

Darrow's Nightmare Prologue: Labor's Lawyer

Late 1907 - Early 1908

She hadn't bargained for this, yet she dealt with it as best she could: standing over a coal-burning stove around the clock, boiling syringes to drain an incision, and injecting codeine to ease his pain were frightful tasks she was forced to learn on the fly. Traveling by train through desolate mountains and endless stretches of desert, fearful of falling asleep and having little confidence in her nursing skills, her sole mission was to keep her husband alive from Idaho to Southern California, but the journey was grueling and she was desperate to get him to a hospital. She couldn't wait for it all to be over and return home to Chicago.

Ruby and Clarence Darrow had been married for five years. The honeymoon was over and she had accepted the disruptions that came with living with a famous itinerate lawyer, never knowing from one year to the next where her husband's law practice might take the two of them. Clarence could be abrupt, demanding and selfish, but he was also romantic, witty and kind. Till now, living with a legend had been as normal as she could have hoped for, yet the trials of the miners in Boise, Idaho charged with the assassination of a strike-breaking former governor had consumed them, leaving both in a tattered state. Thanks to the telegraph, the murder trials involving union leader William "Big Bill" Haywood and several of his men were the first to be reported upon by newspapers nation-wide. The battle between capital and labor was at center stage in America.

Darrow waged war on that stage convinced that labor unions were critical to delivering on the America's pledge to extend freedom and opportunity to all newcomers. He was bewildered by the age-old question, namely, how are we to live together and fairly share the profits generated by a prosperous economy? Must it always be the privileged few versus

the masses? Why must workers be deprived of a voice in how the fruits of their labors are apportioned? Darrow believed that organized labor was essential to helping immigrants become more than “Micks,” “Wops,” or “Kikes,” easily exploited by employers. With union membership, the marginal and dispossessed could become stakeholders in American society. As union members, immigrant workers were part of something larger than themselves; they were somebody. The passion he displayed in standing up to employers made Darrow a hero to the working man. The battle between the Western Federation of Miners (“WFM”) and the owners of the silver mines in Idaho during the early 1900s was one of many where Darrow closed ranks with the workers.

After the trials in Idaho, Clarence Darrow was the most prominent voice of the working man in a quarrel growing more violent by the day, yielding many casualties. In essays, speeches and in courtrooms around the country, he pointed his finger at employers as the instigators of the conflict, accusing them of having blood on their hands. With each new confrontation the stakes got higher and the fight more bitter until the rules disappeared. Yet Darrow had no illusions about the nobility of his profession and fought for his clients believing that the law and justice were rarely one and the same. For Darrow, “big criminals” wrote the laws to dominate the labor force and he fought for the working man as no lawyer before him ever had. History marches in a circle, and sometimes we glimpse where we are by probing where we’ve been. Understanding the era in which Clarence Darrow reigned as “labor’s lawyer” informs us on our nation’s employer-worker struggles in ways that resound today. Over the years, people who were hostile to organized labor grew to hate Clarence Darrow; some hoped to destroy him and delighted in the news of his health coming out of Boise.

Living in hotel rooms and eating in restaurants had gotten old quickly and Ruby had grown tired of Idaho long before Clarence was stricken by a mysterious ailment. Eighteen months into their adventure with the WFM, Darrow developed a severe pain in his left ear, a crippling pain, which could not be appeased. Leaving Idaho only to visit specialists in Spokane, Portland and San Francisco, searching for a cure - all to no avail - had taken a toll on both of them. The courtroom confrontations and the scrutiny of the participants by news reporters were exhausting. Ruby was in court every day seated in the first row, and the endless acrimony was sapping both her and Clarence's energy.

Clarence's illness and the ordeal thrust upon the two of them were something Ruby had never envisioned nearly two years earlier, when she made the arrangements to place their furniture in storage, and departed Chicago in the spring of 1906, uncertain when they would return. Over Ruby's objections, her husband had ignored the doctors and refused to withdraw from the defense of the miners; now they were paying for his stubbornness. Too weak to stand, Clarence finished the final trial while sitting in a wheelchair. With the WFM trials behind them, they headed for Los Angeles – a thirty-six-hour train ride from Boise - in search of relief from the exhausting pain that had tortured Clarence for many weeks. Fortunately, they weren't alone. Several months earlier, as only Clarence Darrow could, the nation's best-known lawyer struck up a relationship with a stonecutter from Chicago, Billy Cavanaugh, who was in Boise working on a new office building.

