CLARENCE DARROW (1857-1938) is arguably the most famous lawyer in American history. Most of his fame stems from two cases: his defense of the thrill killers Nathan Leopold and Richard Loeb in Chicago in 1924 and his defense of John Scopes, the school teacher who was charged in 1925 with the crime of teaching evolution to students in Tennessee. Both cases have been dramatized on stage and in film many times. One of Darrow’s longest law partnerships was with one of America’s most famous poets, Edgar Lee Masters (1868-1950). Masters is best known for his collection of poems titled Spoon River Anthology. Both men have been the subject of many books and articles, but their relationship has been underexplored and possibly misinterpreted by historians and biographers for both men.

The problem is not so much an absence of material – although there is no great supply of letters and other personal documents to illuminate the long relationship of the two men – but rather the contradictory record left behind. Masters, in particular, is responsible for the contradictions: he left materials praising Darrow and materials attacking him. The main attack appears in Masters’s auto-
Randall Tietjen

biography, *Across Spoon River*, which was published in 1936, two years before Darrow died. On Darrow’s part, there is not much of a record to analyze; only a few letters that he wrote to Masters survive and Masters is only mentioned in passing in other letters. Darrow did not mention Masters at all in his own autobiography, *The Story of My Life*, which was published in 1932 (but then, other than John Altgeld, the former governor of Illinois, Darrow did not mention any of his law partners).

Many writers who have considered the two men together have given too much consideration to Masters’s later writings, including *Across Spoon River*, in which he discusses his early years with Darrow in some detail and purports to explain how their relationship deteriorated.¹ The best way to gain some understanding of that relationship is to consider the existing documents in the order in which they were written. Masters’s autobiography takes a bitter tone about some people in his life and, at least with respect to Darrow, it is not likely a reflection of how he always viewed his former law partner. Masters’s biographer, Herbert Russell, might support this, at least indirectly. Russell notes the contradiction between love letters that Masters wrote to his wife and his later denial in *Across Spoon River*, after they were divorced, that he ever loved her: “Bitterly angry over circumstances surrounding [their divorce], Masters tried in his autobiography to inflict a lasting revenge on Helen Masters by denying that he had ever cared for her, even in their best days.”² In *Across Spoon River*, Masters may have been trying to inflict a lasting revenge on Darrow as well, also because of Masters’s divorce from Helen.

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Darrow and Masters were law partners from the spring of 1903 (after Darrow finished his term as a representative in the Illinois Legislature) until mid-1911 (when Darrow left Chicago for Los Angeles to represent John and James McNamara, two labor-activist brothers involved with the 1910 bombing of the Los Angeles Times building). Darrow and Masters had known each other for several years before organizing a law office together. In fact, Masters’s office was in the same building as Darrow’s law office, and in early 1902, Darrow and Altgeld worked with Masters and a group of other lawyers to form a new organization of lawyers to serve as a reform alternative to the Chicago Bar Association. In the years that Darrow and Masters practiced together, they appeared in several cases that garnered a great deal of publicity — many pursuing some liberal or headline-generating cause.

In Across Spoon River, Masters (who never mentioned Darrow by name in his book) maintained that he entered into his partnership with Darrow at Darrow’s urging and with trepidation. Darrow, he said, “posed as an altruist and as a friend of the oppressed,” but Masters doubted whether he was either of those. Masters said that his father-in-law (who was also a lawyer in Chicago) did not like the idea of Masters partnering with Darrow — because he considered Darrow “immoral,” “an atheist and an anarchist, and a disturber,” and he doubted Darrow’s “sincerity and his honesty of mind.” Masters also said that Darrow was simply “not in good odor in Chicago”

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3 See “Lawyers to Form New Body,” Chicago Tribune, 8 March 1902.
4 See, e.g., United States ex rel. Turner v. Williams, 194 U.S. 279 (1904) (Darrow and Masters represent John Turner, an English anarchist threatened with deportation because of his political speeches); “Court’s Decision Deadlock Factor? Validity of Primary Law Attacked in Supreme Tribunal of Illinois,” Chicago Tribune, 16 February 1909 (Darrow and Masters represent a man indicted for election fraud under a new primary election law); “Defend the Plan of Jury Drawing,” Chicago Tribune, 25 January 1910 (Darrow and Masters defend a man charged with jury tampering).
5 Edgar Lee Masters, Across Spoon River (Farrar & Rinehart, 1936; Univ. of Illinois Press, 1991), 270.
6 Id. at 272.
at the time.\textsuperscript{7} What Masters meant by this last statement is unclear but assuming that Masters was telling something of the truth he might have been referring to the angry attacks on Darrow by some labor people in the spring of 1903, after Darrow declined to run for mayor on a labor ticket and threw his support behind Democrat Carter Harrison rather than the labor party’s second choice (and Darrow’s friend), Daniel Cruice.

