History on Trial
Episode 19
The Real Lincoln Lawyer – *Illinois v. Quinn Harrison*
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PROLOGUE

Greek Crafton's fate was sealed on the 4th of July. The citizens of Pleasant Plains, Illinois, had gathered in nearby Clary's Grove, to celebrate Independence Day with a picnic, and it was on the journey to this picnic that Greek Crafton set into motion the chain of events that would lead, two weeks later, to his death.

Frederick Henry saw it all happen. He and his friend, Quinn Harrison, were traveling by buggy to the picnic when the pair ran into Greek Crafton and his brother John. Frederick and Quinn stopped to chat to the Crafton boys, and that's when the trouble began.[1]

Greek and Quinn were roughly the same age, twenty-three and twenty-two, respectively, and they had grown up knowing each other; Pleasant Plains was a small town, only seven hundred people. Greek's brother, William, was even married to Quinn's sister, Eliza. It was, rumor had it, not a happy marriage, and that bad marriage might have been the root of the bad blood between Greek and Quinn, which was now about to spill out into the open.

After a few minutes of casual conversation, Greek took aim at Quinn, asking him whether he'd been speaking badly about the Crafton family. Quinn did not deny it. If they had a problem, Greek responded, they should settle it sometime. Quinn said he wasn't interested in settling. Greek pulled his coat off and said, "Let's settle it now."

Quinn tried to resist, saying he didn't want to fight, but Greek wouldn't be put off. The men started exchanging insults. Greek told Quinn he would whip him, and Quinn told Greek that he'd shoot him if he tried. Then Greek made several attempts to jump into the now-moving buggy. When he was pushed off, he started throwing clods of dirt at Quinn - but hit Quinn's friend Frederick instead. Frederick quickly drove off.

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[1] Details of this encounter come from the testimony of Frederick Henry in *Illinois v. Harrison*, trial transcript, published in Martha L. Benner and Cullom Davis et al., eds., *The Law Practice of Abraham Lincoln: Complete Documentary Edition*, 2d edition (Springfield: Illinois Historic Preservation Agency, 2009), 29-33 (PDF page numbers), and Dan Abrams and David Fisher, *Lincoln's Last Trial: The Murder Case That Propelled Him to the Presidency* (Hanover Square Press, 2023), 153-157. (N.B. The version used was a digital copy; page numbers may vary by user setting.)

Later that day, at the 4th of July picnic, Greek and Quinn had another run-in. Greek approached Quinn and offered to make peace. Quinn responded that he had nothing to make peace for. Greek disagreed. Nothing was resolved.

Tensions continued to escalate over the next two weeks. Greek was heard throughout Pleasant Plains threatening Quinn. Quinn, who was smaller and weaker than Greek, started carrying a knife, afraid of being attacked by the larger man.

On July 16th, Quinn Harrison was in Short and Hart's drugstore, as was Greek Crafton's older brother, John, when Greek came in and a fight broke out. Quinn did not want to fight - he held firm to the shop's counter, trying to resist - but Greek pulled at him til he came loose and dragged him to the back of the shop. The shopkeeper, Benjamin Short, tried to break the men up, but could not. At some point, Quinn managed to draw his knife, and slashed out wildly at his attacker.[2]

When the dust settled, and the men were finally separated, they saw, with horror, that Quinn had managed to wound Greek. Wound was maybe too light of a word: Greek had a deep cut running diagonally across his stomach, from his rib cage to his groin. His intestines hung out.

Greek Crafton survived for three more days, but eventually succumbed to his injuries. Pleasant Plains was divided over Quinn's guilt: was this self-defense, or was it murder? Either way, the case was sure to go to trial.

Quinn's father, Peyton, hired one of Illinois's most esteemed lawyers, a former judge named Stephen Logan to defend his son. Logan, in turn, reached out to a former partner of his, and asked for the man's assistance in the defense.[3]

This second lawyer would play a pivotal role, both in the trial itself *and* in guaranteeing that even 165 years later, we still know the story of Quinn Harrison and Greek Crafton. It's not that it isn't an interesting story on its own merits - the trial represents the changing legal understanding of self-defense, and gives us excellent depictions of life in the informal courtrooms of rural America in the mid-19th century. But it is not a case that changed the course of history. Why then, do we know so much about it?

It's all because of that second lawyer. He was a seasoned attorney, with more than two-dozen murder trials under his belt, and he was known for his folksy manner and powerful closing arguments.[4] Quinn Harrison's murder trial was to be his very last,

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[2] Details of the fight from Abrams and Fisher, 29-35.
[3] Abrams and Fisher, 37.
[4] Abrams and Fisher, 2.

because 14 months later, this lawyer would be elected President of the United States. His name was Abraham Lincoln.

In Quinn Harrison's trial, we get to see Abraham Lincoln as a man on the precipice: he had not yet decided to pursue the nomination for president, but his name was well-known nationally, thanks to his debates with Senator Stephen Douglas the year before. Taking on a murder case, one with complicated facts, and no guaranteed outcome, was a risk. Lincoln would need to do his absolute best… could he deliver?

Welcome to History on Trial. I'm your host, Mira Hayward. This week, Illinois v. Quinn Harrison.

