

THE PARADOX OF ATTICUS FINCH

Some observations delivered by Ann M. Lousin at a meeting of The Chicago Literary Club on December 18, 2017

If, as has been reported, Sherlock Holmes is the most famous person who never lived, then Atticus Finch, Esq., of Maycomb, Alabama, is surely the most famous lawyer who never lived.

Indeed, he is also the most admired and beloved. Lawyers have named their sons after him. Atticus's biographer, Miss Harper Lee of Monroeville, Alabama, wrote about him in *To Kill a Mockingbird*, which appeared in 1960. It was an instant hit and even won a Pulitzer Prize. About 70% of all high schools require that their students read the book. The movie made a couple of years later is a classic; is there anyone in this room who has not seen that film, which was suitably shot in black and white film, just as most of the story line is "black and white"?

Is there a lawyer who has not teared up at that scene when Atticus Finch turns to leave the courtroom after skillfully and heroically defending an innocent Black man accused of rape by a semi-deranged White girl, only to find that the jury of Alabama Whites has found his client guilty? The Black citizens of Maycomb, who are forced to sit in the balcony of a hot courtroom to watch, once more, that there is *no* justice for Blacks in their town, pay Atticus the greatest tribute in their power. One by one, each of them stands. As Atticus looks up to see them, he sees his little daughter, Jean Louise, sitting with them. One of the Black observers----in the movie it is Calpurnia, the Finches' housekeeper--- leans over and says, "Stand up, Jean Louise, yo' father's passing by."

That scene put Atticus Finch into the pantheon of lawyers who have stood up for justice at great peril to themselves. Before the American Revolution John Adams and Andrew Hamilton defended the British soldiers in the Boston Massacre and the printer John Peter Zenger, respectively, against charges brought by the crown. In our lifetimes, there has been one lawyer, Thurgood Marshall, the *giant* of the NAACP Legal Defense and Education Fund, whom we admire most of all.

Last week, on December 12, 2017, when the Senator-elect from Alabama, Doug Jones, spoke of racial justice in his victory speech, he spoke of his fight to convict the Ku Klux Klansmen who had killed four Black girls in an Alabama church in 1963. And he referenced a quotation Dr. King loved to quote: THE ARC OF THE MORAL UNIVERSE IS LONG, BUT IT TENDS TOWARD JUSTICE.

What lawyer does not aspire to be thought of as having lived his or her professional and personal life in a way that people think of him or her as a modern Atticus Finch? I have told my nieces that when I die, I'd like them to hold a memorial service with the urn holding my ashes. As they leave the sanctuary carrying my urn, I hope they will say to those present, "Stand up, please; our aunt is passing by."

This heroic picture of Atticus Finch was besmirched by the publication of Miss Lee's book *Go Set a Watchman* in 2015. Apparently, Miss Lee wrote that book before she wrote *To Kill a Mockingbird*, but her editor at Harper/Collins chose to publish only *Mockingbird* in 1960. When *Watchman* appeared fifty-five years later, it revealed that in his youth Atticus was a member of the Ku Klux Klan and that in the

summer of 1954, just after *Brown v. Board of Education* came down, he joined the White Citizens' Council of Maycomb. Worst of all, his conversation with his daughter that summer showed he harbored racist views, while still advocating equality before the law, and that he thought the NAACP and others were "moving too fast."

So who was the "real" Atticus Finch? I think he was primarily two things. First, he was an Alabaman, a member of the White ruling class that had ruled *and* served Alabama for at least five generations. Second, he was a lawyer and state legislator, someone who had devoted his life to promoting justice and making Alabama a better place.

A few words about Alabama are in order. Its nickname is The Cotton State, and until the 20th century cotton was the major crop and major export. During the time that *Mockingbird* takes place, The Great Depression, cotton was picked by hand, with impoverished Blacks doing most of the back-breaking labor.

Alabama was admitted to the Union as the 22nd state in 1819, one year after Illinois. Montgomery, the state capital, was also the first capital of the Confederate States of America. Alabama's Latin motto translates as "we dare to defend our rights." Is it not indicative of something that its official state beverage is "Conecuh Ridge Whiskey" and its official state dance is the square dance?

By 1865 about half of Alabamans were enslaved Black people. Today it has a high percentage of Black residents, just over a quarter of the population. Almost all of the Whites are descendants of Northern Europeans, and most of the entire population are Evangelical Protestants. The Finches of Maycomb were Methodists, but there were Baptist and Presbyterian churches in the town, too.

Maycomb, Atticus's home town, was the county seat of Maycomb County. The county was both isolated in location and insular in outlook. The county was so off the beaten path that the nearest train station was twenty miles away in Abbott County. Up until the 20th century, there was so little communication with the rest of Alabama that some of the White residents, oblivious to the prevailing political forces in Alabama, still voted Republican. Maycomb County was still caught in the Jim Crow era in the 1930's and even until 1954, when *Watchman* takes place. Maycomb, the county seat, did not have a paved street until 1935.

