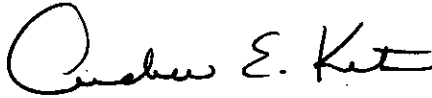


# UW – Green Bay Research Council

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## Research Scholar Cover Page

Name: Andrew E. Kersten



Phone: x2443

Email: kerstena@uwgb.edu

Address: MAC B310

Department: History

Unit: Social Change and Development

Project Title: Biography of Clarence S. Darrow

### Proposals should include:

**Proposal Narrative**

- A 5-6 page, double-spaced description of the proposed project with four sections:
  - a) A thorough narrative about the project itself
  - b) An explanation of the relationship of the project to existing scholarship (including relevant citations, as applicable)
  - c) An indication of how the project would contribute to the faculty member's professional development and overall program of research
  - d) A detailed description of the final product that would result from the Research Scholar's work

**Proposed Timeline**

- A 1-page proposed timeline for completion of the project (with markers of progress and some product to be completed within the semester and, if appropriate or necessary, a final product to be completed by the end of the following semester).

**Curriculum Vitae**

- A 2-page abbreviated vita limited to relevant research experience

**Approval from Department Chair**

Institute for Research  
Mail: WH 303  
Phone: 2784/2565  
Fax: 2043

## Research Scholar Program

### Proposal Narrative

#### *Section I: Description of the Project*

Currently I am writing a biography of Clarence S. Darrow (1857-1938), the famous defense attorney. Darrow remains at once among the most well-known and most misunderstood Americans. His cases are legendary: Eugene V. Debs versus the Pullman Company, the McNamaras/L.A. Times bombing trial, the Scopes Evolution trial, and the criminal trials of Nathan Leopold and Richard Loeb, Ossian Sweet, and Thalia Massie. He is a cultural, not merely a historical, icon. Without realizing it, many Americans visit with him every week as they watch their favorite crusading television lawyer seek social justice by winning a single case. Darrow's deeds have thus outlived the long-lived lawyer. What remains elusive to historians and biographers, however, are Darrow's motivations. Why did Darrow stand up for the poor, the downtrodden, radical unionists, murderers, and atheists? Was it merely that he relished being the "attorney for the damned"? Or was something more operating? Those who have investigated Darrow's philosophies of life and the law have come up short. In his 1941 classic, *Clarence Darrow for the Defense*, one of Darrow's best biographers, Irving Stone, threw his hands up: Darrow, he wrote, "was a sentimental cynic. He was a gullible skeptic. He was an organized anarchist. He was a happy pessimist. He was a modest egocentric. He was a hopeful defeatist. And was perhaps aware of the various contradictions he was housing under one dome."<sup>1</sup> And yet, is it possible to probe a little further into this American iconoclast? After all, Darrow knocked down nearly all of America's cherished beliefs about race, criminality, labor, religion, love, and the law. Could it be perhaps that Darrow knew what he was doing and why he was

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<sup>1</sup> Irving Stone, *Clarence Darrow for the Defense* (New York: Bantam, 1941, 1958), 86.

doing it? My biography seeks to answer those questions and to present a new view of Darrow based on primary source collections as well as a myriad of books, articles, and pamphlets about and by Darrow.

No more than anyone else's, Darrow's life was not neat and involved inexplicable twists and turns as well as contradictions of thought and action. However, it is clear that he adhered to several philosophical and social principles. Darrow ascribed to pessimism. He fundamentally thought that reality was essentially evil and that happiness was just beyond reach. How one carves out an existence in this world was the subject of several of his treatises (eg. *Resist No Evil*) and a few of his novels. Moreover, his philosophy appeared in his court trials. Darrow was also a right-wing socialist, although he never joined the Socialist Party. He did not reject capitalism, but he did believe that it was the state's duty to ameliorate the sad condition of the working class. Additionally, he devoted much of his life in the courtroom to rectifying the injustices that plagued the average person. Closer to home, Darrow was something of an egocentrist and a misanthrope. Although married, Darrow remained a free love disciple and only late in life came to respect the institution, and by the end of his life the only one who regularly enjoyed his company was his granddaughter, Mary. The larger question, then, is: what connects all these dots of intellect and action? Simply put, Darrow was a crusading iconoclast; he was dedicated to smashing the structures and systems of social control that inhibited freedom of choice, liberty, and pleasure.