ACT I

There were many reasons for Abraham Lincoln to decline Stephen Logan's request that he join Quinn Harrison's defense team.[5] For one thing, Lincoln's schedule was packed. He had a full caseload of legal work - like most lawyers at the time, Lincoln's practice was not specialized. He handled both criminal and civil cases. He might be drawing up a will one day; defending an accused murderer the next.[6]

Cases weren't the only thing on Lincoln's calendar in the summer of 1859. He had quite a few political responsibilities too. Politics had been Lincoln's first calling, even before the law. He had served in the Illinois House of Representatives from 1834 to 1842. But being a politician didn't pay the bills; before being elected, Lincoln had worked as a shopkeeper and a surveyor, but he was in search of a more permanent career.[7] Another state representative suggested that he study law. Lincoln had previously considered becoming a lawyer, but hadn't pursued the idea, afraid that his lack of formal education would hold him back.[8] But with his colleague's encouragement, Lincoln decided to try. He began reading law books voraciously between legislative sessions.

On March 24th, 1836, the Sangamon County Circuit Court certified Lincoln as being a, quote, "person of good moral character," which was the first requirement to practicing law in Illinois. Six months later, the Illinois Supreme Court issued him a law license.[9]

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[5] Abrams and Fisher, 87-89.
[6] "The Law Practice of Abraham Lincoln: A Narrative Overview," from Martha L. Benner and Cullom Davis et al., eds., *The Law Practice of Abraham Lincoln: Complete Documentary Edition*, 2d edition (Springfield: Illinois Historic Preservation Agency, 2009), hereafter cited as *LPAL*.
[7] Abraham Lincoln, "Autobiography," December 20, 1859.
[8] Lincoln, "Autobiography," and "Narrative Overview," *LPAL*.
[9] "Narrative Overview," *LPAL*.

For the next decade, Lincoln focused on his law practice, honing his skills. He'd briefly returned to office, winning election to Congress in 1846, but only served one term. After that, he'd gone back to his law practice with renewed vigor, traveling across Illinois on the 8th Judicial Circuit.[10] But even as he won acclaim as a lawyer, Lincoln's interest in politics never left him

In 1856, he helped found the Illinois Republican Party, and two years later, became the Republican's candidate for the Senate.[11] His opponent in the 1858 Senate race was the incumbent, Stephen Douglas, a Democrat known as the "Little Giant," thanks to his short stature and towering presence.[12] In the course of the election, Lincoln and Douglas held a series of seven debates. The two men mainly fought over the most pressing issue of the day: slavery. Though Lincoln ultimately lost the Senate race, his forceful, eloquent opposition to the expansion of slavery won him national recognition. Soon enough, people were whispering that Lincoln might be considered for the Republican presidential nomination in 1860.[13]

Hence his grueling schedule in 1859 – throughout the year, Lincoln was busy making speeches and campaigning for Republican candidates across the Midwest.[14]

Lincoln's political position was another reason to turn down Logan's request. How would it look to political kingmakers if their potential candidate lost a major murder case on the eve of an election year?

But there were also compelling reasons for Lincoln to say yes to Logan. First and foremost, there was his history with Logan, which ran back decades. Stephen Trigg Logan was 9 years older than Lincoln. Logan had come to Springfield, Illinois, from Kentucky, in 1832, and so quickly established a reputation for legal brilliance that he was made a judge only three years later.[15] While a judge with the Sangamon County Circuit Court, Logan had helped set Lincoln on the path to being a lawyer by signing his 1836 certification of moral character.[16]

In 1841, after Logan returned to private practice, he invited Lincoln to become his partner. The pair proved to be a good match. They had some things in common: political views, for one, and a disdain for convention, for another, which could be seen in their

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[10] Abrams and Fisher, 24-25.
[11] Mitchell Snay, "Abraham Lincoln, Owen Lovejoy, and the Emergence of the Republican Party in Illinois," *Journal of the Abraham Lincoln Association* vol. 22, no. 1 (Winter 2001).
[12] "Stephen A. Douglas: A Featured Biography," United States Senate.
[13] Michael Burlingame, "Abraham Lincoln: Life Before the Presidency," University of Virginia Miller Center.
[14] Richard J. Behn, "1859-1860," in *Mr. Lincoln and Freedom*, The Lehrman Institute, 2002-2024.
[15] Richard J. Behn, "The Lawyers: Stephen Trigg Logan," in *Mr. Lincoln and Friends*, The Lehrman Institute, 2002-2024.
[16] Abrams and Fisher, 47.

clothes; both Logan and Lincoln were notoriously shabby dressers.[17] But it was their differences that helped them succeed in the courtroom. Logan was a methodical lawyer with an encyclopedic knowledge of the law and a penchant for preparation; Lincoln was often more interested in the *spirit* of the law than the letter of it, and loved to improvise. Logan helped Lincoln get organized – in his words, quote, "When Lincoln went in with me he turned in to try to know more and studied to learn how to prepare his cases."[18] In return, Lincoln helped the somewhat prickly and awkward Logan win over juries. The pair had three fruitful years together in practice, before Lincoln set off on his own.[19] An end to their formal partnership did not mean that Lincoln and Logan stopped working together – over the years, they would serve as co-counsels on nearly 700 cases – and as opposing counsels on 300 more.[20]

So when Logan asked Lincoln for a favor, Lincoln was inclined to say yes.

Logan wasn't Lincoln's only personal connection to the case. Lincoln knew Peyton Harrison, the father of Quinn Harrison, well. The two were distantly related, they were third cousins, but their bond was more political than familial.[21] The wealthy and prominent Harrison had supported Lincoln's political aspirations for years.[22] Further, Lincoln had served alongside Quinn Harrison's cousin, George, in the Black Hawk War.[23]

But Lincoln also knew the victim, Greek Crafton. He knew him very well, in fact: Greek had once served as a law clerk in his office, and Lincoln had liked him.[24]

That might sound like a reason for Lincoln *not* to take the case. But if anything, the opposite was true. Lincoln mourned Greek Crafton's death, and did not want to see the tragedy compounded – which is what would happen, he believed, if Quinn Harrison was convicted of murder. Both the Craftons *and* the Harrisons had suffered too much already, in Lincoln's mind. Even more than that, Lincoln didn't think Quinn was guilty of murder. He believed that the killing was self-defense.