Regardless of what Masters later meant or was trying to imply by saying that Darrow was not in good odor, Masters did enter into a partnership with Darrow, and he did so on terms offered by Darrow that Masters later said were fair (which apparently provided Masters with 25% of the firm’s profits).\textsuperscript{8} And according to Masters, for the first several years of their partnership, the office kept up a very profitable and prosperous business, although Masters implied that he did most of the real work for the clients. The firm’s profitability was maintained even though the firm may have done a great deal of pro-bono work. (Darrow’s widow told Irving Stone, one of Darrow’s biographers, that Darrow “always said that one-third of all business by that firm was done for nothing—for those who couldn’t or shouldn’t have to pay,—before a dollar of earnings for the firm,—and that the expense of running the offices averaged every year $10,000.00, before anything for the attorneys there—including himself,—got any.”\textsuperscript{9}) According to Masters, his ambition at the time was to “lay up enough” money in a few years’ time so that he could “retire and write poetry.”\textsuperscript{10} But this didn’t happen, and Masters, in his autobiography, put the blame for this squarely on Darrow, and on some poor personal investments.\textsuperscript{11}

Masters complained in his autobiography that Darrow “was gone from Chicago for twenty-six months” from 1906 to 1908, while

\textsuperscript{7} Id. at 270-71.
\textsuperscript{8} Id. at 271, 291.
\textsuperscript{9} Letter, Ruby Darrow to Irving Stone, 18 September 1940, Library of Congress, Darrow Papers (“LOC Darrow Papers”).
\textsuperscript{10} Across Spoon River at 271.
\textsuperscript{11} Id. at 290-91.
representing Bill Haywood, Charles Moyer, George Pettibone, and Steve Adams in Idaho, in connection with the murder of Frank Steunenberg, the former governor of Idaho.\textsuperscript{12} Masters said that Darrow took a fee of $50,000 for that work but turned in only $14,000 to the firm. “The rest he had spent in doctors’ bills [for a mastoiditis operation in Los Angeles] and in living expenses.”\textsuperscript{13} According to Masters, Darrow never paid him what he believed was still owed to him ($9,000 or 25%) from the remaining $36,000 of the fee (which Masters said Darrow, at the time, had acknowledged he owed the firm).\textsuperscript{14} Masters did not explain why expenses associated with the trial of the cases in Idaho did not legitimately come out of the fees earned. In any event, after Darrow returned from out West, their business “had fallen off” and Darrow went on the lecture circuit against Prohibition interests, “and naturally did not turn his fees as a lecturer into the law office treasury.”\textsuperscript{15} At this point, according to Masters, he himself “committed the spiritual error of falling into indifference, and even casual attention to business. . . . I had sacrificed my ambition to write to this heavy labor and had reaped scarcely anything for doing so.”\textsuperscript{16}

The partnership dissolved in 1911 when Darrow took on the defense of the McNamara brothers and moved to Los Angeles. Darrow was later charged with jury bribery in connection with the McNamara matter. Masters – who claimed in \textit{Across Spoon River} that he always believed Darrow was guilty – said that Darrow wrote to him after his indictment asking for help and that he reluctantly helped Darrow gather depositions from people in Chicago attesting to Darrow’s good character. All the while, according to Masters, he “did not want [his] name mentioned with [Darrow’s]” and “all the while [he] strugg[ed] and wrestl[ed] with the circumstances that

\textsuperscript{12} \textit{Id.} at 291.

\textsuperscript{13} \textit{Id.}

\textsuperscript{14} \textit{Id.}

\textsuperscript{15} \textit{Id.}

\textsuperscript{16} \textit{Id.} at 292-93.
would not let [him] be done with [Darrow].” In his autobiography, Masters ended his tale about his relationship with Darrow with the claim that Darrow and a lawyer for Masters’s wife (Frank Walker) teamed up on him in 1921, when Masters sought a divorce, and that the eventual divorce settlement cost him everything except his “health and . . . concentration of mind.”

