The Court Archive:
Clarence Darrow and the Illinois Supreme Court

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Clarence Darrow is arguably one of the most famous attorneys this country has ever produced. His high-profile cases defending Eugene V. Debs, Nathan Leopold and Richard Loeb, John T. Scopes, and Ossian Sweet gained him national exposure. Darrow's ambition and success was a double-edged sword. In his autobiography, he noted that in the first half of his life, "he was anxious to get into" the newspapers and in the last half of his life, he was "eager to keep out." Residing in Chicago, Darrow was well-known as a fierce defense attorney for opposing the death penalty and as an active member of the American Civil Liberties Union.

With such a large law practice, did Darrow ever argue cases in front the Illinois Supreme Court? According to the *Illinois Reports*, Darrow argued at least 18 cases from 1891 to 1936. One argument occurred in Ottawa, when the Supreme Court met in the Northern Grand Division; five arguments took place at the Illinois Capitol Building in Springfield, when the Court held sessions there; and twelve occurred at the Supreme Court Building in Springfield.

Most of the cases were not high-profile and dealt with typical legal issues. Darrow argued on behalf of Cassius Carr, and the Court reversed his conviction for practicing dentistry without a license (*People v. Carr*, 276 Ill. 329 (1916)). Darrow represented John Summerfield in his appeal of a condemnation of property case, with the Court affirming the lower court judgment (*Summerfield v. City of Chicago*, 197 Ill.270 (1902)). Two cases, however, did garner significant attention by the media.

In *People v. Bond* (281 Ill. 490), African American Isaac Bond was found guilty of murdering Ida Leegson, a white woman in Chicago in 1913, and the court sentenced him to life in prison. Bond retained Darrow, who argued that the proof did not show him guilty beyond a reasonable doubt because the criminal court admitted improper testimony. Bond claimed he could not have committed the murder because he was in Gary, Indiana, and offered witnesses to support his claim at the trial. The jury did not believe his witnesses, particularly one woman who had allegedly operated a house of ill repute. The Supreme Court admitted that the question whether she had been arrested for operating a house of ill-fame was an error but not enough to reverse the judgment.

In *People v. Rappaport* (364 Ill. 238), Joseph Rappaport was found guilty of murdering Max Dent in 1935 and sentenced to death. Rappaport had sold opium to Dent, and Dent was the principal witness against Rappaport at a federal trial in 1935. The prosecution in the murder case believed this was the motive for Rappaport killing him. Darrow represented Rappaport only at the Supreme Court, arguing that Rappaport did not receive a fair trial. The Supreme Court disagreed with Darrow, affirmed the judgment, and set the execution for October 1936. Darrow's law partner William Smith took over the case and petitioned for a reprieve to obtain new evidence. Governor Henry Horner ended up issuing a total of five reprieves over the course of several months. As a last ditch effort to prove his innocence, Rappaport agreed to take a lie-detector test, which was a fairly new instrument and made popular by its use with Bruno Hauptman in the Lindbergh baby kidnapping and murder case. Rappaport failed the lie-detector test, and Governor Horner decided not to grant another reprieve. Rappaport was executed in the electric chair on March 2, 1937.

While Darrow's legal career was much more diverse than his "famous" cases, these two Illinois Supreme Court cases illustrate Darrow's commitment to representing those who he believed were victims of injustice and reaffirm his opposition to the death penalty, which he considered barbaric in a progressive society.

Darrow died in 1938 at the age of 80 after a long legal career. His body was cremated and his ashes scattered at Jackson Park in Chicago.