Darrow's story is the story of how Americans confronted modernity. Born in 1857, Darrow grew up in a period of enormous transformations. During the Gilded Age and Progressive Era, the United States, as historian Robert Wiebe once explained, went from a

collection of island communities to an integrated nation.<sup>2</sup> As those national structures grew, men, women, and children seemed to lose direct control over their lives. Darrow fought against this, attempting to maintain American traditions of individualism, freedom, and liberty. While Darrow never was optimistic about the potential for his success, his work lives on and continues to inform current debates about religion, education, the labor movement, and criminal justice. In this way, my study of Darrow will illuminate larger themes and concepts that scholars find essential for understating the human condition, especially in the United States. My book will thus be an intellectual investigation that simultaneously examines the twists and contradictions of Darrow's life alongside the larger historical changes of the United States.

I plan to begin the book with the end of Darrow's life and the story of the National Recovery Administration, President Franklin D. Roosevelt's main anti-depression agency. Darrow chose this post, New Deal inquisitor, as the ultimate expression of his life's work. Previously historians and biographers have not made much of this episode, making it into a biographical coda. I find Darrow's efforts to end that New Deal experiment very instructive. It was essentially Darrow's last fight for those struggling against the large impersonal forces of American politics and economics. Beginning here will set the tone of the book, which will cover his childhood, all his major cases, all his major speeches and debates, and all his publications. In short, I plan to tell the story of Clarence Darrow as not just the story of a socially conscious lawyer. Darrow's history is the history of American thought and culture and of the political and cultural alternatives at the turn of the twentieth century.

I have already found this project enormously satisfying. I truly love working on this project since it centers on so many of my interests: the labor movement, American philosophy,

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<sup>2</sup> Robert H. Wiebe, *The Search for Order, 1877-1920* (New York: Hill and Wang, 1967).

and issues of race, class, and gender. It has expanded my professional horizons. I have already been invited to speak about Darrow at the University of Hawai'i and the University of Massachusetts-Amherst. Finally, more than my others, this book has the potential of reaching a wide audience. I have taken to this project with my usual alacrity. I have already assembled my primary and secondary source bibliographies, a sample of which is attached to this application. I have two chapters in draft form. Much will remain to be done! I have a lot of archival work to do as Darrow's papers and letters are scattered across the county. Fortunately, I do not have to visit all those libraries as my research inquiries at the smaller libraries have already yielded great results. Over my winter 2008 break, I visited Chicago to utilize the University of Chicago Library and the Newberry Library. By the summer of 2008, then, I plan to have completed the first three chapters and have completed roughly half of the research. I plan to devote the summer of 2008 to traveling to Washington, D.C. (the Library of Congress) and Ann Arbor, Michigan (the Bentley Historical Library). Thus, by the end of 2008, I should have much of the research completed and can focus on researching and writing the rest of the biography. With this Research Scholar Program award, I will be able to complete the writing of critical chapters in the Spring of 2009. My contract with Farrar, Strauss, and Giroux requires me to send them the manuscript by April 2010. With a little luck and with the assistance of the UW-Green Bay's Research Council, my plans will come to fruition.

### *Section II: Relationship with Existing Scholarship*

Recently, I signed a contract with Farrar, Straus and Giroux Publishers to write a biography of Clarence Darrow. In doing so, I join a select group of historians and journalists who have written about him. Most of their books are wonderful, and a few are award winning. Yet, no

major biography has appeared in the last 25 years. Recently historians such as Kevin Boyle, Phyllis Vine, Edward Larson, and David E. Stannard have written compelling monographs about particular courtroom cases.<sup>3</sup> Yet, for quite some time, no one has integrated these stories into a larger narrative. (I've attached a short bibliography as an appendix to this application.) My book seeks to do just that and will take advantage of these recent works as well as the large number of printed sources about and from Darrow. Additionally, the book will take advantage of the new Darrow archival collection at the University of Minnesota Law School Library, scheduled to open in September 2009. I plan to visit these institutions and many others over the course of my research. Additionally, I have written to over fifty smaller archival repositories asking for photocopies of their small caches of materials that relate to Darrow's legal career and his life. To my knowledge, no scholar has yet tapped all these repositories for a single biography of Darrow. The wide array of primary sources and integrative narrative will make my biography distinctive in comparison to the other writings on the famous lawyer.

### *Section III: Impact on Professional Development*

I am celebrating my tenth academic year at the University of Wisconsin-Green Bay. In that time, I have made steady progress toward my career goals, especially in terms of research and writing. This biography represents not only my current thinking about American history but it will also set the tone for my future professional development. I am a Twentieth Century U.S.