The question for those interested in the lives of these two men and the relationship between them is: how much of the account in Across Spoon River is accurate or even plausible? A lot of what Masters said does not square with the scant contemporaneous record that exists. For example, Haywood, Moyer, and Pettibone were arrested for the Steunenberg murder in February 1906. The last of their trials (that of Pettibone) ended in January 1908, and Darrow returned to Chicago in February 1908, after undergoing surgery in Los Angeles. So just using a calendar, it seems that Masters was probably wrong in complaining that the Steunenberg-related cases took Darrow out of Chicago for twenty-six months (it was probably no more than twenty-four months). But more significantly, even during the period in which Masters claims that Darrow was gone from Chicago, he actually was not. None of the Steunenberg-related trials began until 1907, and letters and newspaper accounts of Darrow’s activities show that Darrow spent a considerable portion of 1906 and part of 1907 in Chicago – trying cases, debating, giving speeches, etc. (and preparing the habeas-corpus petition for Haywood and his co-defendants, which was heard by the United States Supreme Court in October 1906 and decided in December 1906).

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17 Id. at 385.
18 Id. at 397.
19 See, e.g., Letter, Darrow to Ruby Darrow, 20 October 1906, University of Minnesota Law School Library, Clarence Darrow Collection (“I am trying an other case [in Chicago (Ruby was in Colorado)] which will take a few more days. Am going to the hotel before dark and reading briefs at night.”); “Panel for Shea
Masters was also probably wrong to suggest that Darrow brought in no revenue for their firm during the “twenty-six months” in which he “was gone from Chicago” (other than $14,000 in fees from the Steunenberg-related cases). In late 1906, Darrow was presumably trying cases in Chicago for paying clients, and one newspaper story in July 1906 reported that Darrow was soon to receive a contingent fee of $3,600, after four years of litigation, from the Chicago Teachers Federation. The earliest letter between Darrow and Masters also suggests that Darrow brought in more money to the firm than Masters later remembered or was willing to admit. That letter was from Darrow in November 1907, when Darrow was in Idaho defending Charles Pettibone. Darrow was responding to a letter from Masters that apparently no longer exists, so no one knows for sure what Masters said or the tone that he took. But from Darrow’s response, we can fairly discern that Masters was concerned about the firm’s financial state during Darrow’s absence, including an unpaid bill, in an increasing amount, to William Randolph Hearst (the firm was counsel for Hearst’s Chicago newspapers) and a request or requests for money from Darrow’s son, Paul. Masters’s biographer quotes a few sentences from this letter in a manner that seems to suggest that Darrow was threatening to pull out of the law partnership rather than turn over any fees from the Steunenberg-related cases to the firm (“he would quit the firm rather than surrender his fees in the case”). But another reading of the whole letter is not threatening at all and more sympathetic to the operations of the office.

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Lacks Four Men,” Chicago Tribune, 7 February 1907 (describing Darrow’s efforts in a trial in Chicago, which he eventually had to leave because of the Steunenberg matter); but see Clarence Darrow, The Story of My Life (Scribner’s, 1932), 171 (“The whole period, from the time I left Chicago until my return, was about two years.”).

20 See “To Pay Teachers as Suit’s Result Board of Education Ends Four Years’ Litigation by Accepting Verdict,” Chicago Tribune, 17 July 1906.

21 Russell at 50-51.

22 See Letter, Darrow to Edgar Lee Masters, 29 November 1929, Harry Ransom Center, University of Texas at Austin, Masters Papers (“Masters Papers”).
In any event, if what Darrow said in this letter was correct, it shows that Darrow brought in a fair amount of revenue to the firm during his absence: “I am inclined to believe that if you look the books over you will find that the amount of money I have put in from business I got & did has more than paid what I took out, all the expenses of the office & one at least of Frank or Cy.”

Now, of course, no one knows exactly what period of time Darrow was invoking, and the firm’s accounting records have apparently not survived, so no one knows how much money Darrow took out of the firm, or what “all the expenses of the office” amounted to, or what amount Cyrus Simon or Frank Wilson – two other lawyers at the firm – drew from the firm’s coffers. But nonetheless, it seems very likely that Darrow brought in more than just $14,000 during the “twenty-six months” in which he was supposedly out of Chicago.

