CLARENCE DARROW

In the Clutches of the Law

Clarence Darrow's Letters

EDITED AND WITH AN INTRODUCTION BY **RANDALL TIETJEN**

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For Susan
and our children,
Benjamin and Sophia

PREFACE

MY SEARCH FOR LETTERS

My interest in Darrow began in 1991 when I was living in Lincoln, Nebraska. I had recently finished law school in Minnesota and was working as a law clerk for a judge. I knew almost no one in Lincoln and had some free time in the evenings and on weekends. I thought about writing an article or possibly a book and then saw an advertisement for the letters of Eugene Debs, which had just recently been published by the University of Illinois Press. I knew that Debs had been one of Darrow's more famous clients and it occurred to me that Darrow's letters had never been published.

I did not know much about Darrow other than what I had read in a few books about him. I knew that most of his fame as a lawyer springs from two cases: the Leopold and Loeb case in 1924 and the Scopes trial in 1925. From what I had read of Darrow's writings, I also knew that he had been a fine writer and speaker. So I started writing to libraries around the country, asking them to look in certain manuscript collections for his letters. Before long, I was receiving photocopies of his letters from the libraries and realized that what I had thought of Darrow as a writer was proving true. His letters—at least some of them—were beautifully written and interesting to read. I forwarded copies of the letters to Darrow's two surviving grandchildren—Mary Darrow Simonson and Blanche Darrow Chase—daughters of Darrow's only child, Paul Darrow, and his wife, Lillian. (Paul's other child, his oldest daughter, Jessie, died in 1968, and Mary and Blanche have also since died.) Mary and Blanche—both of whom were very supportive of my

efforts to unearth their grandfather's letters—were in their twenties when Darrow died in 1938, and they lived just one block from him in the Hyde Park area of Chicago.

Several months after I started looking for Darrow's letters, I drove to Chicago to meet Blanche (Mary lived in Hawaii). Blanche lived in a suburb of the city with her husband, Gordon. The day before I arrived, Gordon had been down in their basement looking through some old boxes. When I arrived, they told me that Gordon had found a box filled with some old papers and they were wondering if I would like to look at the contents. I was excited, of course, but had no idea what was about to come up from the basement. Gordon brought out a box stuffed—there was no order or neatness to it—with 110 or so letters written to Darrow by some of the most famous Americans of the early twentieth century. Inside the box were letters from well-known writers, politicians, labor leaders, and other public figures, including William Dean Howells, Jane Addams, Woodrow Wilson, H. L. Mencken, Henry Ford, Helen Keller, William Jennings Bryan, William Randolph Hearst, Frank Lloyd Wright, W. E. B. Du Bois, John Mitchell, Upton Sinclair, Mother Jones, Eugene Debs, Franklin Roosevelt, F. H. La Guardia, Theodore Dreiser, and Sinclair Lewis.

Also in the box were letters and postcards from lesser-known people, including Robert LaFollette, George Jean Nathan, Arthur Brisbane, Charles Chesnutt, Richard Bennett, William Pinkerton, Anita Loos, Theodore Powys, Zona Gale, Will Durant, Brand Whitlock, Elbert Hubbard, Hamlin Garland, William Allen White, Hutchins Hapgood, Bolton Hall, Fred Gardner, John T. McCutcheon, Algernon Crapsey, Horace J. Bridges, Oscar DePriest, Carl Laemmle, and Harry Elmer Barnes. The letters spanned a thirty-eight-year period, from 1896 (a letter from William Dean Howells) to 1933 (a letter from La Guardia). This was not a random sample of Darrow's mail; someone had selected and saved these letters because of the authors. Blanche told me that she thought her father might have picked them out over the years, as souvenirs, from the piles of letters in the room that Darrow used as an office in his apartment. This is consistent with what Darrow's second wife, Ruby Darrow, told a friend in Los Angeles who was collecting letters and hoping to find some from famous people in Darrow's hands: "One reason for scarcity at close range, is:—Paul Darrow—(son of C—D—) always appropriated, and still does, all that happen along, if noticed,—and if I have remembered to call attention to them . . ."[1]

