

Clarence Darrow: Attorney for the Damned

Review of the book by Hans Sherrer

Clarence Darrow is widely considered one of the greatest lawyers in American history. During his career that spanned almost six decades Darrow won cases against seemingly impossible odds, and in cases he couldn't win he was able to save a client from the gallows or the electric chair when no sane person would think it was possible. Darrow was known as a champion of the underdog and because of his accomplishments he has a bigger than life persona that borders on the mythical.

Two primary sources of information about Darrow's life have been his autobiography *The Story Of My Life* (Charles Scribner's Sons) published six years before his death at 80 in 1938, and Irving Stone's *Clarence Darrow for the Defense* (1941). *Clarence Darrow: Attorney for the Damned* by John A. Farrell can be added to those books as

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The State's defense to Kirstin's new evidence is the forensic entomologists examined photos of Bailey's body, while Dr. Simms personally saw it. Forensic entomologist Dr. Gail Anderson's reply to the State's defense exposed it has no scientific merit or rational basis, when she explained examining digitized photographs "... allows the observer to increase the size of the image at will, almost as if one were using a microscope." (Reply of Dr. Anderson, Sept. 7, 2010)

Kirstin's new evidence Bailey died in Las Vegas when it is known she was in Panaca, is consistent with the absence of any physical, forensic, eyewitness, surveillance, documentary, or confession evidence she was in Las Vegas on July 8, 2001 and Bailey's assailant.

A key unanswered question is if the new scientific evidence Kirstin Lobato is imprisoned for a crime it is physically impossible she committed will matter to the Nevada Supreme Court, which is now considering the appeal of her trial judge's denial of her *habeas corpus* petition.

*This is a condensed version of an article available online at, www.justicedenied.org/wordpress/archives/2475. Detailed information about Ms. Lobato's case is at, www.justicedenied.org/kbl.htm

indispensable reading for a person waiting to learn about Darrow's life and gain an understanding of his motivations and the scope of his accomplishments.

Darrow didn't graduate from college or law school so he apprenticed to become a lawyer. After moving to Chicago in his early 30s he became a successful and prominent corporate lawyer until he abandoned that phase of his career to open his own law practice and primarily represent criminal defendants. He defended his first murder case when he was 37. Darrow's client had confessed to murdering Chicago Mayor Carter H. Harrison, Sr., and Darrow's insanity defense was unsuccessful: the man was not only convicted, but sentenced to death and executed. Darrow was an ardent foe of capital punishment and whatever lessons he learned from that case he learned well, because in an age when executions were common and the appeals process short, none of his clients in the almost 50 murder cases he handled after that case were executed.

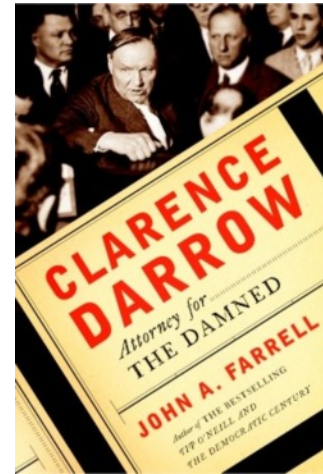
The book delves deeply into Darrow's life and doesn't gloss over his foibles or attempt to portray him as an angelic Superman. Darrow's success wasn't accidental: he was hard-working, well-read, he had a remarkable memory, he was a gifted orator, and he was a brilliant strategist with an exceptional ability to communicate his ideas -- especially to skeptical people such as jurors hardened by the press and their prejudices against a defendant. Darrow also played hard. He was a drinker, and although his second wife Ruby was devoted to him, he was a serial philanderer.

Darrow's reputation and the demand for his expertise enabled him to make a lot of money, but he lost his accumulated wealth at least three times from risky investments. The last time was when he was wiped out as a result of the 1929 stock market crash, and at the age of 72 he had to once again start out financially from scratch.

There are of course detailed accounts in the book of Darrow's most well-known cases. Those cases include his defense of Eugene Debs in the American Railway Union's strike in 1894 against Pullman; his defense in 1911 of John and James B McNamara -- the alleged bombers of the *Los Angeles Times* building; his own two trials for allegedly bribing jurors in the McNamara case; his defense of infamous thrill killers Nathan Leopold and Richard Loeb in 1924; and, his defense of John T. Scopes in 1925 that is commonly known as the Scopes Monkey Trial. Darrow's last court case was in 1932

when he defended four defendants in Hawaii charged with murder for the lynching of a man who allegedly raped the wife of one of the defendants. His last case as a lawyer was in 1936 when he argued the appeal of Jesse Binga, a black banker convicted of fraud. Binga was released on March 5, 1938 and Darrow died eight days later. The background of Darrow's many prominent cases serve as a history lesson about dominant social issues during periods of Darrow's life, including religious and racial inequities, and worker dissatisfaction with long hours, low pay and dangerous working conditions.

It comes through loud and clear in *Clarence Darrow: Attorney for the Damned* that lawyering was rarer in the late 1800s and early 1900s than today: it was akin to a no-holds barred verbal boxing match. Darrow may have been the best, but many defense lawyers during that era uncompromisingly fought for their clients with a vigor and a devil may care attitude about stepping on the toes of the prosecutor and judge that is unknown today.



Clarence Darrow: Attorney for the Damned is a must read for anyone wanting to gain

insight into Darrow's life and career, but it is also valuable for its depiction of the turbulent times during Darrow's life and the controversies he became involved in.

Clarence Darrow: Attorney for the Damned, Random House (2011), 576 pages. The book is available at bookstores and from online retailers including amazon.com and barnesandnoble.com.

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