An article about Darrow published in William Marion Reedy’s Mirror in May 1907 also raises some doubt that Masters, at least by May 1907, had any considerable anger or resentment toward Darrow because of the Steunenberg-related cases. The author of the article is listed as “M. L. Edgar,” but it is fair to conclude that Masters was the author of the piece: the author seems to have been very familiar with Darrow’s personality, interests, background, and philosophical outlook (as a friend and law partner of several years would); “M. L. Edgar” is an inversion of Edgar Lee Masters’s name; Masters was offering items to the Mirror by this date and published under other pseudonyms in the magazine; and the writing reads like something from Masters.

The article is a glowing tribute to Darrow. The author describes Darrow as a genuine and honest person: “There is none of the poseur in Darrow; he is above all a truthful man. Some of his utterances used to sound like paradoxes or affectations; but these later days of flowering radicalism have shown them to be fundamental truths brought up by Darrow from deep reading or original speculation as

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23 Id.

he has walked through life.” The author wrote about the wide base of friends in Darrow’s life and his considerable experience and talents:

Darrow has friends in all classes. Plutocrats and proletariats testify to his work; and those who shrink from what they suppose to be his principles, confess that for himself they have admiration and affection. Darrow is a man of many talents. He can talk, he can write, he understands affairs, he sees through the game of politics, he can weigh human nature, he has had a varied experience as a lawyer, he understands the corporation’s view. He worked on that side but it seemed to him the wrong side and he left it. He knows perfectly well that what is called law is merely the rule of the particular game made by the strong to outwit and despoil the weak. Hence he laughs at the law.

The author concluded that Darrow was the embodiment of truth and kindness: “Darrow has outlived most of the misunderstanding that comes to men who think and who bravely speak. His control over men, over affairs, his power in a court and before a jury lies in his sincerity, his perfect truthfulness and his kindness. Kindness and truthfulness are the notes of his life.” If Masters wrote those words, no one should very easily accept the scathing statements about Darrow thirty years later, in *Across Spoon River*, as the sum of how he felt about Darrow when they were law partners.

A similar juxtaposition of Masters’s two views of Darrow can be made in connection with Darrow’s bribery trials in California. The very day that Darrow was indicted in Los Angeles in January 1912, Masters was among a group of prominent lawyers, judges, and politicians from Chicago who sent “unsolicited” telegrams of support for Darrow to Fremont Older’s *Bulletin* in San Francisco. Masters wrote of the great sacrifices that Darrow had made for the “cause of liberty” and labor, the “fundamental truth” of his nature, and the “largeness of his vision”:

Darrow has given his whole life and all his great ability to the cause of liberty and particularly to the emancipation of labor from unjust laws and conditions. He has done this de-
Randall Tietjen

liberately and with a full understanding of the flattery, the riches and the worldly power that would have been his had he given his talents to the service of capitalism. This supreme self dedication speaks so conclusively for the fundamental truth of the man’s nature and for the largeness of his vision that no one who takes these things into account will countenance any charge which lowers his stature.25

If Masters sent this telegram to the Bulletin unsolicited and believed what he said (both of which seem likely), then it is very hard to reconcile this with the statements that Masters made thirty years later in his autobiography, about how he only grudgingly helped Darrow obtain deposition testimony from prominent professionals and politicians in Chicago as evidence of his good character and high ideals. And although Masters’s opinion on whether Darrow was guilty of jury bribery might have changed as the evidence against him was circulated through newspapers, it is also hard to believe that, at the time of the indictments at least, Masters believed Darrow was guilty. It seems more likely that Masters’s venomous attitude toward Darrow developed at some later date, or, possibly, that it came and went depending on Masters’s mood and the events in his life.

One major event in Masters’s life was his divorce from his wife. Helen Jenkins Masters filed for divorce in October 1920. She and Masters were temporarily reconciled in 1922, but a new petition was soon filed and their divorce became final in May 1923.26 Masters’s biographer maintains that Darrow represented Masters’s wife in these divorce proceedings, along with another well-known Chicago attorney, Frank Walker. Masters suggests the same about Darrow in his autobiography.27 But Darrow did not appear as counsel of record for Helen in court filings (only Walker appeared). And

26 See Russell at 150, 180, 187.
27 Across Spoon River at 396; Russell at 150.
there were apparently no newspaper articles about the divorce that referred to Darrow. Masters acknowledged in a letter to Carter Harrison (the former mayor of Chicago) in 1938 that Darrow never made an appearance as an attorney: “In this case Darrow was not an attorney of record, Walker was; but Darrow ran everything.”  