After weighing up all these factors, Lincoln made a decision. He said yes to Stephen Logan. Abraham Lincoln was on the case.

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[17] For Lincoln's dress sense, see Abrams and Fisher, 53, 333; for Logan's, see Behn, "Stephen Trigg Logan."
[18] Behn, "Stephen Trigg Logan."
[19] Behn, "Stephen Trigg Logan."
[20] "The Law Practice of Abraham Lincoln: A Statistical Portrait: Peers and Clients," *LPAL*.
[21] Family Trees of Abraham Lincoln and Peyton Harrison, *FamilySearch*.
[22] Abrams and Fisher, 32-33.
[23] Abrams and Fisher, 89.
[24] Abrams and Fisher, 34.

ACT II

At first glance, the killing of Greek Crafton might seem like a clear case of self defense. Greek threatened to attack Quinn Harrison; Quinn started carrying a knife with him for protection, and when Greek attacked him on July 16th, Quinn, afraid for his life, struck back.

But proving self-defense in court would be easier said than done.[25] As Lincoln sat in his notoriously messy second-floor office on Fifth Street, in Springfield, he must have considered if Quinn's actions conformed with Illinois's self-defense laws.[26] Self-defense laws were a matter of much debate in the mid-nineteenth century. In the eighteenth century, American law had broadly followed English precedent.[27] The English approach to self-defense, per William Blackstone's influential book *Commentaries on the Laws of England*, was this: quote, "[a man using violence] in his own defense, should have retreated as far as he conveniently or safely can, to avoid the violence of the assault, before he turns upon his assailant."[28]

Blackstone's definition of self-defense suited the American legal system in its earliest days. But as the country developed, the definition of self-defense began to evolve. In 1846, Francis Wharton wrote the first survey of American criminal law. Discussing self-defense, Wharton wrote, quote, "A man may repel force in defense of his person, habitation, or property, against one or many who manifestly intend and endeavour by violence or surprise, to commit a known felony on either. In such a case, he is not obliged to retreat but may pursue his adversary till he find himself out of danger; and if in a conflict between them, he happeneth to kill, such a killing is justifiable."[29] Wharton's construction removed many of the rules for justifiable self-defense that Blackstone had used, such as the duty to retreat – and allowed for a wider application of self-defense.

By the 1840s, when Wharton was writing, America was experiencing rapid changes. Most notably, the country was expanding west. Frontier settlements often had little contact with formal justice or law enforcement systems, and so the government increasingly condoned people taking the law into their own hands. "What was once

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[25] Abrams and Fisher, 63.
[26] Abrams and Fisher, 26, 39.
[27] Darrell A.H. Miller, "Self-Defense, Defense of Others, and the State," *Law and Contemporary Problems*, vol. 80, no. 2 (2017), 86-95.
[28] William Blackstone, *Commentaries on the Laws of England*, Book IV, (Oxford: Clarendon Press, 1765-1769) first edition, 185.
[29] Francis Wharton, *A Treatise on Criminal Law of the United States* (Philadelphia: James Kay, Jun., and Brother, 1846), 254.

public became private," writes the scholar Joshua Stein, "as a state monopoly on violence gave way to a private army of thousands of white male "deputies" empowered to defend their realms."[30]

Not everyone approved of this sanctioned vigilantism. Abraham Lincoln was one opponent, criticizing, quote, "the increasing disregard for law which pervades the country; the growing disposition to substitute the wild and furious passions in lieu of the sober judgment of Courts."[31]

But Lincoln didn't think that Quinn's case was one of wild and furious passion. He thought that Quinn's actions fit under Illinois's 1856 statute on self-defense, which declared, quote: "The use of a deadly weapon in self-defense is limited only to those events in which the danger is so urgent and pressing that in order to save his own life, or to prevent his receiving great bodily harm, the killing to the other was absolutely necessary."[32] Lincoln understood, from his conversations with Quinn, that the young man had genuinely believed his life was imperiled when Greek Crafton attacked him, and had only pulled the knife to save his own life.

But there was a serious obstacle to telling the jury that: Quinn would not be allowed to testify at his own trial. This restriction wasn't specific to Quinn's trial, or even to Illinois: in 1859, no criminal defendant was allowed to testify in their own defense in the United States. As with the concept of self-defense, the American legal system was influenced by the British tradition in this matter. For centuries, defendants were considered to be inherently incompetent witnesses, because their bias was so strong that it could lead to them lying on the stand.[33]

By the 19th century, however, lawyers and theorists had begun to question this assumption. "Does it follow," wrote the English jurist and philosopher Jeremy Bentham in 1827, "[that] because there is a motive of some sort prompting a man to lie, that for that reason he will lie?"[34]

In the 1840s, both English and American courts began letting parties in civil cases testify.[35] But opposition to allowing criminal defendants to testify was still strong. Opponents believed that the right to testify might actually *hurt* defendants. Juries, these

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[30] Joshua Stein, "Privatizing Violence: A Transformation in the Jurisprudence of Assault," *Law and History Review* vol. 30, no 2 (May 2012), 426.
[31] Abrams and Fisher, 175.
[32] Abrams and Fisher, 181.
[33] Robert Popper, "History and Development of the Accused's Right to Testify," *Washington University Law Quarterly* no. 4 (1962), 454-473.
[34] Popper, 457, citing Jeremy Bentham, *Rationale of Judicial Evidence* (1827).
[35] Popper, 458.