After Blanche and Gordon and I had gone through all of these letters in their living room, Gordon and I (Blanche had a problem hip and did not want to walk the stairs) went into a large storage area in a corner of their basement to search for more treasure. This was an area of the basement with shelves stacked high with boxes. We spent quite a while searching for more material, and what we found, by the end of our search, was just as exciting as what we had seen so far. In unmarked boxes and a box labeled "Christmas ornaments" we found hundreds of letters to and from Darrow and other members of his

1. Ruby Darrow to T. Perceval Gerson, 17 December 1934, TLS, CLU-SC, Gerson Papers.

family. These included approximately 330 letters written by Darrow to his first wife, Jessie, and to their son, Paul. The boxes also contained many other family letters, including approximately forty letters by Darrow's oldest brother, Everett—most of them written to Darrow from Paris, when Darrow was facing trial for jury bribery in 1911–13 in Los Angeles; letters written by several of Darrow's other siblings, including his two sisters, Jennie and Mary, and two of his other brothers, Hubert and Channing; letters written by his son, Paul; many letters written by Darrow's second wife, Ruby; a few letters and transcripts of letters written by Darrow's mother, Emily, who died when Darrow was fifteen, and by Darrow's father, Ammirus.

We found scrapbooks of newspaper clippings that Darrow's first wife, Jessie, had kept of her husband's career, including many of his early writings published in newspapers as well as news items about speeches and activities that had long been lost or forgotten. We also found nineteen letters written by Darrow's brother-in-law, J. Howard Moore (he was married to Darrow's sister Jennie). These were written to Henry Salt, the English writer and humanitarian reformer. Moore, who lived in Chicago, was a leading advocate of vegetarianism and animal rights. In addition to all of these letters, the boxes also contained many reprints of Darrow's published articles and pamphlets containing his speeches, jury summations, and debates (almost all of these were already generally available in one form or another through libraries).

The letters we found that were written by Darrow spanned nearly his entire adult life. One letter was the earliest of his that I would ever find. It was written by Darrow to his brother Everett in 1873, when Darrow was fifteen years old (it is published here). Darrow's granddaughters were not quite sure how all of these family letters had landed in Blanche's basement, nor were they sure how long they had been down there. They thought that the letters might have been in their mother's hands when she passed away in 1969, and that someone put them away after she died and forgot about them. No biographer of Darrow had ever seen the letters, as far as I could tell, with one exception.

In the basement, Gordon and I found about a dozen letters from Darrow to his son in a small box used for Kodak photographic paper, which had an expiration date on it of October 1952. A note was written on the box: "Returned by Ray Ginger." Ray Ginger (1924–75) was a historian who wrote several books on American history, including a biography of Eugene Debs (*The Bending Cross,* 1949) and an excellent account of the Scopes trial (*Six Days or Forever,* 1958). In *Six Days or Forever,* Ginger mentions that he had been working on a biography of Darrow for eight years. But Ginger never published the book. Ginger's widow told me that he dropped the idea shortly after *Six Days or Forever* was published because he realized that a proper study of Darrow, given the number of cases that Darrow had been involved with, could take the rest of his life. Sometime in the 1950s, Paul Darrow apparently allowed Ginger to see some of the letters that his father had written to him.

In any event, Gordon and Blanche and I went through many of these hundreds of letters that day in their living room, working into the evening. After we had finished

going through them, I packed up all of the papers and—with Blanche and Gordon's permission—took them to a self-service, twenty-four-hour photocopying store. I stayed up all night, carefully copying every letter and envelope. In the morning, I returned everything to Gordon and Blanche, and they fixed breakfast for me. I went back to Lincoln, Nebraska, later that day, exhausted and excited.