Like many working men of his generation, Cavanaugh considered Darrow a champion of the working man and admired him enormously. With a face “as round as the full moon” and a broad smile that beamed friendship to whomever he met, Billy charmed Clarence and the two became friends immediately. Billy “did not care for the future or the

past. He lived only for the present.”¹ Upon learning of Clarence’s illness and painful condition, Billy offered to massage his hero at the end of each day of the trial, giving him alcohol rubs. The strong hands of a mason were a welcomed aid in getting the weary lawyer to sleep. The morning after the trial concluded, Clarence and Ruby headed for the train to Los Angeles – co-counsel stayed behind for the verdict acquitting his clients. To their pleasant surprise, they were greeted at the train station by Billy who had also bought a ticket to Los Angeles. The stonecutter lightened the spirits of the Darrows during the long train ride as Ruby tended to her husband’s every need.

Fearing the worst, Ruby worked tirelessly, hovering over the barely-conscious Clarence until they arrived at the hospital, where there were greeted by friendly faces ready to help the well-known lawyer. The doctors were puzzled by the symptoms, not knowing what to do as the pain persisted. Determined to persevere until they understood what they were up against; the couple rented a small furnished apartment near the hospital, at the top of “Angel’s Flight” (a hilly portion of the city reached by rail car) where they had a view of the city and the mountains nearby. They lived in the apartment for nearly a month, returning to the hospital from time to time.

One of the few people to visit the Darrows while they were waiting out the pain was Clarence’s friend, Lincoln Steffens, an investigative news reporter and prototype of the “muckraker.” Despite a pedigree of wealth and privilege, the reporter and Darrow were of like mind on the status of the working poor in America. For Steffens, muckraking journalism combined scrutiny of society’s ills with a belief in the need for reform. His goal as a journalist was not just to expose dangerous working conditions, unsanitary housing, and the political corruption that made them possible, but also to seek understanding and promote

social uplift of the working poor. Steffens is best known for his influential book, *Shame of the Cities*.

As recalled by Ruby, Steffens' visit to their temporary quarters was dominated by a bit of gallows humor. "When Clarence was dangerously ill with the mastoid siege, Lincoln Steffens came to ask if there was anything he could do for him. "Yes" in case he should die would Lincoln take me as a charge to keep, a sort of gift from Clarence? -- To make sure that I would be properly taken care of in the way that Clarence himself would. -- We were not too gloomy about it, laughed it off as best we could, Lincoln promising, shaking his fist at me with the assurances that he would be under no obligation to treat me any better than Clarence had."² Steffen's first wife had died and from then on, he referred to Ruby as "Number 2." Over the years, he would write to Ruby, always beginning with "My Dear No.2." The Darrows' relationship with Steffens would prove critical in the years ahead; he stood by Clarence and Ruby when others abandoned them.

With no change in Clarence's pain level, the Darrows began thinking of returning home. They figured one place was as good as another to be miserable and as they were making arrangements to leave for Chicago, a portion of Clarence's skull behind his left ear became swollen. This was the sign the doctors had hoped for; he had a freak case of mastoiditis, an infection of a bone behind the ear, and soon after entering the hospital, preparations for surgery began immediately.

