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The Story of My Life

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The Story of My Life

Clarence Darrow
Introduction by Alan M. Dershowitz
Da Capo Press, Inc.
233 Spring St.
New York, NY 10013
495 pp., \$16.95

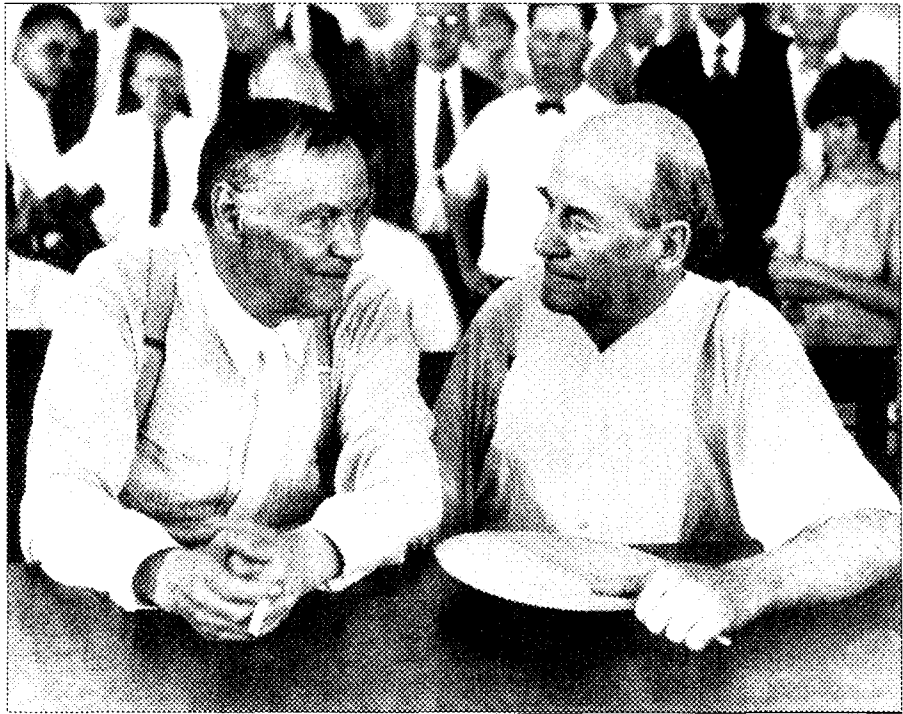
Reviewed by Bennett L. Gershman

America's obsession with the criminal jury trial makes heroes and creates legends. However inefficient and erratic a search for truth, the courtroom battle over whether an accused should live, die, or be free symbolizes our nation's enduring commitment to individual liberty. And the greatest champion of the accused, the most gallant knight errant of them all, was Clarence Darrow.

It has been almost 60 years since Darrow died at age 80. He was a trial lawyer for over 50 years and served as a defense attorney in some 2,000 court cases. A bibliography of books and articles by him and about him exceeds 200 pages. Darrow's autobiography, *The Story of My Life*, was published five years before his death and has just been republished. It reminds us of what we have lost.

Darrow's powerful commitment to the cause of justice and his fierce defense of the despised and the oppressed may seem naive today. His brilliant forensic skills contrast sharply with the current culture of soundbite journalism and television sit-coms. Darrow's courage and lack of self-interest (one-third of his clients did not pay him a fee) have a heroic quality that today seems anachronistic.

Darrow's narrative is consistently absorbing, and his scientific and philosophic excursions are plainly written and quaintly persuasive. But it is his accounts of his eight famous court trials that reverberate most eloquently. Several of those cases have been memorialized in film, theater, literature, and myth. They have produced dramatic confrontations, were voluminously reported throughout the world, and continue to be analyzed and studied. These trials capture many of the familiar themes of our day: individual freedom, public or-



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der, racial hatred, religious bigotry, and the death penalty.