Twenty years later, I have located approximately 2,235 letters written by Darrow, including the letters in Blanche and Gordon's basement, and another approximately 1,550 written to him. The originals of the letters are scattered in private and public collections around the country. In fact, a lot of my spare time outside the practice of law—at least before my son was born in 2003—has been spent searching for and researching Darrow's letters. Some of the letters were easy to find, and with the help of many kind librarians, I was able to put my hands on copies of them. Other letters took more work. Darrow's letters to Frank Walsh, for example, are buried throughout Walsh's large and largely unindexed collection of papers at the New York Public Library. Finding them required several days at the library sifting through the collection.

Although 3,785 or so letters is a sizeable amount of correspondence, I always hoped that I would find more. I know that Darrow received an immense amount of mail. In July 1927, for example, he wrote to writer and journalist Mary Field Parton that the "mail is full of letters that I don't want to read and can't answer and my best friends grow discouraged waiting. What can I do?"[2] Just how often Darrow wrote replies to the many letters that he received is unknown. In the later years of his life, when he was very famous, the sheer volume of Darrow's incoming mail must have been overwhelming.

In December 1929, he wrote from Paris to Benjamin Lindsey, a judge and pioneer in the juvenile-courts movement. Lindsey, like Darrow, was a public figure with a lot of incoming mail. Lindsey had written a letter to Darrow wanting to know what Darrow did with his mail. Darrow responded saying that he seldom wrote a reply to any of the usual letters that he received:

> Most of the mail people like you & I receive are from cranks and can generally be told by reading the address. Much of it is from notoriety seekers engaged in getting autographs; they care nothing about us. They don't know the difference between Calvin Coolidge and Bunker Hill Monument. Some are sincere but what can you do about it? These are generally the worst nuisances of all. I seldom reply to any of them nowadays—[3]

As a postscript, Darrow added some advice for Lindsey: "You can't burn it all without looking at it. I once found one with a postage stamp in it."

2. Darrow to Mary Field Parton, 15 July 1927. (Letters cited without a source—like this one—are published in this book.)
3. Darrow to Benjamin B. Lindsey, 17 December 1929.

Still, I can imagine that Darrow must have written many thousands of letters in his life and received many thousands more. He lived a long life and was in the public eye for much of it. Lawyers also tend to write a lot of letters (at least they used to) as part of their work. In addition, Darrow had a political and literary side to his life, which must have generated considerable correspondence. In a preface to the 1932 edition of *Farmington*, a novel about his childhood, Darrow commented that he had "a considerable file of letters [from admirers of his book] running over more than a quarter of a century" (*Farmington* was originally published in 1904).[4] That file is now nowhere to be found. In the manuscript market, Darrow's letters are sought after by collectors and generally sell for thousands of dollars each—but do not often appear on the market.

Darrow's wife, Ruby, gave one explanation for the lack of surviving personal correspondence in a letter to Ella Winter, the widow of the journalist Lincoln Steffens. In 1936, shortly after Steffens died, Winter was working on a book of Steffens's letters. She wrote to Ruby asking if Darrow had kept any letters from Steffens. Ruby wrote back, explaining that when she and Darrow had gone on an extended vacation in Europe several years earlier, Darrow's correspondence had been discarded, apparently by someone in Darrow's law office:

> So sorry to disappoint you, but, when Clarence gave up his office a number of years ago prepatory to the year we spent abroad, he left the dismantling of his offices, storing of papers and personal-communication-assortments, in hands of a secretary who also left the firm at that time, and—when we finally unpacked boxes sent here were surprised and displeased to discover that no letters save of business nature had been saved and sent; so, among those disposed of, must have been the letters from "Steff" which now would be more than ever treasured by us as well as by you.[5]

No one knows what was lost to history in the process of dismantling Darrow's law office.

