



HOWE & HUMMEL ON 5TH STREET

Jacob A. Stein

RECENTLY, A BOOK CAME MY WAY entitled *Scoundrels in Law*, by Cait Murphy. Under the title are the words “The Trials of Howe & Hummel, Lawyers to the Gangsters, Cops, Starlets, and Rakes Who Made the Gilded Age.” This is not the first Howe & Hummel book. The first was written by Richard H. Rovere and published in 1947, entitled *Howe & Hummel: Their True and Scandalous History*. It opened with the comment that the 1891 *National Police Gazette*, then a popular magazine, named in its Hall of Fame edition the best known people of the time, such as President William Henry Harrison and Queen Victoria, and famous actresses, such as Lillian Russell and Lillie Langtry.

Included with such people of fame and grandeur were two New York attorneys, William F. Howe and Abraham H. Hummel. Why were they included? Why, because they were known to be the greatest criminal lawyers of their day.

Howe & Hummel started when, in 1869, Howe and Hummel shook hands and became partners, sharing their profits and losses. The partnership ended in 1902 when Howe died. By that time, the firm had defended more than a thousand people charged with murder or manslaughter. They were great self-promoters connected with the press which headlined their victories. They also had a thriving theatrical practice representing actors, actresses, and promoters.

Jake Stein is a partner in the Washington, DC firm of Stein, Mitchell & Muse LLP.

Howe was the great jury lawyer of the two. He was the man that every defendant in trouble wanted. Howe was not only big in his accomplishments, he was big in size. He looked like President William Howard Taft. He used some of his girthly real estate for his jewelry and his Gilded Age clothing. He was prosperous and he wanted to look prosperous. He was heard to say that no one considers hiring a trial lawyer who doesn't sport a few diamonds.

A New York paper said this:

[He had a] set of studs, pins, and buttons twinkled on a shirt front that was a wonder of brown patterns. A clover leaf with white, pink, and black pearls held a diamond dewdrop between the points of his collar, and an immense diamond fob hung from the gold chain across his ample chest.

Howe and Hummel were opposites. Howe big and flamboyant. Hummel 20 years younger, short and somewhat reserved.

During Howe & Hummel's time, the New York bar included Frederick Coudert, Chauncey Depew, John R. Dos Passos, Charles Evans Hughes, and William Travers Jerome. They were well known, but to the public, Howe and Hummel were better known than all the rest.

I learned from Ms. Murphy's book that they wanted all the publicity they could get in their professional endeavors, but each kept his personal life to himself.

Howe claimed to be born in Massachusetts, the son of an Episcopal clergyman. He allowed as how he picked up his British accent by spending most of his boyhood in England. He claimed he studied law at King's College in London and practiced at the London Bar. He then returned to the United States and began practicing law in 1857 or 1859.

There was talk that he was a parolee, "a step ahead of the law."

Ms. Murphy questions that he had been born in the United States. "In an 1874 case in which the operators of a boarding house sued the firm, Howe referred to becoming a naturalized citizen."

Hummel, it appears, was born in Boston, came to New York and attended a Lower East Side public school. "Hummel was a devoted brother to two sisters and an attentive uncle, but nothing is known

of his parents, their occupations, his education, or how he came to 89 Centre Street [the address of the firm] in the first place.” He began doing menial jobs for Howe, who saw something in Hummel. They became partners when Hummel was admitted to the Bar.

When Howe died he was the dean of the criminal bar. After Howe’s death, Hummel did not fare too well. He continued with the firm but the times were changing. The aggressive New York District Attorney, William Travers Jerome, was determined to indict and convict Hummel. In 1906, a jury found Hummel guilty of conspiracy.

During their career Howe and Hummel got acquittals either by corrupt influence or by competence, or by both. Howe contrived to make it appear that the poor defendant should not be on trial, it was someone else; the unrequited lover, the police, the prosecutor, the missing witness, the lying witness. But never the defendant.

