The Court Archive:
Stephen Douglas's Legal Career

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Without a doubt, the most prominent Illinoisan of the antebellum period was Stephen A. Douglas, not Abraham Lincoln. In fact, Lincoln once wrote in 1856 that "twenty-two years ago Judge Douglas and I first became acquainted. We were both young then; he a trifle younger than I. Even then, we were both ambitious; I, perhaps, quite as much so as he. With me, the race of ambition has been a failure--a flat failure; with him it has been one of splendid success. His name fills the nation; and is not unknown, even, in foreign lands."

The famed Democrat began his legal career roughly the same time as Lincoln. Living in a Democratic-stronghold state afforded Douglas much greater political opportunities than his young Whig rival. Douglas quickly moved from State's Attorney to Illinois Representative to Registrar of the Springfield Land Office to Secretary of State to the Supreme Court of Illinois to the U.S. House and then to the U.S. Senate in roughly a ten-year period. Despite his rapid political rise, Douglas enjoyed modest success as a member of the Illinois bar. Douglas was involved in several politically charged legal cases, such as *People ex rel. McClernand v. Field* (3 Ill. 79 (1839)) and *Spragins v. Houghton* (3 Ill. 377 (1840)) the secretary of state case and the alien voting case that resulted in a change in the structure of the Supreme Court.

As state's attorney, one episode early in his tenure resulted in a significant boost to his reputation. At one of Douglas's first terms as state's attorney in McLean County, he wrote a number of indictments in preparation for the beginning of court. John T. Stuart, a state representative and political rival, made a motion to quash all of the indictments because Douglas had spelled McLean as M'Lean. Stuart noted that there was no such county of M'Lean. Douglas demanded that Stuart show proof the county name was indeed misspelled. Stuart obtained a copy of the 1831 statute book that published the law creating McLean County. To Stuart's astonishment (and Douglas's), the county was spelled M'Lean in the statute book (see attached photo). The judge denied the motion to quash the indictments, and the cases proceeded forward.

Most observers believed that the young state's attorney laid a trap for the more seasoned lawyer, and Douglas cultivated this image throughout his legal and political career. His legal and political lesson learned from this episode was to "admit nothing, and require my adversary to prove everything material to the success of his cause."

Unlike most attorneys of his era, Douglas did not enter into any sustained legal partnerships. He practiced briefly with John D. Urquhart of Springfield, but Douglas's quick rise politically offered little opportunities for law partnerships. In one case in 1840, Douglas and Abraham Lincoln appeared together as co-counsel in defending a murder case in DeWitt County. Their client was found not guilty. Douglas demanded and received his $200 payment, but Lincoln took a $200 promissory note and two years later had to sue the client to recover his fee. Lincoln and Douglas opposed each other in the Truett murder case—a politically charged Sangamon County case in which Douglas represented the prosecution and Lincoln represented the defendant. Henry Truett had shot and killed Dr. Jacob Early after Early refused to admit to authoring resolutions denouncing Truett's father-in-law, Congressman William May. Observers believed Douglas presented an "airtight" case against Truett, but Lincoln successfully created reasonable doubt that the shot was fired in self-defense. The jury agreed with Lincoln and found Truett not guilty.

Other than a few cases here and there in the late 1840s and early 1850s, Douglas did not practice law much after his two-year tenure ended on the Illinois Supreme Court in 1843. His claim to fame is not as a leader of the Illinois bar, but using the law as a stepping-stone to higher political aspirations that resulted in fourteen years in the U.S. Senate and two unsuccessful campaigns for the presidency.