In a letter to the writer Irving Stone, when Stone was working on a biography of Darrow, Ruby described how some of the letters in Darrow's apartment had gone up in smoke very late in his life. As Ruby explained it, one day when a nurse was taking care of Darrow in the apartment, Ruby had to go downtown. While she was gone, the nurse, along with Darrow's sister (Jennie Darrow Moore) and a friend of Darrow's (George Whitehead), gathered up "boxes of [Darrow's] letters" and "pushed [them] down the incinerator."[6] Ruby told Stone that she and her husband "had the same habit of thinking letters should not be saved to confront one with a sense of obligation toward the senders," and the actions of the nurse and the other two that day had been "a kindness to surprise [her] with the disappearance of

4. Clarence Darrow, *Farmington* (New York: Charles Scribner's Sons, 1932), vii.
5. Ruby Darrow to Ella Winter, 26 October 1936, TLS, NNC, Steffens Collection.
6. Ruby Darrow to Irving Stone, n.d. ("Dear Partner:— | Mrs. McKay telephoned . . ."), DLC-MSS, Darrow Papers.

that bugbear."[7] Despite this loss, Ruby told Stone that she had, "with difficulty at times," "salvaged and secreted" some letters that were worth keeping. I assume that at least some of those letters are now part of the Darrow Collection at the Library of Congress, which is where Ruby's collection of papers, for the most part, is housed. (The collection that Ruby assembled is now split: Ruby sold the papers to Kroch's Bookstores in Chicago in November 1938; Kroch sold the collection to Stone in August 1939 [for five hundred dollars]; Stone sold the collection to Leo Cherne [1912–99] in 1941; and Cherne—a lawyer and economist who had a long and varied career and was an admirer of Darrow—then donated most of the collection to the Library of Congress, but he kept, perhaps inadvertently, an odd assortment, including hundreds of letters and telegrams to Darrow, mostly in 1912 and 1932, that are now among Cherne's papers at Boston University.[8])

Darrow's granddaughters had no intention of being careless with the letters in their hands. They wanted to be sure that their materials would not be lost to history. I encouraged them to find a place for the letters and other papers at a library or some other institution—some place that would keep the collection together and make it available to the public. (Concerned about the fragility of the newspaper clippings in Jessie Darrow's scrapbooks on Darrow, Blanche and Gordon gave them to the Newberry Library in Chicago soon after we found them in the basement.) They did not want the letters sold piecemeal to collectors. In 2005, after many years of looking for a home for the letters, the family sold most of the collection to the University of Minnesota Law School, which, by sheer coincidence, is located just two miles or so from my law office. The sale of the collection was handled for the family by Meyer Boswell Books in San Francisco, which specializes in antiquarian books and manuscripts relating to law. The law school's purchase of the collection served as its library's one-millionth acquisition. Several years after purchasing the collection, the law school launched a marvelous website that includes images and transcripts of the letters and a multitude of other items and information relating to Darrow and his cases.[9]

In 2006, just when the number of Darrow's letters that I was finding was dwindling—suggesting to me that I had nearly exhausted my search—I received a phone call out of the blue from Elva Hamerstrom Paulson, the granddaughter of one of Ruby Darrow's brothers. I had never met Elva, but she told me she had some letters that Darrow had written to Ruby. How many letters, she did not say. But she said that she was trying to decide what she should do with them. I told her that she might want to call the same

7. See also Margaret Parton to Paul Heffron, 8 April 1974, DLC-MSS, Darrow Papers ("I'm disappointed but not surprised at the scarcity of personal correspondence [in the Darrow Papers at the Library of Congress]; my mother [Mary Field Parton] told me once that Darrow almost always threw letters away once he had read and answered them").
8. See, e.g., Leo Cherne to Arthur Garfield Hays, 25 March 1948, TLc, MBU, Cherne Papers, Box 1, Folder 3 (explaining, perhaps mistakenly, in response to Ruby Darrow's concern that the collection had been destroyed, that he had donated the whole collection to the Library of Congress except for a few photographs, a cartoon sketch, and some books).
9. See http://darrow.law.umn.edu, accessed 16 July 2011.

dealer who had handled the placement of Blanche and Mary's collection. She did, and now Elva's collection of letters is also at the University of Minnesota Law School. Elva's collection included some 150 letters written by Darrow to Ruby. As far as I can tell, no one researching Darrow's life had ever seen these letters until Elva brought them to light.