Atticus Finch's great-great-grandfather, an English Methodist, had settled there and married into what passed for the local gentry. They become part of the ruling class of Maycomb, aptly called the Eight Families.

During the Civil War, Atticus's father, Jeremy Finch, fought in the Battle of Shiloh in Tennessee, one of the bloodiest battles of that conflict. He returned to Maycomb, married, and had four children. The oldest, Atticus, "read law" in Montgomery and returned to Maycomb to practice. Alexandra married a Maycomb boy named Jim Hancock, but later separated from him. Caroline eloped with a Mobile man at age seventeen and moved away. John Hale Finch went to Mobile to study medicine. He married, retired early, and became the Maycomb County resident philosopher and literature buff.

Atticus was born in 1882. He took care of his parents and siblings for many years, opened a solo law practice, and was elected to the state legislature. When he was forty years old, he married a Montgomery woman named Jean Graham some fifteen years his junior.

Two years later, in 1924, their son Jeremy Atticus, called "Jem", was born. Four years later, their daughter Jean Louise, called "Scout", was born. In 1930, Atticus came home from the office one evening to find his wife dead of a heart attack on the floor of the front porch.

When Atticus was only forty-eight years old, he became a widower with two small children. His only help was the Black housekeeper named Calpurnia, who was one of the few literate Blacks in town. He was more a companion than an authority figure to his children. He treated them almost like adults, never hesitating to answer their questions honestly and fully. He took them with him almost everywhere although his "everywhere" was really only Maycomb and Montgomery. Scout later recalled that she "had grown up color-blind."

Jem remained in Maycomb and was engaged to a young woman from a neighboring town when he dropped dead of a heart attack on the sidewalk in front of his father's office. He was 28 years old when he died in 1952.

Scout attended a women's college in Georgia, which she hated, and, at her father's urging, left for New York City to begin a career as a writer. She returned for Jem's funeral and then for a visit with her aging father in the late summer of 1954, when *Watchman* takes place.

What did Atticus look like? He was tall, with a broad face, a straight nose, and a wide thin mouth. His eyebrows were straight and incisive, with heavy lids. He had a genial manner, even though he retained the formal manners of his class. In short, he looked much like the movie actor Gregory Peck.

Atticus was known as a true gentleman. People described him as "the best friend they ever had." If he didn't like someone, he didn't show it. He was courteous to everyone. As his daughter said, he had instinctively good manners, the kind of man who never pushes ahead in a line. Like most small-town lawyers, he belonged to several organizations. He joined one of them, the Ku Klux Klan, when he was young, but later withdrew.

Atticus's practice was almost exclusively civil, not criminal. It was said of him that he could draft a will "so tight that nobody could break it." He did not formally charge poor clients, Black or White. Sometimes a poor client would bring a cord of wood to his house in the winter in lieu of a fee. He would sometimes try cases, but not often. Apparently, the only criminal trials he handled were those of indigent prisoners. In those cases, the judge would appoint counsel, usually a young lawyer needing experience in handling trials. As was often the case in the South, Atticus helped his housekeeper Calpurnia and her family for free.

The case for which Atticus Finch is most famous involved a Black working man, Tom Robinson. To recap for those who have not read the book or seen the movie in years: Tom regularly had to walk past the cabin of a poor White family during his workweek. Not to put too fine a point on it, the Ewells were

White trash. White people in Maycomb would have said they were "no-account", but the Ewells must have thought they had one advantage, the color of their skin. Mr. Ewell was an abusive alcoholic, and the children were unschooled and malnourished. Their cabin, scarcely more than a shack, was in the woods near Maycomb.

When Tom came by the Ewell cabin one evening, the oldest Ewell daughter asked him to help her hang a picture. As he was doing so, she assaulted him, saying she'd never been kissed and the "first time might as well be with a Nigger." Flabbergasted, Tom pushed her away and ran home. When Mr. Ewell returned, she claimed Tom had sexually assaulted her, whereupon Ewell beat *her* and then asked the state to charge *Tom*.

The local judge appointed Atticus to defend Tom. The trial is one of the best-known in the movies and in literature. Atticus's defense was electric; it was magical. I do not know of anyone who has read the account or seen the movie who was not mesmerized by it.

Yet, the White jurors could not find it in their hearts to acquit a Black man with a blameless record of the most serious charge that a White woman could bring, even though the Ewell girl was obviously semi-deranged. The honor of Southern White womanhood was at stake even if she was White trash.