opponents argued, would begin to expect defendants to testify; if a defendant did not testify, the jury might automatically assume that it was because they were guilty. Thus, all defendants would wish to testify, and those that were guilty would have to perjure themselves, and the lies of these defendants would cause juries to begin disbelieving *all* defendants–in sort of the worst vicious cycle of all time.[36]

But not everyone agreed with these arguments. John Appleton, the Chief Justice of the Supreme Court of Maine, argued forcefully for a defendants' right to testify. The lawyer and scholar Robert Popper sums up Appleton's arguments in his article *History and Development of the Accused's Right to Testify*, quote, "[that] the defendant's testimony is crucial in order to ascertain the whole truth; that the defendant is most apt to be familiar with the true facts; that he is no more interested than the complainant; that since he is presumed innocent, a perjurious motive should not be attributed to him; and that the law should not aid the guilty and harm the innocent."[37] After years of debate, many jurists eventually came around to Appleton's way of thinking. Beginning in the mid-1860s, state after state began allowing defendants to testify in criminal cases; by 1900, every state had such a law on the books, except for Georgia.[38]

But back in 1859, such reforms were still years away. Quinn Harrison would not be allowed to take the stand. Lincoln and Logan would need to find another way to explain his state of mind to the jury.

Legal hurdles weren't Lincoln's only concern. He knew that he was up against formidable opponents. John Palmer would be leading the prosecution. Palmer was a major player in the Illinois Republican party, a skilled lawyer, and a long time friend of Lincoln's, who one observer described as having, quote, "a convincing voice [and] a personality of tremendous earnestness and sincerity." [39] Palmer would be assisted by Norman Broadwell, a lawyer who had begun his legal career by studying law under Lincoln.[40] Lawyers Jim White and John McClernand filled out the prosecution. It was a sharp, successful group of lawyers, who wouldn't make the trial easy for the defense.[41]

There was also the matter of the judge. Circuit Court Judge Edward Y. Rice was known as a fair judge - but a stern one. Lincoln liked to keep things casual in the courtroom. He was famous for his folksy manner, his clever jokes, and his disheveled wardrobe. Rice preferred a no-nonsense approach, and kept strict order in his courtroom. Lincoln

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[36] Popper, 459-460,
[37] Popper, 461.
[38] Popper, 463-464.
[39] Abrams and Fisher, 66-68.
[40] Abrams and Fisher, 83.
[41] Abrams and Fisher, 180.

would have to try to stay on the judge's good side while still playing to his own strengths.[42]

And Lincoln was certainly a strong lawyer. Dan Abrams and David Fisher, in their book *Lincoln's Last Trial*, write that, quote, "his stirring use of common language allowed him to forge a remarkable connection with his audience."[43] Many of the qualities that made Lincoln a legendary president – his remarkable memory, his talent for distilling issues to their cores, and, most of all, his powerful way with words – were developed during his years in the courtroom. But would these skills be enough to save Quinn Harrison?

ACT III

Springfield's courthouse, a two story brick building with the facade of a Greek temple, sat on the east side of the town's main square. The first floor held county offices; the second held the courtroom, a high-ceilinged, spacious room with large windows.[44] In the courthouse's attic, in a converted storeroom, Quinn Harrison sat awaiting his trial. After Greek's death, Quinn had gone into hiding, afraid of retribution from the Craftons. Once Stephen Logan joined the defense, he organized Quinn's surrender.[45] The Harrison family hired private guards to stand watch outside his makeshift cell.[46] This wasn't an unnecessary measure – all of Sangamon County was paying close attention to the case, and many people had strong opinions – both for, and against, Quinn Harrison.

Because of these strong opinions, selecting a jury was not an easy process. On Wednesday, August 31st, potential jurors gathered in the courtroom. Illinois law at the time required that jurors be, quote, "white, male, property-owning American citizens between the ages of twenty-one and sixty."[47] Lincoln was known for taking jury selection seriously – because so much of his success came from the connection he established with each juror throughout the course of the trial, finding the right jurors was crucial. After trying thousands of cases, Lincoln had developed a number of theories on what made for a good juror – some more rational, like preferring younger men who might be less set in their ways – and some more absurd – Lincoln did not like blond, blue-eyed jurors, because he thought they were indecisive and deferred to the prosecution.[48]

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[42] Abrams and Fisher, 64-65.
[43] Abrams and Fisher, 48.
[44] Abrams and Fisher, 71.
[45] Abrams and Fisher, 92.
[46] Abrams and Fisher, 92-93.
[47] Abrams and Fisher, 76.
[48] Abrams and Fisher, 76.

By the end of the day, after questioning more than a hundred men, the defense and prosecution managed to find their jury. Judge Rice dismissed the jurors for the night with a warning not to discuss the case with anyone.[49]

The next morning, Thursday, September 1st, Quinn Harrison was led down from his attic cell. At 9:00am, the trial began. Neither side had much to say for opening arguments – per the court transcript, quote, " "Mr. Broadwell proceeded briefly to open the case of the prosecution, merely reading the indictment, & the statute applicable" and "Mr. Logan very briefly replied for the defense, stating their position."[50] With these riveting performances out of the way, it was time to dive into testimony.

The central issue of the trial was self-defense. Were Quinn Harrison's actions a reasonable and necessary response to the threat Greek Crafton presented? To answer this question, both the prosecution and the defense tried to recreate the scene at Short and Hart's drugstore on July 16th.