To keep track of the many letters I had been able to collect, I created a database early on in my project. In this database I cataloged details on all of the correspondence, including the size of the stationery, the style of the letterhead, the city that Darrow was in when he wrote the letter, and so forth. The database is not complete in all respects but it has helped me in many ways, including determining the year in which many of the letters were written. The database did not solve all of the difficulties that I had with the letters. Over the years, a great deal of my time on this project has been spent simply trying to decipher Darrow's sometimes terrible handwriting and in making transcripts of the letters. (Darrow himself, in writing about the manuscript for his autobiography, acknowledged that sometimes even he could not "figure out" what he had written on a page.[10]) I have also spent a lot of time researching and writing annotations for many of the letters—too much time, I am sure—including many letters not published here.

CRITERIA FOR SELECTION

Because this book does not come close to including all of the letters that I found, I should say something about the criteria I used to select the letters that are published here. This book publishes in full 502 letters written by Darrow, as well as quotes from others in the annotations. In general, my goal was to reveal as much as possible about Darrow and the events and relationships in his life. At the same time, though, I tried to keep in check my own interest in the minutiae of Darrow's life. I had to remind myself—and I might have failed at this—that some of the letters that I find interesting would not hold the attention of many other people, and that many of his letters have no real historical or literary merit. But sometimes it is hard to predict what might be useful or interesting to other people. Among the letters by Darrow that I have included in this book are thirty-one that were published in books, newspapers, or magazines in Darrow's own day. With one or two exceptions, none of these has since been reprinted.

Because of limitations on space, I have not published any of the many letters written *to* Darrow. There are relatively few sustained back-and-forth sequences of letters in Darrow's surviving correspondence. But if there is a surviving letter to which Darrow was responding or a surviving letter that responded to his, I made a note of that in my annotations. If I thought that a letter written to Darrow provided some context for Darrow's own letter or if I thought it made Darrow's letter more understandable or was revealing in some way of Darrow's own activities or relationships, I often included a quote from the letter in a footnote.

10. *Story*, 323.

In this book, I have included only one letter that was written neither *by* nor *to* Darrow, and that is the first letter—one from Darrow's father to Darrow's oldest brother (Everett), informing his brother that his mother had died. I include this letter because of its beauty and because it reflects on an important event in Darrow's own life.

ARRANGEMENT OF LETTERS

The arrangement of the letters is strictly chronological, from oldest to most recent, with no commentary (other than the notes) in between the letters. I have divided the chronology of letters into five-year increments, with the exception of the first and last sets of letters. The footnote numbers for the annotations begin anew with each "chapter" of letters.

COPY-TEXT

Most of Darrow's extant letters survive in the original manuscript or typescript. Although I have tried to locate the original of each letter, a few letters apparently survive only in some less reliable form, such as carbon copies, typed transcripts, or published versions. By "less reliable," I mean that no one can be sure that the document is an accurate reflection of what Darrow wrote and communicated. Whenever possible, I used the original letter as the copy-text for this edition. If I used a published version as the copy-text, the letter typically does not include the usual greeting, date line, or salutation.

EDITORIAL CONVENTIONS AND EMENDATIONS

In editing these letters, my goal was to make the published version of each letter easily readable, but also to make it correspond as closely as possible to the original text of the letter, with as few emendations as seemed reasonable to me. I have used the following editing principles and conventions.

EDITORIAL HEADING

The heading above each letter identifies the intended recipient of Darrow's letter, the place from which the letter was written, and the day and date of the letter. In the few instances in which the identity of the recipient is unknown or unclear, I have put the recipient's name within quotation marks. I have generally used the name of the person at the time the letter was written. So Mary Field Parton, for example, is listed as Mary Field until after she married, when she became Mary Field Parton. For letters written to people (as opposed to publications), the intended recipient of a letter is identified in the Biographical Register.