It was when the courtroom was cleared and Atticus, left alone, turned to leave that the scene I mentioned before occurred. Tom's end was a tragedy. Desperate and depressed, Tom tried to escape from the prison farm where he was being held and was shot to death. Maycomb returned to normal, that being the poverty of the town exacerbated by the racial divide. A few weeks later, Ewell tried to kill Jem and Scout, only to be killed by his own knife, helped along by Boo Radley, a mentally-challenged recluse who lived nearby.

Why, then, is there now so much controversy about Atticus Finch? In *Watchman*, Miss Lee explained that Atticus said and did some things in later years that are difficult to reconcile with our image of him as hero. In her book, Dr. John Hale Finch explained to Scout the dilemma her father found himself in as the world changed after 1950. The paternalistic world in which men took care of women, the strong took care of the weak, and Whites "took care of" those Blacks who exhibited suitable gratitude to their White benefactors began to break down. People demanding rights were foreign to Atticus.

To be sure, Atticus still believed in and advocated "equal rights before the law." As his brother Dr. Finch put it, Atticus would not contradict the *words* of members of the Ku Klux Klan or the White Citizens Council, but if any of them tried to *act* upon their beliefs towards Black residents of Maycomb, he would be the first to attack their racist acts.

When Scout saw her father seated on the dais with the White Citizens Council of Maycomb in 1954, she was appalled. He seemed to be listening carefully as the outside speaker spewed his filth, denouncing everyone except White Alabamans. When she asked Atticus why he had just sat there, he replied that the outside speaker had asked to speak and the citizens of Maycomb should listen to him politely.

Dr. Finch apparently understood his brother. He told Scout that many had joined the KKK early in their professional lives in order to advance their careers. Indeed, although Dr. Finch didn't mention names, it is true that Justice Hugo Black of Alabama had been a Klansman before he became a prominent First Amendment advocate on the Supreme Court. Senator Robert Byrd of West Virginia was a paid recruiter for the Ku Klux Klan, but later apologized for his actions.

Dr. Finch told Scout he thought that Atticus was "fighting a rear-guard action," an attempt to preserve the South he had been born to serve and to fight against a new kind of South that he did not or perhaps *could* not understand. Being afraid and uncomprehending, Atticus fought back. As Dr. Finch said, "when a man's looking down the double barrel of a shotgun, he picks up the first weapon he can find to defend himself, be it a stone or a stick of stovewood, or a citizens' council." He cautioned Scout that her father was not the god she idolized, but a human being with failings.

When she finished her conversation with Dr. Finch, Scout went to her father's office and asked him to explain his actions. Atticus's statements showed her how confused he was. He was frightened of "big government", he said. He thought that *Brown v. Board of Education* encroached upon the powers, the rights of states to run their educational systems as they saw fit. One can hear in his comments Alabama's motto, "we dare to defend our rights."

It is clear that Atticus embodied The Last Gasp of the Old South, in many respects the one Margaret Mitchell wrote of, the one of "cavaliers and cotton fields" about to go with the wind.

But Atticus was also a lawyer. He never really stopped believing in justice as a goal and in his duty to advance the cause of justice. Crippled with rheumatoid arthritis and surrounded by a rapidly-changing world, he still kept up his practice the way he always had.

What would Atticus think of today's Alabama? We can assume he died several years ago. His son was dead; his daughter was in New York City; he had only his sister and a few others for company. And his world was gone, too, replaced by a world he could not understand.

However, I thought I heard something of his voice and the voices of his brother Dr. Finch and his daughter Scout the other night. We all watched Doug Jones's speech, didn't we? And many of us heard the interview with the sister of one of the little girls murdered in 1963. She said Senator-elect Jones was "a man of compassion", one who worked for justice. Like Atticus Finch, Doug Jones came out of Alabama, a state deeply troubled by its past, a past so well exemplified by Maycomb. He is a member of the Alabama White professional class.

The Senator-elect also came out of an Alabama that was a center of the equal rights movement. On December 1, 1955, a few months after Atticus told Scout that "those NAACP lawyers were moving things too fast", Rosa Parks refused to give up her seat on a bus in Montgomery, Alabama. Later, Governor George Corley Wallace "stood in the door" of The University of Alabama to prevent integration, an action that made Alabama a national laughingstock. In the end, Rosa Parks was the hero, and George Wallace repented of his actions.

Last Tuesday night, Senator-elect Jones quoted a Transcendentalist clergyman and abolitionist, Theodore Parker, who said that "the arc of the moral universe is long, but it tends toward justice." That statement is engraved on the Martin Luther King memorial in Washington, D.C. It was woven into the presidential rug that President Barack Obama commissioned.

What would Atticus Finch have said if he could have heard a modern White Alabama lawyer say, "the arc of the moral universe is long, but it tends toward justice"? I like to think he would have said, Amen.

Amen, brother, amen.