Surgery was fairly routine but Clarence's condition had declined frightfully, creating large challenges for his recuperation; success of the operation was all but certain yet survival of the patient was not. In the days that followed, only Ruby could soothe him and continued caring for her ailing husband, with little help from the nursing staff. While at the hospital,

she kept a twenty-four hour a day vigil, never leaving his bedside except to bring him food, send telegrams, or for a short nap. As Ruby would recall years later, “No one could prepare what he was to slightly partake of except Rube --- She knew how he liked things, and as he had no appetite, and was extremely frail, a privilege never before granted was arranged, so that at any and all hours, day and night, I was permitted to go into the kitchen to prepare and take to him whatever I thought he’d accept, but he usually only took little tastes. The wonder he did not die from malnutrition.”³

His appetite nil and his nerves shot from months of excruciating pain and anxiety, Clarence’s condition had deteriorated so badly that his life was “suspended on a thread.” Overlaid on these worries was the Financial Panic of 1907 which had caused a calamitous run on the banks across the nation. One of the bankers affected by the downturn was a Mr. Lutz (history doesn’t tell us his first name) a friend and business partner of Darrow’s from Gardner, Illinois. The two of them had invested in a gold mine in Mexico, “Black Mountain,” and Lutz was frantic to secure Darrow’s signature so he could liquidate their interests. The newspapers had alerted him to Darrow’s whereabouts and he began sending frantic messages, with every one of them intercepted by Ruby. Lutz’s urgent telegrams were followed by “special letters, threats, appeals, requesting only C.D.’s signature authorizing the others to dispose of the mine investments before completely dissipated.”⁴ Absent a reply to Lutz from Clarence, the entirety of their investment together would be lost; none of the messages got past Ruby. All was lost.

Clarence had never told his wife of this investment and based upon the hysterical messages from Lutz – one alluded to suicide - Ruby feared that her husband would not be able to handle the stress. The doctors agreed and supported her decision; Clarence could be

told nothing of Lutz until he had regained his health. Days turned into weeks and gradually, Clarence regained his strength and presence of mind. On the day the doctors agreed that he was strong enough, they joined Ruby in gently breaking the news about Lutz and the failed Mexican investment. When Clarence absorbed the fact that his entire investment in Black Mountain was gone, he arose from his bed and charged across the room to Ruby. “Do you realize what you’ve done to me? You’ve thrown away my life savings, my dream of retiring. Now I’ll have to begin all over again – be a slave to that irksome law work – we’ll never be able to travel the world, write all those books! I’ll never forgive you for this – never, never!”⁵

Darrow’s financial ruin burned a hole in his pride and destroyed his dream of leaving the law to become a writer. He had to have known Ruby wasn’t at fault but it was easier to blame her than acknowledge the foolishness of investing all his savings in a get rich scheme in a gold mine, in a foreign country. In time, and in his own way, Clarence forgave Ruby and they got through it, yet a sour residue lingered. It’s been said that “in every relationship there is a lover and a beloved;” in the Darrow marriage there was no mystery who was the beloved.

For the remainder of his life, it was Ruby, who handled the logistics and mastered the details to place Clarence where he needed to be to continue fighting the good fight. On every journey to the hinterlands, the crusader was accompanied by his wife who provided the sustenance to insure he never faltered. Ruby was his mainstay. After the Idaho nightmare, Darrow would likely have faded from prominence without her. Vital to the care and feeding of a crusading lawyer - loved and hated, admired and disdained, forever leaving home and traveling afar for the next battle in hostile territory – was the creation of a refuge, where his wounds were mended and his energy restored. Overlooked and misunderstood, this was

Ruby's role in the life of the best-known lawyer in modern history, a story that till now has never been properly told. Only through an understanding of their marriage, and their worst two years together, can we gain the true measure of the man: his strengths and weaknesses, his foibles and needs.

In February of 1908, it was Ruby who bought the train tickets, directed the handling of their baggage, checked him out of the hospital, squared up with the landlord, telegraphed friends back home, made arrangements for transportation to the train station, and escorted the man she adored – bent over, head bandaged with only one eye showing – back to their beloved Chicago.

The Darrows were finally going home. Their two years away from Chicago had been awful but not as traumatic as the challenge they would face three years later on their return to the City of Angels.

¹ Darrow, Clarence, *Story of My Life*, p.168, Scribner's, New York, 1932

² Ruby Darrow's letter(s) to Irving Stone, Library of Congress, hereafter "CD LOC."

³ Ibid

⁴ Ibid

⁵ Ibid