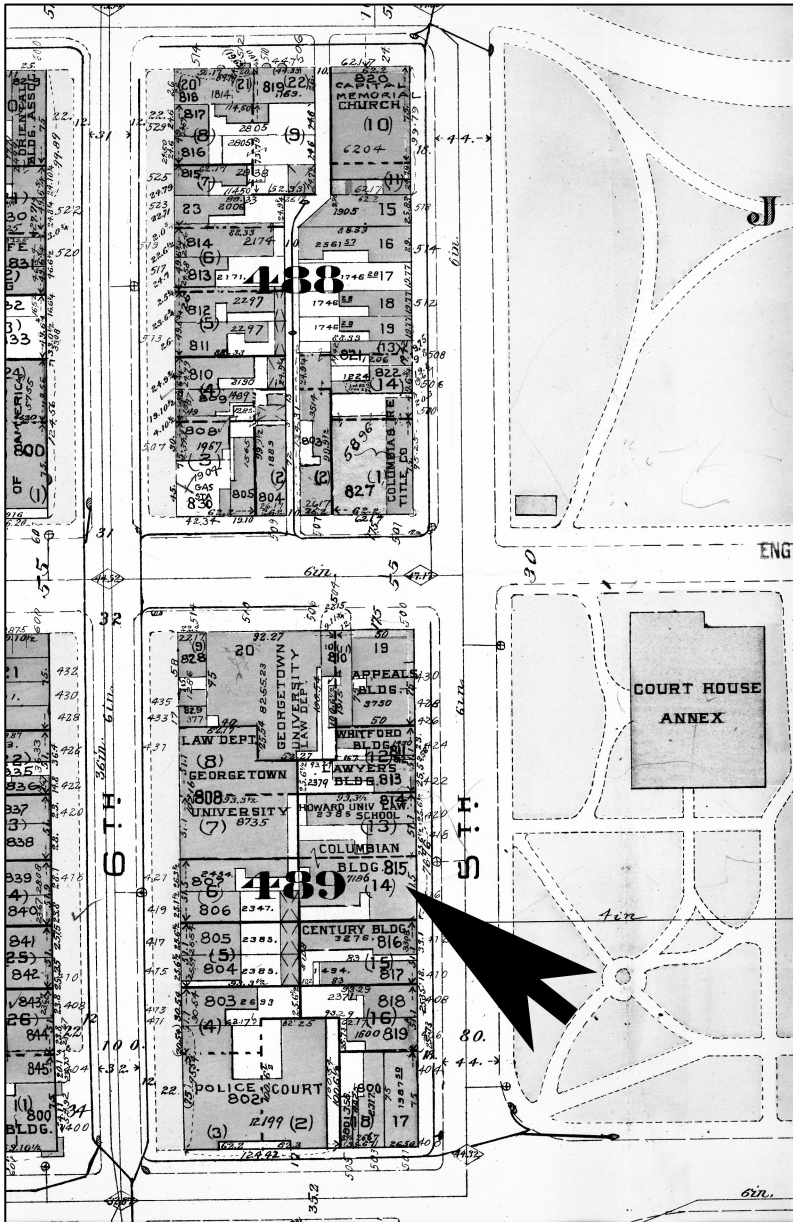
As I read Ms. Murphy’s interesting book, there came to mind the times in Washington when there was police corruption and unethical conduct by lawyers, when needed, and when needed they were very good in court. These were the days right after the war, in 1945.

Criminal lawyers collected themselves on the west side of 5th Street, between D and F Streets, conveniently across from the courthouses. Their home was the old Columbian Building, located between E and F.

I found my way to 5th Street and the Columbian Building in 1948. I had passed the bar and I had taken a one-room office close by. It was then that I first became acquainted with the Columbian Building’s occupants.

As I write, I recall the large offices with old woodwork and the old-style high ceilings. Some lawyers’ offices had oaken framed pictures of judges who died when the city was young, their chins resting on starched collars with the loosely strung black tie.

Georgetown University Law School occupied an old red brick building on 5th Street. That great law school cast many ambitious youths into the stream of people who circulated along 5th Street, which, in those days, was the criminal bar’s Rialto.



Baist's Real Estate Atlas of Surveys of Washington, District of Columbia, volume 1, plate 36 (1919) (detail), showing the Columbian Building (arrow) in the same block as the Georgetown University Law Department.

The Columbian Building lawyers advertised themselves by giving the name of the practitioner within, with the biggest and boldest lawyers' letters that the sign painter could print in black and gold.

