

Clarence Darrow was one of America's best courtroom lawyers. He often took on cases which everyone thought he'd lose - then - he'd get a verdict no one was expecting.

He once gave a final argument, in the Leopold/Loeb death-penalty case, which lasted longer than the average work day. It wasn't the only time he did such a thing.

Darrow had a great "feel" for trying cases and picking jurors. His convincing arguments and persuasive rhetoric helped his clients prevail in case after case.

But ... who was Clarence Darrow, the man?

People associate him with Spencer Tracy who played Darrow in a film called "Inherit the Wind." That story, based on the Scopes "monkey trial" case, was one of Darrow's losses (although the law, about teaching evolution in schools) was later repealed.

The movie, however, doesn't tell us about Darrow on a personal level. For that, we have to go deeper into his many publicly tried cases.

Had he always been a lawyer who represented the underdog? Did he take cases more for their subject matter than for the hefty fees he could earn?

As it happens ... Darrow had different approaches to his law practice, depending on where he was in his own life. During his early years, he represented corporations. His most-important client was the Chicago & North Western Railway. Working for the railroad allowed Darrow to earn a significant income.

Then ... the decision-maker at the railroad had a fatal heart attack. Decision-makers tend to work with people they know, so when Darrow's client died - and a new man took over - Darrow was no longer the railroad's key lawyer. That fact caused him to take a different path - one that frequently generated fewer fees but greater notoriety.

In 1907, Darrow agreed to defend "Big Bill Haywood," a union advocate, and two of Haywood's colleagues. The men were accused of murdering the former governor of Idaho.

The case went to trial, lasting more than 90 days, during which Darrow paid close attention to the jurors who were mostly hard-working men. Would they understand what labor was trying to do for working people? Would they appreciate Haywood's efforts? Would they think he was a socialist?

Using all he had learned from his trial observations, Darrow gave one of his most-convincing final arguments. It lasted for hours, during a time when it wasn't unusual for a courtroom lawyer to talk for twelve hours or more (like Darrow did during the Leopold and Loeb trial).

It also wasn't unusual, at the time, for lawyers to be accused of bribing witnesses - and rumors floated during the Haywood trial that someone on the defense team (perhaps even Darrow himself) had bribed witnesses.

It was never proven, in the Haywood case - which Darrow won - but Clarence was charged with bribing jurors when he defended two brothers for fire-bombing the *LA Times* in 1911.

A defendant himself in two trials, arising from those bribery accusations, Darrow won the first case but the second one resulted in a "hung jury" (where jurors could not unanimously agree on a verdict). It must have troubled Darrow to learn that the 12 jurors were deadlocked 8 to 4 against him.

He was 55 years old, at the time of his second trial. He knew what it felt like to be disgraced, to be without enough funds to run his life.

Would the prosecutor attempt a third trial? It took awhile before Darrow learned that the matter would end with the hung jury. There would be no third trial. Darrow could return to his law practice in Chicago.

Except ... he didn't really have a law practice since it had taken so long to get through the cases against him in California. How did Darrow react to these times of trouble? He felt alone:

At times I felt that I stood alone in the world, and it is not a bad feeling. And it is well enough for a man once in a while to feel that he stands alone and is ready to fight the world. It is good for your courage; it is good for your character. (John Farrell, quoting Darrow, in *Clarence Darrow*, page 284.)

Back in Chicago, Darrow started another practice with another lawyer. Being a defendant, himself, had changed him:

[That] *sad, hard experience made me kindlier and more understanding and less critical.* (Farrell, quoting Darrow at page 287.)

When he argued on behalf of a client even *he* thought was guilty, how would Darrow seek mercy for the defendant? His tactics included these:

You try to throw around the case a feeling of pity, of love, if possible, for the fellow who is on trial.

If jurors find that sense of pity, but the evidence points to a guilty verdict, what then?

If a man wants to do something, and he is intelligent, he can give a reason for it. You've got to get him to want to do it ... That is how the mind acts. (Farrell, quoting Darrow, at page 287.)

In other words, Darrow would do his best to get jurors to pity his clients so they would at least spare their lives - in capital cases - even if they found them guilty.

