

## TRIALS OF THE CENTURY

*Linda Deutsch\**

Thirty years ago, I entered a courtroom in Los Angeles to cover my first “trial of the century.” It was the murder case of Charles Manson and three women followers who were accused of slaughtering actress Sharon Tate and five others in a bizarre series of murders which remain horrifying and fascinating to this day. I was a novice reporter then, and that term—trial of the century—was impressive.

But as the years passed and I became a trial specialist, I found that more and more of my cases were being labeled with this superlative. When I went to San Francisco in 1975 to cover the federal bank robbery trial of Patty Hearst, I encountered the journalistic legend, Adela Rogers St. Johns, who had come to provide her perspective on the Hearst trial.

“Adela,” I said, “They’re calling this the trial of the century. What do you think of that?”

“Nonsense,” she sniffed. “The trial of the century was the Lindbergh trial. And I was there!”

Certainly, the 1935 trial of the man convicted of kidnapping and murdering Charles Lindbergh’s baby was a sensation in its time. But when the O.J. Simpson trial came along in 1994, everyone seemed willing to throw history out the window and declare this the ultimate trial of the century.

Now, at century’s end, it is useful to look back and take stock of the court cases which defined our nation—each of them in its own way a trial of the century.

In her book, *Headline Justice*, the great trial reporter Theo Wilson wrote that memorable trials have the same impact as great theater, “filled as those trials are with revelations of human weakness and

folly, with violence and sorrow and humor and pity and passion, all

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the more fascinating because these are real people, real life.”<sup>1</sup>

“Real people, victims and defendants both, are dissected at trials,” Wilson wrote. “We see not only what they want us to see, but what is normally hidden from us, and so these trials tell us about ourselves, our own facades and the secrets behind them, our own potential for good and evil, just as do the stage plays that most intrigue us.”<sup>2</sup>

During my long courtroom career, I formulated a theory that the courts provided a stage for morality plays, with each high-profile trial mirroring the era in which it occurred. What was going on in America in the twentieth century? Take a look inside the courtroom doors and you can see out social history.

The law, that ever-shifting measure of our morality and popular culture, has given us a series of tableaux by which to take stock of where we’ve been and how close we have come to achieving the ephemeral promise made to every American: justice for all.

Racism, political persecution, and civil rights violations splatter the pages of legal history. Murder defendants have gone to their deaths swearing their innocence, and their executions sparked controversies for ages.

As the century ends, it is clear that 100 years is a short time in which to alter the soul of a nation. Progress has been a road peppered with landmines, but most experts agree that time has brought positive changes in the justice system and in a society mirrored by the trials that captured national attention.

Murder, mayhem, and civil rights. War crimes, assassinations, and corruption. Even an impeachment of a sitting president. All have been placed at the doors of the American legal system in this century.

The names are as vivid now as ever—Scopes, Fatty Arbuckle, Sacco-Vanzetti, Leopold and Loeb, the Scottsboro Boys, Lindbergh, the Rosenbergs, Sirhan, Patty Hearst, the Chicago Seven, Manson, and, of course, O.J. Simpson—just to name a few.

The most powerful cases forced society to face fundamental

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1. THEO WILSON, HEADLINE JUSTICE 4 (1996).

2. *Id.*

quandaries. In the Scopes trial, it was the place of religion in public life. The Simpson case presented troubling racial questions. Trials like the Lindbergh baby kidnapping and Charles Manson's "Helter Skelter" killings left us peering into the darkness of the soul.

Oddly, the first trial of the century mirrored the last. The defendant was a millionaire. The motive was jealous rage. The crime was bloody. Reporters and photographers swarmed the courthouse. This was the trial of the century—and it was only 1907. The defendant was Harry Thaw (O.J. Simpson would not be born for decades), and the case set a pattern for trials of the century to come.

"The Thaw trial is being reported to the ends of the civilized globe," the *New York Times* reported.<sup>3</sup>

Harry Thaw, the wastrel heir to a Pittsburgh industrialist's fortune, had walked up to noted society architect Stanford White and shot him in the middle of the White-designed Madison Square Garden in view of hundreds. Thaw's wife, showgirl Evelyn Nesbit, told her husband White once raped her.

Thaw's trial offered salacious views of the upper crust including descriptions of White's red velvet swing where he liked to have showgirls swing so he could look underneath their long dresses.<sup>4</sup> Nesbit was henceforth dubbed "the girl on the red velvet swing."

Great lawyers and great defenses always made a trial memorable, and this one had a unique defense. California lawyer Delphin Delmas claimed his client suffered from a temporary insanity known as "Dementia Americana," which afflicts any American male when his wife's purity is violated.<sup>5</sup> After two trials, Thaw was found not guilty by reason of insanity. He spent the rest of his life in and out of insane asylums.<sup>6</sup>

It was a long road from the Thaw trial to O.J. Simpson, but some things did not change.

"At their heart, trials are about people and the bizarre things people do," said Laurie Levenson, Professor of Law at Loyola Law School. "People don't change that much. Trials are about the good

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3. *Quoted in* GREAT AMERICAN TRIALS: FROM SALEM WITCHCRAFT TO RODNEY KING 241 (Edward W. Knappman, ed., 1994).

4. *See id.* at 240.

5. *See id.* at 241-42.

6. *See id.* at 242.

and evil of people.”<sup>7</sup>

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7. Interview with Laurie L. Levenson, Professor of Law, Loyola Law School, Los Angeles, Cal. (Summer 1999).