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<sup>3</sup> Kevin Boyle, *Arc of Justice: A Saga of Race, Civil Rights, and Murder in the Jazz Age* (New York: H. Holt, 2004); Edward J. Larson, *Summer for the Gods: The Scopes Trial and America's Continuing Debate Over Science and Religion* (New York: Basic Books, 1997); David E. Stannard, *Honor Killing: Race, Rape, and Clarence Darrow's Spectacular Last Case* (New York: Penguin Books, 2005); and Phyllis Vine, *One Man's Castle: Clarence Darrow in Defense of the American Dream* (New York: Amistad, 2004).

historian. In my research and publications, I have stressed issues of race, class, gender, ethnicity, and political reform.

All of my professional experiences—my publications and my teaching—have led me to yet another book project. The story of Clarence Darrow is a story about the ways in which race, class, gender, ethnicity, politics, and now the law have shaped the American past. Thus in some ways, this project is quite familiar to me. Darrow's cases concerned the rights of workers, the rights of African Americans, the rights of dissenters (some of whom were born outside the United States), and the rights of women. My interests in the law, however, are new, and thus have broadened my interdisciplinary expertise. Frankly, I find this new area and thrilling. Legal dramas will make the book good reading. However, my expertise in the law should help my students in all my courses, but especially my specialty courses at the lower level and upper division. Thus, my new research project on Clarence Darrow not only is in harmony with my past achievements but it will also be a springboard to new ideas about United States history.

#### *Section IV: Final Product*

This biography of Darrow, which I estimate at 300 pages, should have a broad audience. Given the subject matter, which includes assassinations, murders, free love, and terrorism, the general reading public will find interest in Darrow. Additionally given Darrow's interdisciplinary appeal, however, the book will also be of interest to various scholars: United States historians, sociologists, criminologists, and political scientists. I hope all readers will find Darrow's story compelling and instructive. I've included a draft table of contents in the Timeline below.

## Research and Writing Timeline

### **2007-2008 Academic Year (Already completed or scheduled to be completed)**

#### *Research trips*

Columbia University Archives  
Newberry Library (Chicago)  
University of Chicago Special Collections Department  
Wisconsin Historical Society

#### *Writing*

##### Chapter 1: The Irreverent Upbringing of Clarence Darrow

Darrow's childhood and education are the main topics of this chapter. I will emphasize his relationships with his parents, both of whom were freethinkers.

##### Chapter 2: A Bum Profession: Darrow and the Law before 1894

This chapter will examine Darrow's legal career before the Pullman Strike of 1894 and Darrow's subsequent defense of Eugene V. Debs. Before then, Darrow was a lawyer for the city of Chicago as well as an attorney for the Chicago and Northwest Railroad. His experiences at these posts influenced his view of the law and political power.

##### Chapter 3: The Birth of the Crusading Attorney

In 1894, Darrow left his high-paying job at the Chicago Northwest Railroad to defend Eugene V. Debs, the famous American union leader and socialist. Darrow believed that people like Debs represented fight between powerful capitalist interests and the relatively powerless average citizen.

### **Spring Break and Summer 2008**

#### *Research Trips*

Library of Congress  
Bentley Historical Library  
Darrow Museum, Kinsman Ohio

#### *Writing*

##### Chapter 4: Labor's Lawyer: Darrow in Defense of Unionism

After Darrow lost his trials for Debs, he became one of the most famous defense attorneys in the nation. From the end of the Nineteenth Century through the early Twentieth Century, he defended the downtrodden and oppressed. This chapter will focus on several celebrated cases such as the Thomas I. Kidd injunction case in Oshkosh, Wisconsin and the L.A. Times Bombing Case.

##### Chapter 5: War and Peace: Defending Civil Liberties during World War I

This chapter will discuss Darrow's fight for civil liberties, especially for Communists, during World War I.



## **2008-2009 Academic Year**

### *Research*

University of Minneapolis Law Archives  
Minnesota Historical Society  
Princeton University Archives

### *Writing*

#### Chapter 6: Fighting the Culture Wars of the 1920s

Darrow's fights against Prohibition and for evolution will be the central themes of this chapter. Additionally, I will discuss Darrow's influence on criminology, especially as it pertains to the Leopold and Loeb trial.

#### Chapter 7: Darrow as a Civil Rights and Civil Liberties Attorney

Well into his 70s, Darrow maintained his credentials as the nation's leading attorney for civil rights and civil liberties, and this chapter will examine his work in the 1920s and early 1930s.

#### Chapter 8: Darrow, the NRA, and the Forgotten Man of the Great Depression

Darrow's last case focused on the dismantling of the National Recovery Administration, the New Deal's primary anti-depression agency. Once again, Darrow argued that big capitalism had worked against the interest of the common citizen.

### **Goals for Spring 2009 Semester:**

Complete writing on the following two chapters:

#### Chapter 7: Darrow as a Civil Rights and Civil Liberties Attorney

Well into his 70s, Darrow maintained his credentials as the nation's leading attorney for civil rights and civil liberties, and this chapter will examine his work in the 1920s and early 1930s.

