Lawyers in Willa Cather's Fiction:
The Good, The Bad and The Really Ugly

by Laurie Smith Camp

Cather Homestead near Red Cloud NE

Much of the world knows Nebraska through the literature of Willa Cather.[1] Because her characters were often based on the Nebraskans she encountered in her early years,[2] her books and stories invite us to see ourselves as others see us—whether we like it or not.

Roscoe Pound didn't like it one bit when Cather excoriated him as a pompous bully in an 1894 "character study" published by the University of Nebraska. She said: "He loves to take rather weak-minded persons and browbeat them, argue them down, Latin them into a corner, and botany them into a shapeless mass."[3]

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If Nebraska's preeminent lawyer and legal scholar fared so poorly in Cather's estimation, what did she think of other members of the bar?

The Good:

In "A Lost Lady,"[4] Judge Pommeroy was a modest and conscientious lawyer in the mythical town of Sweetwater, Nebraska. Pommeroy advised his client, Captain Daniel Forrester,[5] during Forrester's prosperous years, and helped him to meet all his legal and moral obligations when the depression of the 1890's closed banks and collapsed investments. Pommeroy appealed to the integrity of his clients, guided them by example, and encouraged them to respect the rights of others. He agonized about the decline of ethical standards in the Nebraska legal profession, and advised his own nephew to become an architect: "I can't see any honorable career for a lawyer in this new business world that's coming up. Get into some clean profession."

In Cather's short story "Clemency of the Court,"[6] the young criminal defense attorney was the only person to show any kindness to the central character, Serge Povolitcky. After Serge confessed to the ax-murder of a farmer, the lawyer "fought day and night" for him,

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"without sleeping and almost without eating," and persuaded the court that the death of Serge's dog was a sufficient mitigating factor to preclude the imposition of the death penalty. The lawyer did not consider his job done at the close of trial, but accompanied his client to the state prison, offering words of encouragement, not knowing that his client would meet with a fate worse than execution.[7]

In "One of Ours,"[8] an unnamed judge in the mythical town of Frankfort, Nebraska, heard charges of disloyalty levied against Nebraskans of German descent during World War I. He presided with an informal, practical demeanor, demonstrating respect for the defendants, control of the proceedings, and a resolve to keep peace and order in the community.[9]

The Bad:

In her short story "The Sculptor's Funeral,"[10] Cather mercifully placed the mythical town of Sand City across the Nebraska border into Kansas. The town lawyer, Jim Laird, was not really bad. The whole town was bad. The people were greedy, envious, abusive, and expected the worst of themselves and of each other. With the help of whiskey, Laird met his clients' expectations. When the body of Laird's best friend was returned to Sand City for burial, Laird addressed the town fathers:

> Why is it that reputable young men are as scarce as millionaires in Sand City? . . . Why did Ruben Sayer, the brightest young lawyer you ever turned out, after he had come home from the university as straight as a die, take to drinking and forge a check and shoot himself? Why did Bill Merrit's son die of the shakes in a saloon in Omaha? Why was Mr. Thomas's son, here, shot in a gambling house? Why did young Adams burn his mill to beat the insurance company and go to the pen? I will tell you why. Because you drummed nothing but money and knavery into their ears from the time they wore knickerbockers . . . You wanted them to be successful rascals; they were only unsuccessful ones– that's all the difference. . . . I came back here to practice, and I found you didn't in the least want me to be a great man. You wanted me to be a shrewd lawyer–oh, yes! Our veteran here wanted me to get him an increase of pension, because he had dyspepsia; Phelps wanted a new county survey that would put the Widow Wilson's little bottom farm inside his south line; Elder wanted to lend money at 5% a month, and get it collected; and Stark here wanted to wheedle old women up in Vermont into investing their annuities into real estate mortgages that are not worth the paper they are written on. . . . Well, I came back here and became the damn shyster you wanted me to be.

"I came back here to practice, and I found you didn't in the least want me to be a great man. You wanted me to be a shrewd lawyer–oh, yes!"