The leader of the 5th Street bar was Charlie Ford, who did not consider he had given full measure to his client unless the courtroom shook with his oratory. Whenever anyone on the police force got in trouble, Charlie was there to defend him. Of course, this would put up an obligation to be returned at the proper time.

Mr. Ford was at his best denouncing government informers and unindicted co-conspirators. He shrieked his denunciations and oftentimes delivered himself of his remarks while standing behind his defendant with hands placed on the defendant's shoulders.

One of Mr. Ford's unforgettable performances was in a hopeless first degree murder case. In a dramatic gesture he turned on his own client and recounted the evidence against him albeit in a highly editorialized version. He stepped back and pointed an accusatory finger at the client and shouted with malice and aforethought, "You manslaughterer! You are guilty of manslaughter and this jury shall convict you of manslaughter!" The jury ignored the evidence of premeditation, the evidence concerning the defendant's making a threat and then going to get the gun and returning and committing the murder. The jury took the cue and brought in a verdict of manslaughter.

Mr. Ford, as most members of the Columbian Building Bar, completed his working day around mid-afternoon. Thus he had a little too much time on his hands and he contracted the gambling habit. He earned large sums of money and he gambled away a good bit of it. During his final illness, one of his friends leaned over the bed and suggested to Mr. Ford that if he had it to do over again, he would not gamble such high stakes. Mr. Ford's response to this homily was, "Have you ever seen a Brink's truck in a funeral procession?"

In contrast to Charles Ford's screaming there was Denny Hughes' whispering. Earlier in his life he was a championship prize fighter, and in the course of his career suffered a broken jaw. Some said that Denny's recovery from his broken jaw was incomplete and

he failed to regain the full range of mandibular motion. This had two consequences. Denny gradually converted to a liquid diet and he adopted a most restrained forensic style.

Each working morning Denny left his office and walked across 5th Street to the police court. Trailing behind him were four of five assorted gamblers who represented the harvest of the previous night's police activity.

Denny was so successful in disposing of these cases by a small fine that his clients came to believe Denny was a semi-official licensing agent who would bring in the subject once a year to obtain the licensing after a plea of guilty with an explanation.

In one of the few cases Denny actually tried, he brought out on cross-examination that the raiding police had destroyed hundreds of numbers slips. In his closing argument Denny brought to the jury's attention that the widows and orphans who played the numbers were entitled to more consideration than the police gave. The police knew that the destruction of these number slips made it impossible for those who hit the number to collect on the bet. As Denny put it, this was a much more serious crime than that for which the defendants were being tried. These destructive police someday must answer for this to the highest authority.

And let us not forget Fred Lane. He was under the influence of the urbane English school of advocacy. He carefully analyzed the evidence in a detached methodical way. This is illustrated by a rape case in which Mr. Lane brought out from the complaining witness through a detailed examination of her that there was little evidence of actual fulfillment. He drove this point home to the jury in his studied way, and then posed the rhetorical question, "Why hasn't the prosecutor shown you the spermatooza? Where is the spermatooza?"

Much remains to tell. Many fantastic shapes rise up of those lawyers who live only in memory. Once the memories are stirred, how can I leave out that wonderful gentleman T. Edward O'Connell, who commenced earning a living as a sign painter on windows of the Columbian Building? Through attendance at night school he obtained his law degree and entered the profession bringing to it a

wardrobe which once seen was not forgotten. Did he purchase those splendid vests, as he claimed, in London's Burlington Arcade? William Howe would have been envious.

And what of David Smith, whom fate transported from the Columbian Building to Japan as defense counsel for a Japanese General in the War Crimes trial. I can see Dave now, dressed in black, his reddish hair parted in the middle. He could call from memory all the appellate decisions by volume and number.

And mention must be made of the bondsmen who congregated on the sidewalk in front of the Columbian Building and who carried on a healthy, economically rewarding, symbiotic relationship with the bar.

In the 1950's, the U.S. Attorney was determined to convict those on the police force who were corrupting it. A number of them were convicted. There were several suicides. There was another change on 5th Street. The Columbian Building was replaced by a conventional office building, as if it were never there.

