

Book Review

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Book Review

CLARENCE DARROW FOR THE DEFENSE. By Irving Stone. New York. Doubleday, Doran & Co., Inc., 1941. Pp. 520.

And he could see no evil in Clarence. This statement might well be accepted as the epigraph to Mr. Stone's biography of Clarence Darrow. For the study is no more or no less than a controlled apotheosis of a "whole man in a sea of fractional human beings."¹ Support for this conclusion may be gleaned from the many admissions of Darrow's weaknesses and the simultaneous attempts to explain them away, to mitigate them through psychoanalysis, to rationalize them, to indulge Darrow, to surrender to wishful thinking.

It would appear that biography has but two justifications, namely, the intrinsic, inherent interest of the personality which is the subject of the study, or the skein-like connection with which the subject has woven the pattern of his life into the greater pattern of that history which is coeval with him or which follows upon his own times. The line of demarcation, if there is any, between these two justifications is at best but meandering. For the greater the man the more difficult it becomes to distinguish between factors which make the man of intrinsic interest as a human being and those creating interest in him by virtue of the very fact that he was great and has had his fingers in one or more very important pies. In the case of Clarence Darrow this touchstone is not too difficult to apply. The delicate nuances and shadings between a personality great or interesting because of inherent reasons or great because of congruency with events is not before us. Stripped of the fact that Darrow was the "mouthpiece" for more *causes celebres* than perhaps any other lawyer of his generation there is certainly nothing in the man that would dictate a biography of five hundred and twenty pages amply footnoted. Issue might be joined here with the plea that only a man of great dimensions, of native talents par excellence could have with consistency, with suasion,

¹The following excerpt is an average summation of the Darrow personality by Mr. Stone. "When the day's work was done his office would become crowded with young lawyers who wanted to talk to him, to get the feel of him, to grasp what it was that made this sprawling, drawing, inelegant, plain-faced and plain-mannered fellow a whole man in a sea of fractional human beings." P. 250.

with march of argument, carried the fight for fifty years at the bar. Indeed this is the successful general issue plea to an indictment of his talents as an attorney, to his skill as a craftsman, to his implementation of the needs of his profession. It is, however, no answer to a count that challenges his status as a man, as an intellect, as an influence, as a force in the thinking of his times and of those that follow. In the field of the law, Mr. Stone is unabashed in admitting that Darrow was hardly a technician. In every case the author is careful to note the array of legal talent associated with Darrow and which compensated for this large foible and peccancy in his judicial armor.² The author seems to revel in the fact that no "legal eagle" screamed when Darrow held forth. Darrow in the court room is painted in two colors both bold, both blinding. As a cross-examiner he is the *ne plus ultra*. Darrow by his incisiveness, by his finesse, by his skill at repartee, by his delicate wielding of interrogatory scalpels, and not because of steam roller or bludgeoning technique, was the witness's scourge. Darrow's other forte was the summation to the jury. As is true of many great court room lawyers, Darrow was the personification of the actor. He was endowed by nature with the requisites for legal histrionics—sonorous, mellifluous voice, hulking size, and sharpness of mien. In his summation the court room as such dissolved in Darrow's eyes. In its stead there rose in turn the pulpit, the lecture platform, the classroom, the stage. Here was a forum from which to trumpet out or whisper in, to heart rend in or to anger out the desired result. This Darrow could do beyond perfection. Juries were to him as but clay and putty to the artist. And as the artist is meticulous in the choice of his clay, so Darrow was careful to the point of being captious and cavilling in the selection of his jury.³

² In the Scopes trial, for example, there were Dudley Field Malone, John Randolph Neal, Arthur Garfield Hays. In the case involving the Western Federation of Miners and the killing of Frank Steunenberg, former governor of Idaho, there were Edmund Richardson, Edgar Wilson, John Nugent, and Fred Miller. In the case involving the Detroit race riots and the murder trial of a negro doctor the author relates the following incident: "During the course of the trial a rather complex legal point was raised, and all the attorneys retired to the library to look it up. Darrow, however, remained seated in the court room. As I passed him he said, "You go along and talk to Arthur Hays; I can't be annoyed by the Goddam books!"' P. 480.

³ In the magazine, *Esquire*, for May, 1936, there is an article by Darrow on the selection of a jury. In it there is an excellent portrayal of the nature of the jury process.

Mr. Stone develops Darrow's real contribution as the mutual osmosis and identification between him and the development of whatever liberal thinking took place in his times, to which the liberals of this century are heir. He makes detailed argument that Darrow saw his cases as causes, that he had the full breadth of perspective, that he saw them in their alignment with the sociological, the political, and the economic interplay of forces that were at work. Indeed Mr. Stone insists this is what makes Darrow supreme. The apogee in Darrow's orbit is reached in his successful defense of the charge against him of tampering with the sanctum sanctorum of the law, the jury. The whole background of this case is drawn by the author in terms of Darrow's full realization of labor economics, of the course and future of labor history in his country.⁴ Mr. Stone never tires of discussing Darrow's cases as facets of his greater task, namely, the social and political education of the people. It is Mr. Stone's own grasp and not that of Darrow that lends charm and fascination to these the most stimulating sections of the book. In presenting Darrow as possessed of a plethora of knowledge in the socio-economic spheres the book fails to convince. The evidence is stated as a conclusion, not as proof. We are told that Darrow understood and perceived the dimensions and perspective. We are not shown that he did. That Mr. Stone may be overstating his case can be supported from a perusal of Darrow's autobiography.⁵ In the discussion of the cases therein there is little evidence of this breadth of economic, political and social vision. Darrow as an intelligent man, as an advocate, could see and frame the issues. But it is one thing to understand in a generalized way what underlying currents are in friction in a case. It is still another thing to say that Darrow envisaged a labor case in the cathedral tones of perhaps a John R. Commons. The reviewer would make as the central criticism of the book the failure on the part of the author to *demonstrate* the weight of Darrow's thinking on the trends of any important issue in which he might have been interested. There is ample evidence of Darrow's magnificent and telling exposition of the ideas. This may or may not have been "polly parrotism". There is little

⁴ Though this case technically had nothing to do with a labor controversy, it was spawned from one of the most vicious of Darrow's labor cases, the McNamara case involving the explosion of the Los Angeles Times building. Chapters VIII and IX give in full the thrilling story.

⁵ Darrow, *The Story of My Life*. New York. Scribner's, 1932. Pp. 483.

evidence of Darrow's pristine thinking, little evidence of his ground breaking, of shall we say his acting as ideological incubator.⁶

As a minor premise the author makes the point that Darrow's interest in these cases sprang from a humanitarian makeup, from a congenital predisposition toward the underdog. Here Mr. Stone establishes his case. Darrow was emotionally the kind and generous man, the man distressed by misery and the ravages and rampages of the robber barons. He was possessed of an abiding, autochthonous faith in democracy and the broader meaning of Americanism. In the parlance of today he was ever on the watch for incipient fascism, ever anxious to assist incoherent democratic trickles to grow into streams and into rushing waters.

The criticisms of Mr. Stone's study should not be taken in derogation of the total of his work. He has authored a real contribution, an interesting and fascinating book. Certainly it is a book well worth the reading.

—J. BENSON SAKS.*

⁶ In one field perhaps, religion, Darrow can be credited with advancing conceptions peculiarly his own. As the champion of agnosticism he did much debating and writing on the subject.

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