Jim Laird missed his best friend's funeral, because he was too drunk to attend.[11]

The Really Ugly:

Ivy Peters was ugly. His nickname, "Poison Ivy" described both his appearance and his character:

> His face . . . was red and the flesh looked hard, as if it were swollen from bee stings, . . . or from an encounter with poison ivy. [His] red skin was flecked with tiny freckles, like rust spots, and in each of his hard cheeks there was a curly indentation, like a knot in a tree-bole,–two permanent dimples which did anything but soften his countenance. His eyes were very small, and an absence of eyelashes gave his pupils the fixed, unblinking hardness of a snake's or lizard's. His hands had the same swollen look as his face, were deeply creased across the back and knuckles, as if the skin were stretched too tight. He was an ugly fellow, Ivy Peters, and he liked being ugly.

Ivy Peters took delight in torturing small animals, poisoning dogs, defrauding Indians of their land rights, and eliciting sexual favors from female clients. Upon the death of Captain Daniel Forrester, Forrester's beautiful young widow terminated the services of Judge Pommeroy, and turned to the prosperous Ivy Peters for legal counsel. Marian Forrester's choice of legal counsel was one reason the "Lady" was "Lost."

The Mortal:

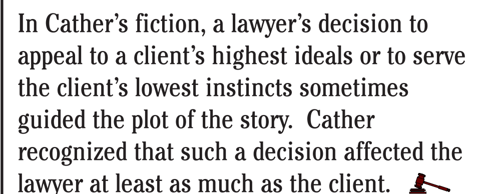
Lawyers were the central characters facing issues of mortality in two Cather short stories.

In "Her Boss,"[12] attorney Paul Wanning discovered that kidney disease would bring an end to his life within a few months. He found that his office and his young secretary were truly the environment and the company he preferred. Rather than logging billable hours, he devoted his final months to the dictation of autobiographical and philosophical writings. Upon his death, Wanning's senior partner led Wanning's family to conclude that Wanning's relationship with the faithful secretary was scandalous, thereby depriving her of the small gift he had attempted to bestow.

In "Consequences,"[13] attorney Henry Eastman grappled with the mortality of others, as he tried to understand why his friends had succumbed to suicide. Divining a connection between ethics and the will to live, Eastman said: "The slightest carelessness can rot a man's integrity . . . what we call character is held together by all sorts of tacks and strings and glue."

Of course, the real heros of Cather's fiction were not lawyers. They were farmers, laborers, teachers, musicians, artists, soldiers, and entrepreneurs, with dreams and ideals. They were three-dimensional characters, capable of greatness or pettiness, honor or disgrace.

In Cather's fiction, a lawyer's decision to appeal to a client's highest ideals or to serve the client's lowest instincts sometimes guided the plot of the story. Cather recognized that such a decision affected the lawyer at least as much as the client.



Footnotes

[1] Nebraska set the stage for Cather's "O Pioneers," "My Antonia," "A Lost Lady," "One of Ours," "Lucy Gayheart," and "Obscure Destinies," as well as many of her short stories, including "The Bohemian Girl," "On The Divide," and "Eric Hermannson's Soul." Although Jim Burden, the narrator in "My Antonia" was a lawyer, the novel did not focus on his career.

[2] Cather was born in Virginia in 1873 and moved to Webster County, Nebraska, at the age of nine. She graduated from the University of Nebraska, and moved from the state in 1896, returning often for prolonged visits until her death in 1947. She credited the first15 years of her life as the most influential and important for her literature.

[3] It is presumed that Cather wrote The Hesperian article in retaliation for Pound's disapproval of her friendship with his sister, Louise. The article caused a rift between Cather and the Pound family.

[4] 1923.

[5] Forrester's character was patterned on the life of Red Cloud banker and businessman, Silas Garber, who served as Nebraska's Governor from 1875 to 1879. His young wife, Lyra, was immortalized as Marian Forrester, the title character.

[6]1893

[7] Although the prison in "Clemency of the Court" was a den of torture, Nebraska's penitentiary was described much more favorably in Cather's 1913 novel, " O Pioneers!."

[8]1922.

[9]In her Pulitzer Prize winning novel, "One of Ours," Cather described the anti-German fervor in Nebraska during World War I, which ultimately led to the adoption of the "official language" amendment to the Nebraska Constitution (Neb. Const., art. I, Section 27) in 1920. The amendment was declared unconstitutional in *Meyer v. Nebraska*, 262 U.S. 390 (1923), but was retained in the constitution by voters in the 2000 election.

[10] 1905.

[11] In her 1902 short story, "The Treasure of Far Island," Cather described a Nebraska criminal defense attorney, also in serious need of the Lawyers Assistance Program.

[12] 1919.

[13]1915.