lincoln’s most interesting cases because of the nature of the charges, the personal links
to a family from his days in New Salem, and his dramatic questioning of a key witness for the prosecution. Teachers use it in classroom discussions of Abraham Lincoln’s career as a lawyer. Unfortunately, Walsh’s examination of this case fails to capture the significance of the case for Lincoln or for the study of Lincoln’s legal career. His careless use of sources and his determination to accuse Lincoln of suppressing evidence, tampering with witnesses, and suborning perjury force him to make unfounded leaps and to ignore competing evidence, resulting in a work of fiction disguised as history. The people’s case against William “Duff” Armstrong awaits more careful treatment.