#### Chapter 8: Darrow, the NRA, and the Forgotten Man of the Great Depression

Darrow's last case focused on the dismantling of the National Recovery Administration, the New Deal's primary anti-depression agency. Once again, Darrow argued that big capitalism had worked against the interest of the common citizen.

## Curriculum Vitae

### **Andrew Edmund Kersten**

University of Wisconsin-Green Bay | History Department | Social Change and Development | MAC Hall, B310 |  
2420 Nicolet Drive | Green Bay | Wisconsin | 54311  
Dept Tele: (920) 465-2348 | Dept FAX: (920) 465-2890 | Home Tele: (920) 338-9153  
Email address: [kerstena@uwgb.edu](mailto:kerstena@uwgb.edu)  
Internet: <http://www.uwgb.edu/kerstena/index2.html>

#### **Present Position**

1997-Present

Professor, Department of History, Social Change and Development Unit, University of Wisconsin-Green Bay (Promotion to Associate Professor with Tenure, 2002; Promotion to Full Professor, 2007)  
I have been at the University of Wisconsin-Green Bay since I earned my Ph.D. in 1997. I teach full time, and I also am the chair of my interdisciplinary unit [10 faculty members].

#### **Education**

- 1997 *Ph. D.*, University of Cincinnati  
1993 *M.A.*, University of Cincinnati  
1991 *B.A.*, University of Wisconsin, Madison

#### **Awards, Honors, and Fellowships**

- Tenure and promotion: Promoted to Associate Professor with Tenure, 2002; Promoted to Full Professor, 2007  
University of Wisconsin-Green Bay Founders Award for Excellence in Teaching (2007)  
Inducted to Phi Kappa Phi (2006)  
United States Department of Education, Teaching American History Grant [\$822,146] (2002-2005)  
With this grant, I created a three-year, intensive program for area high school history teachers.  
See: <http://www.uwgb.edu/teachingushistory>  
UW-Green Bay Research Council, Institute for Research, Research Grant [\$600 each time] (1999, 2002, 2003, 2004, 2005)  
Franklin D. Roosevelt Institute Research Grant [\$1000] (2002)  
UW-Green Bay Research Council, Integrating Teaching and Research Grant [\$1000] (2002)  
Awarded 2001 Best Book by Former Graduate Student, University of Cincinnati History Department (2001)  
Teaching at Its Best Award, University of Wisconsin-Green Bay [\$100 each time] (Spring 2000, Spring 2004)  
University of Wisconsin System Institute on Race and Ethnicity Summer Research Grant [\$5000] (Summer 2000)  
Awarded "Best Essay of 1998" for the *Missouri Historical Review* by the Missouri Historical Society (1999)  
Charles P. Taft Graduate Fellowship [\$10,000], University of Cincinnati (1996-1997)  
Mark C. Stevens Researcher Travel Fellowship [\$800], Bentley Historical Library, University of Michigan (1996)  
Harry S. Truman Library Research Travel Grant [\$800] (1995)  
McGrane Travel Grant, University of Cincinnati History Department [\$500] (1995)  
University of Cincinnati URC Summer Research Fellowship [\$300] (1994)  
Albert C. Yates Graduate Fellowship from the University of Cincinnati [\$10,000 each time], (1991-1992 and 1993-1994)  
University of Cincinnati Graduate Scholarship [\$500] (Summer 1993)  
Chancellor's Scholarship from the University of Wisconsin, Madison [\$1500 per year] (1987-1991)

## Publications

### BOOKS

- Clarence Darrow: American Iconoclast* (FSG, forthcoming)
- Labor's Home Front: The American Federation of Labor and World War II* (New York University Press, 2006)
- A. Philip Randolph: *A Life in the Vanguard of the Labor and Civil Rights Movements* (Rowman & Littlefield, 2006)
- Encyclopedia of Daily Life: Volume 5: Nineteenth Century*, editor (Greenwood Press, 2004)
- Encyclopedia of Daily Life: Volume 6: Twentieth Century*, editor (Greenwood Press, 2004)
- Praise for the series:
- \*Reference Reviews Top Ten Printed Reference Source
  - \*2005 Choice Outstanding Academic Titles
  - \*2005 Booklist Core Collection: YA Reference Sources
  - \*2004 Library Journal Best Reference Sources
  - \*2004 Booklist Editors' Choice
  - \*2004 New York Public Library Best of Reference
- Politics and Progress: State and Society in America*, co-edited with Kriste Lindenmeyer (Greenwood Press, 2001) [Wrote introduction, chapter five, co-edited entire volume, and prepared camera ready copy for publisher]
- Race, Jobs, and the War: The FEPC in the Midwest, 1941-1946* (University of Illinois Press, 2000)
- \*Awarded 2001 University of Cincinnati History Department Best Book Award for Former Graduate Student
  - \*Reviewed on EH-Net (March 2001); *History* (October 2001): 554-555; *Labor History* (May 2001): pp. 214-215; *Journal of the Illinois State Historical Society* (Spring 2001): pp. 128-30; *American Historical Review* (October 2001): 1399-1400; *Wisconsin Magazine of History* (Winter 2001-2002): 60-61; *Journal of American History* (December 2001): 1138-1139; *Michigan Historical Review* (Spring 2002): 144-145; *History* (October 2001): 554-555; *Annals of Iowa History* (Fall 2001): 354-355.