Silas Livergood, a friend of the Crafton brothers, appeared for the prosecution. Livergood had been in the drugstore on the 16th and seen the fight firsthand. Prosecutor John Palmer walked Livergood patiently through the fight – and then, to give the jury a better picture, he asked Livergood to demonstrate the positions Quinn and Greek had been in at the moment of the stabbing. Livergood stepped down and stood behind Palmer, who was playing Quinn. Facing the jury, Livergood wrapped his left arm around Palmer's left arm, leaving Palmer's right arm free. It was with his right hand, Livergood explained, that Quinn had struck out backwards with the knife.[51]

Livergood's description didn't sound good for Quinn. Livergood did acknowledge that he had heard John Crafton tell his brother to, quote, "whip" Quinn, and admitted that even after Quinn had said he didn't want to fight, Greek had bodily dragged him away from the counter.[52] But at the moment he had dealt Greek the fatal blow, Quinn – if Livergood was to be believed – hadn't been in imminent danger. He had just been restrained.

John Crafton came to the stand next. John claimed that his being in the drugstore that day was a coincidence – he'd just been there to pick up some money that he believed had been left for him there. He'd asked Benjamin Short, the owner, about the money; when Short said that it may have been left with his partner, who was out, John decided to stay and wait for the partner's return. He had been surprised to look up and see a fight beginning, he said – and shocked to see that his brother was one of the

[49] Abrams and Fisher, 83.
[50] Transcript, 3.
[51] Testimony of Silas Livergood, Transcript, 11.
[52] Testimony of Silas Livergood, Transcript, 9-12.

participants.[53] Like Livergood, John claimed that Quinn had been in no immediate danger before he stabbed Greek – although John also admitted that he hadn't seen the actual stabbing.[54] But a moment after the first blow, John said, Quinn had tried to stab his brother again. John had then stepped in to protect Greek, and received a deep cut on his right arm for his trouble.[55] Even now, his arm was in a sling, and he could barely move it. John's testimony was clearly painful for him, and his story made a powerful impact.[56]

But there were some problems with the prosecution's account of the fight. During his cross-examination of Silas Livergood, Stephen Logan had gotten Livergood to admit that the only reason that Quinn's right arm had been free to stab Greek was because Greek – who had initially grabbed Quinn by both arms – had let Quinn's right arm go. Why had Greek let Quinn's right arm go? In order to free up his own right hand, which he then used to hit Greek hard in the face.[57] There was reason for Quinn to be frightened, it seemed – especially because Greek was substantially larger and stronger than him, a point the defense continually brought up, even having Quinn's doctor testify to his lifelong frailty.[58] And the fight had never really been one-on-one, the defense reminded the jurors – Quinn had good reason to believe that John Crafton and perhaps even Silas Livergood were there to beat him up too.[59]

John Crafton had claimed that he was only at the drugstore by coincidence. But the testimony of Benjamin Short, the drugstore's owner, who appeared for the defense, raised questions about this story. Short said that John had never asked him about any money l, and hadn't given any other explanation for why he was there. And Short described John as much more than a passive participant. When Short had tried to stop the fight, the shopkeeper said John had grabbed him and told him to let Greek "whip" Quinn.[60]

To further bolster their claim that Quinn was genuinely afraid for his life, Lincoln and Logan wanted to prove that Greek had been threatening Quinn for weeks. But when they introduced their first witness to these threats, Dr. John Allen, Palmer quickly objected. Allen's testimony, Palmer argued to Judge Rice, would be more prejudicial than probative, unless, quote, "evidence was shown in connection with it to bring knowledge

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[53] Testimony of John Crafton, Transcript, 18-19.
[54] Testimony of John Crafton, Transcript, 20.
[55] Testimony of John Crafton, Transcript, 20.
[56] Abrams and Fisher, 141, 145.
[57] Testimony of Silas Livergood, Transcript, 13-14.
[58] Testimony of Dr. Albert Atherton, Transcript, 62-63.
[59] Abrams and Fisher, 293-297.
[60] Abrams and Fisher, 207.

of these threats to the defendant."[61] If Quinn hadn't heard these threats, then they were irrelevant, per Palmer's argument.

Lincoln and Logan fought back hard, in an extended argument that Judge Rice dismissed the jury for. But ultimately the judge decided not to allow Allen's testimony.[62]

Lincoln and Logan managed to get a related witness, Thomas White, on the stand, because White had directly told Quinn about the threats Greek had made.[63] But to get further testimony of this nature admitted, the defense changed their approach. They decided to call witnesses who had spoken to Greek Crafton immediately before the fight on the 16th. When the prosecution again objected, the defense responded that these witnesses were there to speak to Greek Crafton's intent, not Quinn Harrison's fears.[64] Judge Rice decided to allow the testimony. The defense brought on multiple men who had spoken to Greek shortly before the fight and heard him threaten to attack Quinn. Dr. John Allen came back to the stand, and discussed how 30 minutes before the fight, he saw Greek at another store in town – and Greek had told him that he was there lying in wait for Quinn. When Quinn did not show, Allen said, Greek left.[65]

Thanks to these witnesses, the defense could paint a better picture of the atmosphere immediately before the fight – Greek's determination, Quinn's anxious anticipation. But there was one final legal battle ahead of them. Lincoln and Logan had gotten the threat testimony admitted by saying that it spoke to Greek's state of mind *before* the fight. Now, they wanted to bring on a witness who could speak to Greek's feelings *after* – someone who had spoken to Greek Crafton on his deathbed.