The place indicates the city or town from which the letter was written or from which I believe it was written. If the place is not provided somewhere on the letter and cannot

be assumed based on the letterhead or stationery, I provide a brief explanation of my rationale for listing a particular place in the unnumbered note at the end of the letter.

After the name of the place, I provide the day and date of the letter or the estimated date of the letter. If the date or part of the date (e.g., the year) is not listed on the letter itself, I provide a brief explanation for my rationale in the unnumbered note at the end of the letter. Sometimes, the basis for the date is simply a postmark on an envelope. But often the date is based on a combination of things, such as the place from which the letter was written, the content of the letter, or the letterhead or stationery.

LETTERHEAD, PLACE, AND DATE

I have placed all together on one line, flush right and directly below the editorial heading, any main letterhead information printed on the stationery (e.g., the name of the law firm, hotel, or railroad line), the place from which the letter was written (if it was provided by the author anywhere on the letter or if it was printed on the stationery as part of the same line as the date), and the day and date of the letter (if these were provided anywhere on the letter by the author). If the letterhead or place was printed on the stationery—as opposed to being written or typed on the letter by the author—I have reproduced it in small capital letters to distinguish it from information that was handwritten on the letter by the author.

Darrow used a variety of personal and law firm stationery over the course of his life (although he also wrote many of his letters on nondescript pieces of paper). In some instances, the differences between the letterheads on his stationery are slight—sometimes only a difference in the spacing of the letters. Those slight differences have helped me in dating many of the letters, but the differences are not worth trying to depict. So the reader of this book will see, for example, CLARENCE DARROW listed as a letterhead on many letters. This actually represents several different styles of letterhead that Darrow used in the last ten years or so of his life. No matter which personal or business stationery Darrow used, I have reproduced only the first line or two of the letterhead and then always in small capitals. If Darrow wrote the letter, for example, on hotel stationery or some other law firm's stationery, the only information that I have provided from the letterhead is the name of the hotel or law firm and the city and state.

Darrow rarely wrote the place from which his letter was written or sent. He also rarely wrote the day of the week or year. His usual habit was simply to write the month and the day of the month. If he wrote any of this information on the letter, the information is printed flush right on this same line below the editorial heading, regardless of where it was written on the original letter. Thus, if Darrow wrote the place or date at the bottom of the letter, below his signature, which he did on a few occasions, the information is printed here on this first line below the editorial heading. Because the letterhead information is set off in small capital letters, I do not use a vertical line between the letterhead information and the first handwritten element of the letter. Finally, if the stationary

included the first two digits of the year and the author of the letter added the last two digits, the letter contains the full year, as if written in the author's hand.

ADDRESS INFORMATION

If a return address or the name or address of the intended recipient is in the letter itself, this information is placed in the unnumbered note at the end of the letter. In that unnumbered note a vertical line signifies a line break between the elements of the address in the original. If the name alone of the intended recipient is above a salutation in the original and the name is not used in the salutation, the name generally is printed above the salutation and not in the unnumbered note at the end of the letter.

UNNUMBERED NOTES

Immediately at the end of each letter, in an unnumbered note, I provide several items of information about the letter, if the information is available. Following the notation "MS," I provide a short description of the original letter, including the form of the letter (e.g., TLS = typed letter signed) and the owner or source for the letter. If the owner of a letter is an organization, the code that I use for the organization follows the Library of Congress's MARC Code List for Organizations, if the organization has a MARC code. A list of the codes that I used is contained in the list of abbreviations. If the only source that I found for the letter was a publication, I provide a citation to the publication. If the location of the letter is unknown (because the letter, for example, was sold by a manuscript dealer), I use the notation "location of original unknown (copy in editor's files)."

Following the description of the letter and its location, I include information about the date of the letter, the place it was written, any inside address information on the letter, and information on any surviving envelope, including postmark information. If there is any other information about the letter or the envelope that I thought might be significant, I placed that information in this unnumbered note as well, after the word "NOTE."