It seems quite possible that Darrow did not play the role of an attorney but rather of a mediator. This would be consistent with Darrow’s letter to Masters in November 1919, before Helen Jenkins Masters filed her divorce petition:

Of course you know me well enough to know that I would never start suit against you or try to make you any trouble in court or out. My first impression was when the matter came to me, that I should say that I would have nothing to do with it, but on second thought, I did not know but that my relations with both parties might make it possible for me to assist both of you, which of course, I will do, without any thought of compensation, except friendship, if the matter can be worked out.

If Darrow did play the role of mediator rather than attorney, this still left plenty of room in the bitter divorce for Masters to hate Darrow — and hate him he did. Masters claimed, for example, that Darrow tried to extract a large settlement amount from him during the divorce proceedings, with a share to serve as Darrow’s fee. Whether this was a misunderstanding or whether Masters was lying or telling the truth about this is anyone’s guess. But Masters’s biographer quotes a letter from Masters to the writer and journalist Eunice Tietjens, in July 1921, in which Masters vowed to make “that son of a bitch [Darrow] the most detestable figure in American history” for the role that he played in the divorce. If Darrow did

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29 Letter, Darrow to Edgar Lee Masters, 10 November 1919, Masters Papers.
30 See Russell at 151, 395.
31 See Russell at 163 (quoting Letter, Edgar Lee Masters to Eunice Tietjens, 27 July 1921, Newberry Library, Tietjens Papers).
serve as a mediator and he had come to favor Helen Masters in the proceedings by July 1921, it would be no surprise. Darrow had a very good relationship with Helen, according to Darrow’s wife Ruby, and Masters had become a detestable figure himself by 1919 and 1920.  

According to his biographer, Masters had ignored a court order to pay child support to his wife and chose instead to spend money on affairs with other women and a two-month trip to Europe. Meanwhile, his wife had to shut down parts of their house in Chicago for the winter because she could not afford to heat the place, and she had to take in boarders to support their three children.

The attitude toward Darrow that Masters expressed in his letter to Tietjens in July 1921 makes especially odd a poem that Masters wrote in September 1922, titled “Clarence Darrow.” If Masters had set out the year before to make Darrow “the most detestable figure in American history,” he had a strange way of accomplishing it. This published poem painted a sad and sympathetic picture of Darrow, as in this stanza about the agnostic’s pessimistic belief in truth and good will:

In all my days I have found
No sadder man, gladder in his sadness.
I have found no man who went his way
With less excuse or reason fashioned for himself
Of going at all; and no man
Who believed more in truth and good will
Though he backed them only with their own
Self-evident need for being.

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32 See Letter, Ruby Darrow to Irving Stone, n.d., LOC Darrow Papers (“Mr. Masters had said that his wife had objected to the alliance [i.e., the law partnership],—but—be that as it may—she lost her heart to C.D. at once,—and to the last,—and still—is one of his most loyal champions and adorers,—and, as an echo, is fine to me!”).

33 See Russell at 159.

Masters’s new attitude toward Darrow might be explained by the fact that by the date of this poem, he had temporarily reconciled with his wife. But Masters’s biographer, relying on unpublished chapters of Masters’s autobiography written many years later, suggests that Masters’s reunion with his wife was a ruse – designed to get her to drop her demands for financial support. Whatever Masters’s true feelings or motives were in 1922 when he returned to Helen, his reconciliation with Darrow seemed genuine (unless the poem was also part of an elaborate ruse).

On Darrow’s part, there also seem to have been no hard feelings. Another year later, in August 1923, after Masters’s reunion with Helen had failed and they had finally divorced, Darrow wrote to Masters, who was hard up for money and work, and told him that he had suggested Masters for a job as assistant corporation counsel for the City of Chicago. Darrow, apparently knowing that Masters was not looking for any hard work, told Masters that “[i]t would be a fine place where you would be put in the way of business, and would not be obliged to work too hard.” Masters, whose desire was to write and not practice law, wrote in the margin of the letter what might have been his response to Darrow: he told Darrow that he could not think about the job possibility just then – that he had too much on his mind – and that he did not know, in any event, whether he should worry about making a living or devote himself to writing, and he reminded Darrow that he might know something himself about this dilemma.