The Reverend Peter Cartwright had heard some of Greek's last words, and those words were sure to make waves – if the defense could get Cartwright's testimony admitted. The moment Logan asked Cartwright about what Greek Crafton had said to him, John Palmer was on his feet objecting. This was hearsay, Palmer said. Greek Crafton was certainly not available to be questioned on his words. The testimony was inadmissible. Logan countered that these words were Greek's dying declaration, a category of speech that is often an exception to the hearsay rule, on the belief that a dying person will be honest. Judge Rice said that he wanted to hear Cartwright's testimony out of the jury's earshot before ruling.[66]

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[61] Abrams and Fisher, 221.
[62] Abrams and Fisher, 220-225.
[63] Testimony of Thomas White, Transcript, 60-62.
[64] Abrams and Fisher, 254-255.
[65] Testimony of Dr. John Allen, Transcript, 79-81.
[66] Abrams and Fisher, 240-243.

Once Cartwright told his story, Judge Rice took some time to consider his decision. Then, he began to speak.The law could often be ambiguous or difficult to interpret, Rice said. Dying declarations were one such gray area in the law. But there were specific criteria that admissible dying declarations had to meet, and he just wasn't sure if this testimony met those criteria.[67]

Hearing this, Abraham Lincoln jumped to his feet.[68] This moment would be burned into those who witnessed it – the court reporter, Robert Hitt, later said, quote, "I never saw a demonstration of power manifested in any human being in my life equal to that."[69] Lincoln was furious. He believed that Rice was gravely wrong – this testimony *was* admissible, and to exclude, he thought, it would be a miscarriage of justice. Lincoln began to pace back and forth, passionately making his case. "He characterized the continued rulings against him," wrote his law partner, William Herndon, "as not only unjust but foolish; and, figuratively speaking, he pealed the Court from head to foot…He was wrought up to the point of madness…alternately furious and eloquent, pursuing the Court with broad facts and pointed inquiries in marked and rapid succession."[70] When Lincoln was finished, he composed himself and walked back to the defense table, saying, quote "the deceased has a right to be heard."[71]

Onlookers waited with bated breath. Judge Rice wasn't known for his tolerance for outbursts – would he censure Lincoln? But Rice kept his composure, smoothly telling the lawyers that – before he had been so rudely interrupted – he had actually been about to rule the testimony admissible. Although he wasn't sure it strictly met the definition of a dying declaration, Rice said, he wasn't sure it *didn't* either.[72] Observers didn't know whether to buy the judge's story or not – Herndon opined, quote, "[Lincoln] so effectually badgered the judge that, strange as it may seem, he pretended to see the error in his former position, and finally reversed his decision in Lincoln's favor."[73]

But whatever Rice's original intent, he had ruled, and Reverend Cartwright could deliver his testimony. Cartwright returned to the stand, this time with the jury present. Cartwright was a fascinating witness, for many reasons. For one thing, he was Quinn Harrison's grandfather. Usually, that would have rendered his testimony suspect – but Cartwright's public reputation far outweighed any personal entanglements he had with the case. In 1859, Peter Cartwright was one of the most famous preachers in the country, a leader of the religious revival that would come to be known as the Second Great

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[67] Abrams and Fisher, 247.
[68] Abrams and Fisher, 248.
[69] Abrams and Fisher, 249.
[70] Abrams and Fisher, 249.
[71] Abrams and Fisher, 249.
[72] Abrams and Fisher, 250.
[73] Abrams and Fisher, 250.

Awakening. Known as "God's Plowman," Cartwright's 1857 book *Autobiography of Peter Cartwright: The Backwoods Preacher*, which documented his decades spent energetically traveling America's frontiers in search of people to convert, had won acclaim all across the country.[74]

Cartwright was not universally beloved: he could be single-minded and militant. One of his most frequent opponents was Abraham Lincoln, who disliked the way Cartwright mixed religion and politics. Lincoln and Cartright had run against each other for Congress in 1846; Lincoln won.[75]

But even Lincoln could not deny Cartwright's integrity. That's why, when he heard what Cartwright had been told by Greek Crafton, he had known that he needed to get the Reverend on the stand.

Now, in front of a rapt courtroom, Cartwright told his story. After the fight, Greek Crafton had summoned Cartwright to his bedside. "The honest hour has come," Cartwright recounted Greek telling him, "and in a few moments I expect to stand before my final judge; do you think there is any mercy for me? Will you pray for me?"[76] Cartwright, in reply, expressed his, quote, "deep and heartfelt regret that this calamity had fallen upon [Greek]."[77] The dying man took a moment, and then said, "Yes, I have brought it upon myself, and I forgive Quinn."[78] Cartwright then conducted religious services, noting for the jury how Greek had shown great composure. When Cartwright's prayers concluded, Greek repeated his earlier words: "I have brought it upon myself," he said, "I forgive Quinn and I want it said to all my friends that I have no enmity in my heart against any man."[79] Cartwright's words hung in the courtroom. Greek had forgiven his killer. He had blamed himself, not Quinn, for his own death. It was a powerful plea, from beyond the grave, for mercy.[80]

Of course, whether or not a victim forgives their killer before dying does not actually determine if the killer broke a law. In closing arguments, the prosecution reminded the jury of the plain facts of the case. Norman Broadwell began, recapping the testimony of the prosecution's witnesses for the jury, and then reminding jurors of what exactly Illinois law said. To use lethal force against someone else and be justified, Broadwell explained, that lethal force must have been *absolutely* necessary. It must be the only thing standing between you and your own death or serious injury. That was not the