CAPITALIZATION

In his handwritten letters Darrow often failed to capitalize the first letter beginning a new sentence. Even in the few letters that Darrow himself typed in 1911 and 1912, he would fail to capitalize the first letter. Sometimes, Darrow's poor handwriting makes it difficult if not impossible (especially with the letters *c, s,* and *e*) to determine whether he intended an uppercase or lowercase letter. I have used a capital letter to begin each of Darrow's sentences, whether he actually used a capital letter or not. Otherwise, the letters would be difficult to read. In addition to using small capital letters to indicate printed letterhead, I have used them for the text of telegrams, which were often typed in capital letters, as well as for text that appeared in small capitals in published letters.

PUNCTUATION

Many of Darrow's letters were apparently rapidly composed, and Darrow was not very careful with punctuation; in fact, he often did not bother to use it. Just as often as he placed a stop at the end of a sentence, he did not place a stop. He sometimes used commas to set off clauses and parenthetical elements, but usually left them out. Sometimes a stop or pause is suggested in his sentences by a slightly lengthier space than usual between words. Sometimes he seems to have omitted a stop at the end of a sentence if the sentence came to an end at the right margin of the page. Usually it was very hard to distinguish the end and beginning of his sentences, not only because he did not use any stop, but also (as mentioned above) because he often did not capitalize the start of his sentences. He also often did not use apostrophes.

Under all of these conditions, transcribing his handwriting exactly as it appears in his original letters would be nearly impossible without resort to some system of symbols or notation, which would necessarily become excessive and make reading more of a chore and less of a pleasure. To solve this problem, I have added stops and apostrophes as sparingly as possible, but where I believe they will make the letter more readable. Doing this often required some judgment on my part, not only in determining when a sentence ends and when the next one begins, but also in determining *how* to end the sentence. It was not always clear whether a sentence was meant to be declarative or interrogative in nature. I had to decide whether a period or a question mark was more appropriate. In those instances I simply used my best judgment.

Sometimes it is difficult to discern what type of punctuation Darrow intended. Some marks on the page looked to me like they could be dashes or periods. Here, again, I had to use my judgment. I tried to follow conventional rules of punctuation, but sparingly. In general, if Darrow supplied a stop at the end of a sentence and it should have been a question mark, I did not change his punctuation. Sometimes, though, Darrow would use a handwritten dash to fill out the remainder of a line on the page before starting the next line. This cannot be shown very easily in a book and I did not try to include these in my transcripts.

With respect to typewritten letters, if the original included a hyphen or hyphens that would have been an en dash or em dash if typeset, I have converted the hyphens to the appropriate dash. Ruby Darrow often typed letters for Darrow's signature in the last few years of his life and she had a perverse love for hyphens.[11] When she typed Darrow's letters they were often spoiled by her excessive hyphens and her odd phrases. (The writer John Cowper Powys wrote "What a silly letter" in the margin of one of Ruby's letters.[12])

11. Darrow to T. Perceval Gerson, 17 December 1934, TLS, CLU-SC, Gerson Papers ("This is written by Mrs. Darrow, as I am dictating to her at the machine; she has learned to take care of my large mail, and whatever else needs to be moved aside, as I no longer go to any office").
12. Darrow to John Cowper Powys, 9 August 1935, TLS, TxU-Hu, Powys Collection.

I have not included many of the Ruby-typed letters in this book, but her style of writing can be seen in some of the letters.[13]

With typewritten letters I have not reproduced obvious slips of the keys. For example, when the typist inadvertently omitted a space between words or used too many spaces between words I did not try to reproduce this or make a note of this. And at least one odd form of punctuation I have also made no effort to reproduce: Darrow often presented a dollar figure followed by a dash with a dot below it; I have not tried to re-create that here. Finally, any use of parentheses in a letter is from the original, including a few instances of parentheses around a question mark.[14] In some instances, the use of brackets (in previously published letters) is also from the original.[15]

SYMBOLS AND ABBREVIATIONS

With the exception of ampersands and an archaic abbreviation for "et cetera" (&c), Darrow rarely used symbols or abbreviations in his writing. But any that he did use have generally been retained.

