Last days of the lion of justice

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H.L. Mencken attributed the "marks of battle" on his old friend Clarence Darrow's face to courtroom victories that were more apparent than real. Though they weren't "as safe as they used to be," Mencken noted, "nearly all the imbecilities that he sought to lay live on."

The greatest trial lawyer of his era, Darrow delighted in defending "the underdog" and battling against capital punishment, religious bigotry and racial prejudice. Between 1924 and 1926, freelance writer Donald McRae points out, he took on three "trials of the century," representing Nathan Leopold and Richard Loeb, the teenage "thrill killers"; John T. Scopes, who violated a Tennessee statute by teaching evolution; and Ossian Sweet, a black doctor charged with murder for protecting his home in Detroit against a white mob.

The details of these cases are well known. Indeed, award-winning books — "Arc of Justice" by Kevin Boyle, and "Summer for the Gods" by Edward Larson — have been written recently about two of them. And so, McRae tries to add value by drawing on the diaries of Darrow's mistress, Mary Field Parton, to "personalize" the great man in the twilight of his career.

It doesn't work. Although McRae asserts that the lovers forged a deep and tangled bond "of heart and mind," their relationship seems sadly predictable. Mary complained about Darrow's wife. And when his lover wasn't around, McRae acknowledges, Darrow "was not averse to keeping his beady old eye cocked for female company."

Nor did Parton have much influence over Darrow. He rehearsed his recital of A.E. Housman's "The Culprit" (an elegy spoken by an English boy sentenced to death) with her, before delivering it during his summation in the Leopold and Loeb case. But, otherwise, they seem to have whiled away the hours, with or without little Margaret Parton in tow, in what Mary described as "a visit and nonsense."

The most dramatic moments in the book come when McRae lets Darrow talk. At his best, he was mesmerizing. Listen to him appealing to Judge John Caverly to sentence Leopold and Loeb to life in prison. He begins by picturing the boys "wakened in the gray light of morning, furnished a suit of clothes by the State, led to the scaffold, their feet tied, black caps drawn over their heads, stood on a trap door, the hangman pressing a spring so that it gives way under them. I can see them fall through space — and stopped by the rope around their necks."

And then amidst sobs in the courtroom, Darrow shifts his tone, skewering the "satisfaction" that an eye-for-an-eye attitude brought to some. "Nothing is more cruel than righteous indignation," he says. "To hear men talk of justice — well, it would make me smile if it did not make me sad."

It shouldn't be difficult, he concludes, for the two boys "to get mercy by spending the rest of their lives in prison, with nothing to look forward to but hostile guards and stone walls."

Like him or loathe him, McRae reminds us, Darrow was an extraordinary man, compassionate but cruel, learned but lecherous, "a confirmed pessimist," convinced that "nothing is worthwhile except to keep the emotions at work so we can forget life." But dedicated, nonetheless, to the pursuit of justice.

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The last trials of Clarence Darrow
Donald McRae
William Morrow, $26.99
A July 20, 1925 black-and-white photo provided by the Smithsonian Institution shows William Jennings Bryan (seated at left) being interrogated by Clarence Seward Darrow during the trial of State of Tennessee vs. John Thomas Scopes. Because of the extreme heat, Judge Raulston decided to move the court proceedings outdoors. Associated Press