In 1895, Darrow defended labor leader Eugene Debs on conspiracy charges following the Pullman strike during which President Grover Cleveland ordered in federal troops. Darrow writes, "If there are still any citizens interested in protecting human liberty, let them study the conspiracy laws of the United States." Debs was convicted, and the judgment was upheld by the U.S. Supreme Court.

In 1907, Darrow defended William "Big Bill" Haywood, a labor official charged with participating in setting a dynamite booby trap that killed the ex-governor of Idaho, an enemy of the mine workers union. The jury acquitted Haywood. Darrow writes, "The verdict made a profound impression throughout the country. On the one hand, it was met with bitter disappointment; on the other, there was unrestrained joy."

In 1911, Darrow defended the two McNamara brothers for plotting to bomb the *Los Angeles Times* building. Twenty-one people died. The McNamaras changed their plea to guilty mid-trial and received life sentences. Darrow writes, "The lawyer, if he has a deep sense of responsibilities and warm sympathies, regards the human being in his hands in the same light that a

Clarence Darrow, left, and William Jennings Bryan in a Dayton, Tennessee, courtroom during the Scopes trial, 1925.

physician views a patient in. Both try to relieve suffering, and no one would expect a physician to refuse to save the life of a patient, no matter who he might be."

In 1912, Darrow himself was prosecuted for bribing a juror in the McNamara trial. Darrow's closing argument was considered the best summation ever heard in a U.S. courtroom. The jury acquitted him in 34 minutes. (Professor Dershowitz's peculiar introduction to the book splices praise with the suggestion that Darrow was indeed guilty.)

In 1924, Darrow defended Richard Loeb and Nathan Leopold, sons of prominent, wealthy Chicago families, for kidnapping and murdering Bobby Franks, a 14-year-old neighbor. Darrow writes, "The public seemed to think that we were committing a crime in defending two boys, who probably needed it as much as any two defendants ever on trial for their lives." Darrow admitted his clients' guilt and pleaded for mercy in a speech that took over two days to deliver. The defendants' lives were spared. The book, play, and film *Compulsion* are based on the case.

In 1925, Darrow defended John Scopes, a young Tennessee high school teacher charged with violating a state law forbidding the teaching of evolution. The famous "Monkey Trial" pitted Darrow against three-time presidential candidate William Jennings Bryan, who testified as an expert on religion. Darrow's cross-examination is legendary. Scopes was found guilty and fined \$100. The state supreme court reversed the conviction.

In 1925 and 1926, Darrow defended Dr. Ossian Sweet (a black physician), his brother Henry, and several friends for killing a white man during a confrontation with a large racially charged crowd. The incident took place in front of Sweet's recently purchased home in a middle-class white neighborhood in Detroit. Darrow writes, "Few colored men in America charged with killing white persons have ever lived to tell the tale; they have been lucky if they survived long enough to be tried in court under the forms of law and legally slaughtered." Dar-

row won the case.

Finally, in 1932, at the age of 75, Darrow defended Thomas Massie (a Navy lieutenant stationed in Hawaii), Massie's mother-in-law, and two others charged with murdering a native Hawaiian who had raped

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Massie's wife. The killing was admitted. Darrow writes, "It was a contest over the question of whether it was a duty of one to obey the dead letter of the law, or the living emotions upon which all life rests." The jury convicted the defendants of the lesser charge of manslaughter, and after considerable public outcry at the verdict, the gov-

ernor commuted the 10-year sentence to one hour.

Darrow's narrative consistently understates his role in U.S. law. He helped liberate society from the fears, taboos, and prejudices of the day. He was a passionate advocate for tolerance and fairness in the face of bigotry and oppression.

The overriding concern for Darrow was not winning or losing a given case but recognizing the dignity and worth of a person the government wanted to punish and society wanted to banish. To Darrow, the methods used by government to enforce the criminal law are the measures by which our civilization will be judged. This great ethical precept fueled Darrow's life and career. His autobiography is a timely reminder that trial lawyering can be an honorable and inspiring service. □

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