When Masters was of an angry mind toward Darrow, he claimed that other poems he had written – poems much less flattering than the one written in September 1922 – were (veiled) attacks on Darrow. Masters told Eunice Tietjens, for example, in July 1921, that he had “denounced [Darrow] from coast to coast as ‘a barrel of slop’ in the poem ‘On a Bust’ in Songs and Satires,” which was published in 1916, and that “he had flailed Darrow a second time in ‘Excluded

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35 See Russell at 180.
36 See Russell at 179-80.
37 Letter, Darrow to Masters, 16 August 1923, Masters Papers.
Middle’ in Toward the Gulf,” which was published in 1918. 38 Neither of those poems is very clearly about Darrow and it seems possible, if Masters was telling something of the truth to Tietjens, that only elements of Darrow were incorporated into them. But Masters’s poem “Louis Raguse,” from his book The New Spoon River, which was published in 1924, was more clearly directed at Darrow. One of Darrow’s early biographers, Allen Crandall, called this poem “one of the most savage pieces of invective ever penned.” 39 Masters’s Louis Raguse

   was a pessimist, but only by word of mouth;  
   For he lived utility for notoriety and money.  
   He was a cautious rebel,  
   Having many habitations in the neighborhood of Mammon.  
   His ethical skin was thick  
   From handling and reaching for fees. . . .  
   He was the idol of the back-hall, being plain,  
   Unclean, pathetic and weary looking like Jesus.  
   All the while his safety box was full of bonds. 40

Just what caused Masters’s widely fluctuating opinions about Darrow and his final, long attack on Darrow in his autobiography is unclear. Ruby Darrow wrote several letters to Irving Stone about Masters. She made some favorable comments about Masters in his earlier years and told Stone that she felt “extremely sorry” for Masters. In Ruby’s view, she and Masters had a good relationship during the years in which Darrow and Masters were partners. She recalled how she and Darrow had enjoyed many social evenings with Masters and his wife. 41 She was sure that Masters had greatly admired Darrow in their earlier years together. She said that Masters

38 Russell at 149.
41 See, e.g., Letter, Ruby Darrow to Irving Stone, n.d. (“Dear Irving:—I’ll do my very best . . . .”), LOC Darrow Papers; Letter, Ruby Darrow to Irving Stone, n.d. (“Edgar Lee Masters | Did I tell you this?”), LOC Darrow Papers.
had once told her “that if he had not had those years with C.D. he never would have conceived and written SPOON RIVER—and other things.”  

(Some critics agree that Spoon River appears to have been influenced, in part, by Darrow’s Farmington, a novel about his childhood that was first published in 1904.) But Ruby seemed genuinely perplexed about what caused the final rift between Masters and Darrow. As part of her effort to help Stone, she met with Masters’s ex-wife, Helen, and their daughter, Marcia, to talk about the matter, and she talked by telephone with Masters’s son, Hardin. Ruby – whose letters have their own problems with accuracy – came away from those conversations with a variety of explanations for the rift, most of them relating to Masters’s personality (“stubborn, unyielding, unforgiving”).

Jealousy or resentment might have also played a part. Masters, after all, arguably suffered as a one-book wonder. He never could repeat the popularity of Spoon River Anthology (1915), and he was forced to spend much of his life making a living from the law, which he intensely disliked. Darrow, on the other hand, excelled in the profession that Masters loathed. And during the 1920s and 1930s, while Masters struggled with personal, financial, and literary defeats, Darrow continued to grow in fame and stature, both as a lawyer and as an author. Nothing that Darrow wrote ever came close to achieving the standing of Spoon River Anthology in American literature. But then nothing that Masters did ever elevated him to the kind of fame that Darrow has enjoyed. When looking at their lives and accomplishments over many years, it’s not hard to see some of the potential causes for the problems in their relationship.

42 Letter, Ruby Darrow to Irving Stone, n.d. (“Edgar Lee Masters | Did I tell you this?”), LOC Darrow Papers.