[74] Abrams and Fisher, 32, 34, 88-89, 235.
[75] Abrams and Fisher, 88.
[76] Abrams and Fisher, 243.
[77] Abrams and Fisher, 243.
[78] Abrams and Fisher, 243.
[79] Abrams and Fisher, 245.
[80] Abrams and Fisher, 252-253.

situation Quinn Harrison was in, Broadwell argued. He may have been frightened, but that didn't mean that his life was truly in danger.[81]

Stephen Logan disagreed. In his closing arguments, he portrayed Quinn Harrison as a man with no other options. When Greek Crafton attacked him, Quinn had tried to resist. He'd told Greek he didn't want to fight. He'd clung to the counter top. He'd called for help. None of that had stopped the attack. "It was only after he had been pulled free, and it appeared that John Crafton might join the fray," Logan said, "that in fear for his life he had struck back with the only weapon he had available to him."[82] He asked the jurors to put themselves in Quinn's shoes.[83]

Abraham Lincoln was up next. Lincoln's closing arguments were legendary. At no time were his eloquence, his intelligence, and his empathy so clearly on display than in these moments. That afternoon, Lincoln didn't focus just on Quinn; he spent much of his closing argument talking about *Greek*. He had known Greek well; he had mentored the young man at one point. He spoke of his own personal grief. Lincoln knew that he was not alone in this sadness. But that grief, he said softly, would not be healed by punishing another young man. Quinn had had no murderous intent. He had acted impulsively, out of a genuine belief that he might die. Punishing Quinn would not bring Greek back. It would not heal the wounds. And it would not accord with the law. As Lincoln concluded, many in the courtroom had tears rolling down their cheeks.[84]

John Palmer delivered the trial's final closing argument. Throughout the trial, Palmer had been a calm, affable presence in the courtroom; arguing his case forcefully, of course, but never getting too personal. After all, he knew and respected the defense lawyers. But for some reason, Lincoln's closing argument had set John Palmer off. His first words were not about Quinn Harrison, but about Abraham Lincoln. "Well, gentlemen," Palmer said, "you have heard Mr. Lincoln. 'Honest Abe Lincoln' they call him, I believe. And I suppose you think you have heard the honest truth…or at least [that] Mr. Lincoln believes what he had told you to be the truth. I tell you, he believes no such thing!..That frank, ingenious face of his,[…]those looks and tones of such unsophisticated simplicity, those appeals to your minds and consciences as sworn jurors are all assumed for the occasion, gentlemen. All a mask, gentlemen. You have been listening for the last hour to an actor, who knows well how to play the role of honest seeming, for effect."[85]

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[81] Abrams and Fisher, 290-292.
[82] Abrams and Fisher, 294.
[83] Abrams and Fisher, 293-297.
[84] Abrams and Fisher, 299-307.
[85] Abrams and Fisher, 308.

Abraham Lincoln could take no more. He stood and rebuked Palmer, saying, “Mr. Palmer! You have known me for years, and you know that not a word of that language can be applied to me.” Palmer stared at Lincoln hard – and then deflated. “Yes, Mr. Lincoln, I do know it. And I take it all back,” he said. The two men shook hands.[86]

It was hard for observers to understand what had just happened. Was Palmer really angry? Or was he just trying, by dramatic means, to dispel the spell that Lincoln’s closing had cast over the courtroom?

Either way, the rest of Palmer’s closing was much less exciting. He spoke for three hours, according to the *State Journal*, quote, “evincing great ingenuity in handling the testimony, interspersing many remarks upon human nature and human passions, the duties of the citizens and the spirit of the law.”[87] He pushed back on the defense’s depiction of Quinn Harrison as a weak, frightened innocent, describing all the times Quinn had provoked Greek Crafton, and recounting how Quinn had told people he would strike back if Greek tried anything.[88]

When Palmer concluded, Judge Rice instructed the jury and then dismissed them to deliberate. It was shortly after 4pm on September 3rd, 1859. It took the jury little more than an hour to reach a verdict.[89] Once everyone was back inside the courtroom, the jury foreman handed the bailiff a piece of paper with their decision written inside. The bailiff passed the paper to Judge Rice, who read it aloud:

On the charge of murder for the death of Greek Crafton, the defendant, Quinn Harrison, was found NOT GUILTY.[90]

ACT IV

Though the courtroom broke into cheers upon the judge’s announcement, not everyone was happy about Quinn Harrison’s acquittal.[91] Greek Crafton’s friends and family were furious. They felt certain that Quinn had gotten away with murder. Their anger over the issue eventually prompted local law enforcement officers to arrest Benjamin Short – the drugstore owner who had tried to break up the fight – and charge him as an accessory in Greek’s murder. The charges were eventually dropped, but the animosity lingered.[92]

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[86] Abrams and Fisher, 308.
[87] Abrams and Fisher, 309.
[88] Abrams and Fisher, 309-310.
[89] Abrams and Fisher, 311-312.
[90] Abrams and Fisher, 312-313.
[91] Abrams and Fisher, 313.
[92] Abrams and Fisher, 315-316.

Perhaps because of this animosity, Quinn Harrison never seemed to be comfortable in Pleasant Plains again. He began a pattern of wandering, venturing into the frontier for long spells. Even his 1867 marriage to a woman named Emeline couldn't keep him in one place.[93] Though the couple had two children, they would eventually divorce in 1898 after Emeline charged Quinn with desertion.[94] Quinn Harrison died in 1920 in Missouri.[95]

Though the trial had grown contentious by the end, the lawyers involved all remained friends. Abraham Lincoln quickly forgave John Palmer for his courtroom outburst. Two months after the trial ended, Lincoln campaigned for Palmer to fill an empty Congressional seat, describing Palmer as, quote, "good and true."[96] Palmer lost this election, but he would soon return Lincoln's political support – as would two other lawyers from the trial.