SPELLING

Darrow often did not bother to cross the *t* and dot the *i* in his writing. This is an example of something that would be very difficult to reproduce in print but it shows the haste or carelessness with which Darrow wrote. He also often misspelled words and was not consistent in the way that he spelled some words. For example, he sometimes misspelled the names of his friends (e.g., Debbs instead of Debs or Guerson instead of Gerson) and, oddly enough, sometimes misspelled "intelligent" and "literary." On a couple of occasions, Darrow would get someone's name completely wrong. I have retained those types of errors because they might represent more than an inadvertent slip of the pen. But I have silently corrected all other rather obvious inadvertencies in spelling—what I deemed small slips of the pen. There are not many of them, but I decided that little could be gained by retaining them, even if they could all be reproduced—especially when leaving them in might be a distraction or potentially confusing. Still, when I thought Darrow's intent was clear and, in my judgment, the reader would not stumble too much or wonder whether the error was mine or Darrow's, I left the misspellings in.

Given Darrow's poor handwriting, it is not always possible to identify his spelling errors. Sometimes, with handwritten letters, if I thought Darrow *might* have misspelled a word, I gave him the benefit of the doubt and spelled it correctly. In a few instances I have added a word (in brackets) because it seems clear to me that the word was

13. See, e.g., Darrow to Frank Murphy, 9 October 1935.
14. See Darrow to Gertrude Barnum, circa April 1930; Darrow to Charles Mantinband, 23 August 1932; Darrow to John H. Dietrich, 20 September 1932.
15. See Darrow to *Chicago Tribune*, 27 January 1903.

inadvertently omitted by the typist or Darrow. For example, when Darrow himself was typing a letter in 1912 he probably typed the word "of" just off the right margin of the page.[16] I did not comment on most of the typographical errors that have been reproduced here, but a few, I thought, warranted a note. Finally, if a word or set of words was completely illegible to me, I inserted a bracketed "x" for each word that was illegible. Thus, two consecutive illegible words would be signified with "[xx]."

DELETIONS AND INSERTIONS

Deletions in the letters by the writer or the typist, including false starts, have not been retained, unless I thought that the deletion was revealing of an initial thought or something else significant. Interlineations and handwritten insertions by the typist or writer of the letter are not specifically identified as interlineations or insertions.

PARAGRAPHING

All original paragraphing in the letters has been retained. The first line of every paragraph is indented, regardless of whether the original was indented. In his handwritten letters, Darrow often did not divide his writing into paragraphs—the letters are one big paragraph. But sometimes he would suggest or hint at a new paragraph, for example, by leaving more space than usual between his lines of text. I have generally treated these as paragraph breaks, especially if a new paragraph seemed appropriate.

ANNOTATIONS

Through my annotations to the letters, I have tried to make the letters more understandable to the reader today and I have tried to show some of the relationships and events in Darrow's life that have not otherwise received much attention—including cases in which Darrow was involved as a lawyer. The notes (and my separate chronology of his life) show that Darrow's life was much more than the handful of cases and events he described in his own autobiography and that have been reviewed again and again in the literature on him. Because of the period in which he lived and worked—stretching from the Gilded Age to the Great Depression—Darrow is an unusual example of a lawyer who fought for free speech and other civil liberties before as well as after World War I.[17]

In the notes, I have tried to be consistent and to strike a balance in the information provided. For example, for individuals identified in notes, I have provided, in general, more information for historically obscure people and for those who figured prominently in Darrow's life (whether they are obscure or not). Likewise, for those individuals who

16. See Darrow to J. Howard Moore, 28 December 1912.
17. See David M. Rabban, *Free Speech in Its Forgotten Years* (Cambridge: Cambridge University Press, 1997), 8 (noting that many of the progressives who founded the American Civil Liberties Union and who became civil libertarians after the war "had little interest in the subject of free speech before the war").