

Chicago Daily Law Bulletin®

Volume 161, No. 172

Atticus Finch, the sins of our fathers and the 'sad blot' on their legacies

In 2003, the American Film Institute released a list called "100 Years — 100 Heroes & Villains." No surprise, James Bond and Indiana Jones were high on the list. But the No. 1 hero was criminal defense lawyer Atticus Finch of "To Kill a Mockingbird."

It was F. Scott Fitzgerald who once said, "Show me a hero and I'll write you a tragedy." So Harper Lee did just that with her recent book "Go Set a Watchman." If "Mockingbird" is often placed in the young adult section of a bookstore, then "Watchman" belongs on the "Adult Confronting Reality" shelf.

It is an absolute must-read for lawyers.

You know the "Mockingbird" story. Finch is a white lawyer in 1930s Alabama who is assigned by a judge to defend Tom Robinson, a black man charged with the rape of a white woman. Finch at one point stops a white mob from lynching his client.

During the trial, Finch clearly shows that the alleged victim and her father are both lying. Nonetheless, the all-white jury convicts Robinson. Throughout the book, Finch's daughter, Jean Louise (nicknamed Scout), idolizes her father and all he stands for.

"Watchman" begins in the 1950s, just after *Brown v. Board of Education* was decided. Scout, now a young woman, takes a train from her new home in New York City to visit her hometown of Maycomb where Atticus is still practicing law.

The trip takes a disquieting turn when she finds a racist pamphlet titled "The Black Plague" in her father's house. She is shocked to learn from her aunt that Atticus is on the board of directors of Maycomb's branch of the White Citizens' Council. Her aunt tells her that Atticus is at that

moment at a council meeting.

The meeting is held in the very courtroom where Scout and her brother had watched her father in "Mockingbird." Moreover, just as in "Mockingbird," she watches the meeting from the "Colored Balcony." She is horrified when she observes Atticus introducing the racist speaker for the evening. During the racist's speech, "She felt sick. ... Every nerve in her body shrieked, then died. She was numb." In a daze, she flees the courtroom.

The next morning, before she can say anything to Atticus, his law partner arrives to tell them that a drunken driver, who is black, had fatally run over an old white man the night before. The black man is the grandson of the Finches' long-time housekeeper, Calpurnia.

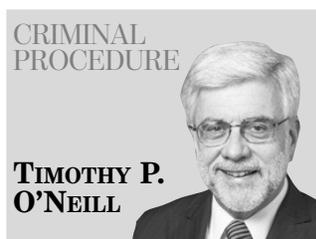
The law partner tells Atticus that he assumes Finch wants nothing to do with the case. But Scout is relieved to hear her father say, "Of course we'll take it."

But, in one of the more startling passages, Atticus then explains why he will take the case. He does not want the case to end up "in the wrong hands."

When Scout asks what he means, he says that the "colored, NAACP-paid lawyers are standing

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around like buzzards down here waiting for things like this to happen. ... They watch and wait, just for some felony committed by a Negro against a white person [and] they demand Negroes on the juries. ... [T]hey raise every legal trick in their books [to] try to force the judge into error. Above all else, they try to get the case into federal court." Atticus



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then says all this can be avoided if he takes the case and arranges a plea bargain.

The remainder of the book describes Scout's attempts to deal with the dissonance created by her realization that her father is not the saintly figure she had once imagined. It is a nuanced, sophisticated story about flawed people coming to terms with the other flawed people they both know and love.

Stephen L. Carter, a Yale Law School professor and an African-American, praises the book for reminding us that "People we admire can harbor terrible views."

At one point the book informs us that Atticus had been a member of the Ku Klux Klan. Carter reminds us of another white Alabama lawyer who at one time was also a Klan member —

Hugo Black, one of our greatest Supreme Court justices. And the rationale Black offered during the confirmation process — the pressures on public men in the South to join the Klan in the 1920s — is eerily similar to the reason offered for Atticus' membership.

Coincidentally, while reading the novel I also read David O. Stewart's new biography of

James Madison, "Madison's Gift." Like the fictional Finch, Madison could also never resolve the issues of race and slavery in the South.

Prior to the Constitutional Convention, Madison — a slaveholder who had been served by slaves all his life — wrote, "Where slavery exists the republican theory becomes still more fallacious." And he was honest enough to admit that the real division between the colonies was neither size nor population, but "their having or not having slaves."

Yet when push came to shove, Madison still supported all the compromises made to slavery in the Constitution because "Great as the evil is, a dismemberment of the Union would be worse."

Madison could never resolve his dilemma. Stewart notes that during eight years of his presidency you cannot find a single action that either weakened slavery or improved the lives of slaves.

In later years, various friends urged him to support the abolition of slavery. To one, he noted that "our opinions agree as to the evil of slavery." To another, he called slavery "a national evil." In response to an entreaty from Marquis de Lafayette, he called slavery "a sad blot on our free country." Yet none of this resulted in any action on his part.

Some were disappointed that Madison did not free his slaves in his will. In a final act of impotent ambivalence shortly before he died, he supposedly had his wife, Dolley, orally agree that she would free their slaves in her will. But when Dolley later died, she left the slaves to her son.

There is a reason slavery is called "America's original sin." No one is unscathed by the evils it caused. Not Americans today, facing race-related deaths in Baltimore, Staten Island and Cincinnati. Not a Founding Father from the 18th century. And not even the fictional Atticus Finch.