As he grew older, Darrow began to worry about the power of the federal government. What he saw during World War I made him worry even more:

The modern policy of our government ... has ... brought on an era of centralization and power which is rapidly crushing the individual ... I am one of the old-time democrats who believe in states' rights and abhor strong centralized governments. Now it is proposed to virtually make on government that will reach around the world [referring to the proposed League of Nations]. It would be the death of liberty. (Darrow to Erskine Wood, quoted by Farrell at page 301.)

When the U.S. Congress passed laws loyalty laws, during World War I, Darrow spoke-out against them. He worried that limiting freedom of expression would lead Americans to a bad place:

A strong element of society, under the cry of a sort of super-patriotism, is today doing all that can be done to crush the liberties of the American people. They would leave it an offense to speak and to write and to print ... they would seize those whom they believe to be against them, send them to jail, because they are violating the powers that be... (Farrell, quoting Darrow, at page 306.)

Defending a client charged under the Sedition Act, Darrow spoke for two days. One wonders whether his words were more about the case at hand or more about his perception that the federal government was out of control:

There is something that I believe in more than I do in my country, and that is human freedom. I have loved America first of all because she stood for it. You make us a nation of slaves, and I love it no more ... I am not here to defend their opinions, I am here to defend their rights to express their opinions ... Today it is these twenty men. Tomorrow it will be somebody else. You can only protect your liberties in this world by protecting the other man's freedom. You can only be free if I am free. (Farrell, quoting Darrow's argument in the *Lloyd* case, at page 303.)

Darrow's argument was brilliant but it didn't win the case. It was a time when people were afraid. It was a time when Americans seemed willing to sacrifice some of their freedoms for national security's sake.

Well into his 60s, during the 1920s, Darrow finally had saved enough money to retire. Not known for wise investments, he had nevertheless found a company he thought was safe. He was right ... his interest in a Colorado-based natural gas company proved to be a good investment. But ... when Darrow sold his interest, and then invested the proceeds in the stock market, he lost everything in the crash of 1929. Once again, he had to start over.

Now in his 70s, Darrow made public appearances, gave speeches and did whatever else he could do to earn an income. They were not easy times, but he persevered.

Near the end of his legal career, Darrow became a founding attorney for the NAACP. In connection with that role, he agreed to represent a group of eleven African-Americans who'd been trapped in a Detroit house after the Ku Klux Klan caused racial unrest in the city.

The home was owned by Dr. Ossian Sweet, an African-American physician. With white people on the outside, stoning Sweet's house, blacks on the inside began to return fire with guns. When a white neighbor died, all eleven men were charged with murder.

At the time, Jim Crow laws were still the norm in America. When Darrow argued for his clients, however, he told

jurors that African-Americans have a right to defend their homes just like white people do. The jury agreed, greatly surprising the prosecuting attorneys.

During the last two years of his life - before Darrow died at the age of 80 - he was unable to work at the same pace. He considered himself a "pessimist with hope," and that continued to the end of his life.

When the *New York Times* ran [Darrow's obituary](#), the article included some of his most-famous sayings. They help us to understand the philosophy which motivated the man. Here are a few of his sayings:

- *My learned opponent says the League of Nations isn't much good, but that it may be better some day. Men go to h__ on the same theory.*
- *Even the civil lawyers know that poverty is the cause of crime, and that is why they don't practice criminal law. There is no money in it.*
- *There isn't a man of the intelligence of an ordinary moron who doesn't know that people believe in enforcing only those laws that they believe in.*
- *There is no logical consistency in what a man does with his life. I run on emotions, like everybody else.*
- *I wish some fellow like Henry Ford or Rockefeller or some other patron saint of America with great organizing ability would teach us how to be inefficient and happy.*
- *I am sure of very little, and I shouldn't be surprised if those things were wrong.*

Even in death, Clarence Darrow remains one of America's most-famous courtroom attorneys.

Credits:

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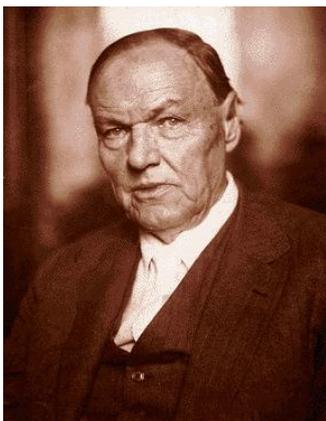
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