In May 1860, the Republican party held its presidential nominating convention in Chicago. William Seward, a senator from New York, was considered the front runner, but there were multiple other candidates, including Illinois' own Abraham Lincoln. John Palmer, Norman Broadwell, and Stephen Logan all lobbied heavily for Lincoln – who emerged from the convention as the surprise nominee. Logan then helped Lincoln raise thousands of dollars to fund his campaign.[97]

Lincoln stayed close with many of his Illinois connections during his time in office. He asked Stephen Logan to edit his inaugural address.[98] He appointed John Palmer to be military governor of Kentucky after the Civil War.[99]

These men would stand by Lincoln's side even in death. On April 15th, 1865, Stephen Logan delivered a eulogy at the Springfield memorial for Lincoln, recording his legacy in a way that would resonate with anyone who saw him in action at the Harrison trial, quote: "[when Lincoln] believed his client was right, especially in difficult and complicated cases, he was the strongest and most comprehensive reasoner and lawyer [I] had ever met – or if the case was somewhat doubtful but could be decided either way without violating any just, equitable or moral principle, he was very strong – but [if] he thought his client was wrong he would make very little effort."[100] In other words, Lincoln the lawyer was very much like Lincoln the president.

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[93] Abrams and Fisher, 320-321.
[94] "News From Neighboring Towns," *St. Louis Globe-Democrat*, August 24, 1898.
[95] "Peachy Quinn Harrison," *FindaGrave*.
[96] Abrams and Fisher, 316.
[97] Abrams and Fisher, 316-317.
[98] Behn, "Stephen Trigg Logan."
[99] "John McAuley Palmer," Illinois State Library Heritage Project, Illinois Secretary of State.
[100] Behn, "Stephen Trigg Logan."

That's the story of Illinois v. Quinn Harrison. Stay with me after the break to hear the amazing tale of just how we know as much as we do about this trial.

EPILOGUE

For years, the shoebox sat in a garage, its sides slightly sagging with damp, its corners nibbled away by mice. When the garage's owner moved from Fresno to Huntsville, Alabama, he took the shoebox with him; it might not have looked like much, but the box contained a family heirloom. In 1989, after the owner had died, his widow presented the box to a group she thought might be interested in its contents.[101] The group couldn't believe their luck. Inside the shoebox were 100 handwritten pages, carefully ordered and tied together with a yellow ribbon.[102] It was a transcript of Abraham Lincoln's last murder trial.

The man who had owned the transcript was Quinn Harrison's great-grandson, William. The transcript had been passed down from father to son for four generations. After William's widow presented it to the Lincoln Legal Papers, a research group dedicated to exploring Lincoln's law career, the group made the transcript publicly available. It's a remarkably rich document – the transcript transports you into the courtroom, reporting on not just the words spoken but the actions, movements, and emotions of the participants and the onlookers. The transcript lets us see Lincoln as a lawyer, just as if he were speaking in front of us today.

The existence of this transcript is astonishing for a number of reasons. Of course, there's the miracle of it surviving 130 years in non-archival environments. But even more than that, it's amazing that this transcript was even created. At the time, most trials – if they were recorded at all – were just summarized.[103] This kind of verbatim report is very unusual. How did it come to be? Likely thanks, at least indirectly, to Abraham Lincoln himself. The *Illinois State Journal*, aware of Lincoln's growing fame, and the high-profile nature of the case, hired a shorthand reporter to transcribe the trial. They didn't have to look hard to find a good shorthand man – only a year earlier, Abraham Lincoln had hired a young shorthand reporter named Robert R. Hitt to transcribe his debates with Stephen Douglas. Hitt's transcriptions had been instrumental in spreading news of Lincoln's performance nationwide, and they'd helped make Hitt's reputation too - which is perhaps how the State Journal selected him to cover the Harrison trial.[104]

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[101] Herbert Mitgang, "Lincoln as Lawyer: Transcript Tells Murder Story," *The New York Times*, February 10, 1989.
[102] Peggy McAloon, "Lincoln's Last Trial – Transcript Found in 1898," September 8, 2018.
[103] Abrams and Fisher, 21.
[104] Abrams and Fisher, 15-19.

Robert Hitt attended every day of the trial, making shorthand transcriptions and then painstakingly copying the transcriptions out in longform each night. He had to make multiple copies; besides the reports that he sent to the *State Journal*, Hitt was also offering copies – for a price – to trial participants. Abraham Lincoln subscribed, paying Hitt $27.50 for his copy. Greek Crafton's family subscribed too, though Hitt charged them $2.50 less than he'd charged Lincoln. A transcript could be helpful in the case of an appeal. So of course, Quinn Harrison's family bought a copy as well, which is how, 165 years after the Harrison trial ended, we can imagine ourselves in the Sangamon County Courthouse, with front row seats to Abraham Lincoln's last murder trial.[105]

Thank you for listening to History on Trial. If you enjoyed this episode, please consider leaving a rating or review – it can help new listeners find the show! My main sources for this episode were Dan Abrams and David Fisher's book *Lincoln's Last Trial: The Murder Case That Propelled Him to the Presidency* as well as the trial transcript and other materials contained in the second edition of *The Law Practice of Abraham Lincoln: Complete Documentary Edition*, a publication of The Illinois Historic Preservation Agency, edited by Martha L. Benner and Cullom Davis. For a complete bibliography as well as a transcript of the episode with citations, please visit our website historyontrialpodcast.com.

[105] Abrams and Fisher, 20-21.