### ARTICLES and CHAPTERS

- "Immigration," in Scott Furlong, ed. *American Politics: Diversity and Unity* (Longman, Forthcoming).
- "Untold Significance: An Interpretative and Commemorative History of Green Bay," *Voyageur Magazine* 21 (Winter/Spring 2005): 18-27.
- "Elmer W. Henderson: Civil Servant and Civil Rights Activist" in *Human Traditions: Portraits of African American Life since 1865*, Nina Mjagkij, ed. (Scholarly Resources, 2003): 165-180.
- "African Americans and World War II," *OAH Magazine of History* (Spring 2002): 13-17.
- "Joseph Padway and the Open Shop Fight During World War II," in *Politics and Progress: State and Society in America* (Greenwood, 2001): 71-84.
- "Willie Webb: A Speculative Biography of a Common Woman in the Struggle for Civil Rights," in *Ordinary Women*, Kriste Lindenmeyer, ed. (Scholarly Resources, 2000): pp. 219-230.
- "Age of Roosevelt: Web Resources," in *The History Highway*, Dennis Trinkle et al., eds. (ML Sharpe, 2000): pp. 190-98.
- "Jobs and Justice: Detroit, the FEPC, and Federal Activism," *Michigan Historical Review* 25 (Spring 1999): pp. 76-101.
- "Stretching the Social Pattern: The President's Committee on Fair Employment and St. Louis," *Missouri Historical Review* 93 (Spring 1999): pp. 149-164.  
[Awarded "Best Essay of 1998" for the *Review* by the Missouri Historical Society, 1999]
- "Publicly Exposing Discrimination: The 1945 FEPC Hearings in Cincinnati, Ohio." *Queen City Heritage* 52 (Fall 1994): pp. 9-22. [<http://library.cincymuseum.org/starweb/journals>]

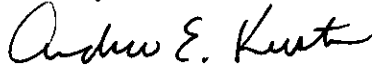
**UNIVERSITY of WISCONSIN**  
**GREEN BAY**

March 23, 2008

To whom it may concern:

With this letter, I am acknowledging that the chair of Social Change and Development has been informed of this submission for the Research Scholar proposal and the request for a course release in the Spring 2009 semester. Both the current chair and the chair-elect, Kim Nielsen, have been made aware of this proposal.

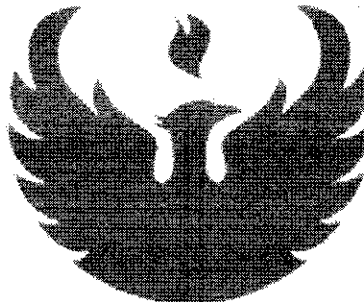
Sincerely,



Andrew E. Kersten

Chair, Social Change and Development and Research Scholar Applicant

Cc: Kim Nielsen, chair-elect, SCD



## Bibliography for Research Scholars Program Award

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- . *Resist Not Evil*. Port Townsend, Washington: Breakout Productions, 1902; 1994 edition.
- . *The Story of My Life*. New York: Charles Scribner's Sons, 1932.
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- Jacoby, Susan. *Freethinkers: A History of American Secularism*. New York: Henry Holt and Company, 2004.
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- Kazin, Michael. *A Godly Hero: The Life of William Jennings Bryan*. New York: Alfred A. Knopf, 2006.
- Lafollette, Marcel C. *Reframing Scopes: Journalists, Scientists, and Lost Photographs from the Trial of the Century*. Lawrence: University of Kansas Press, 2008.
- Larson, Edward J. *Summer for Gods: The Scopes Trial and America's Continuing Debate Over Science and Religion*. New York: Basic Books, 1997.
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- . *Clarence Darrow, A Sentimental Rebel*. New York: Putman, 1980.
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