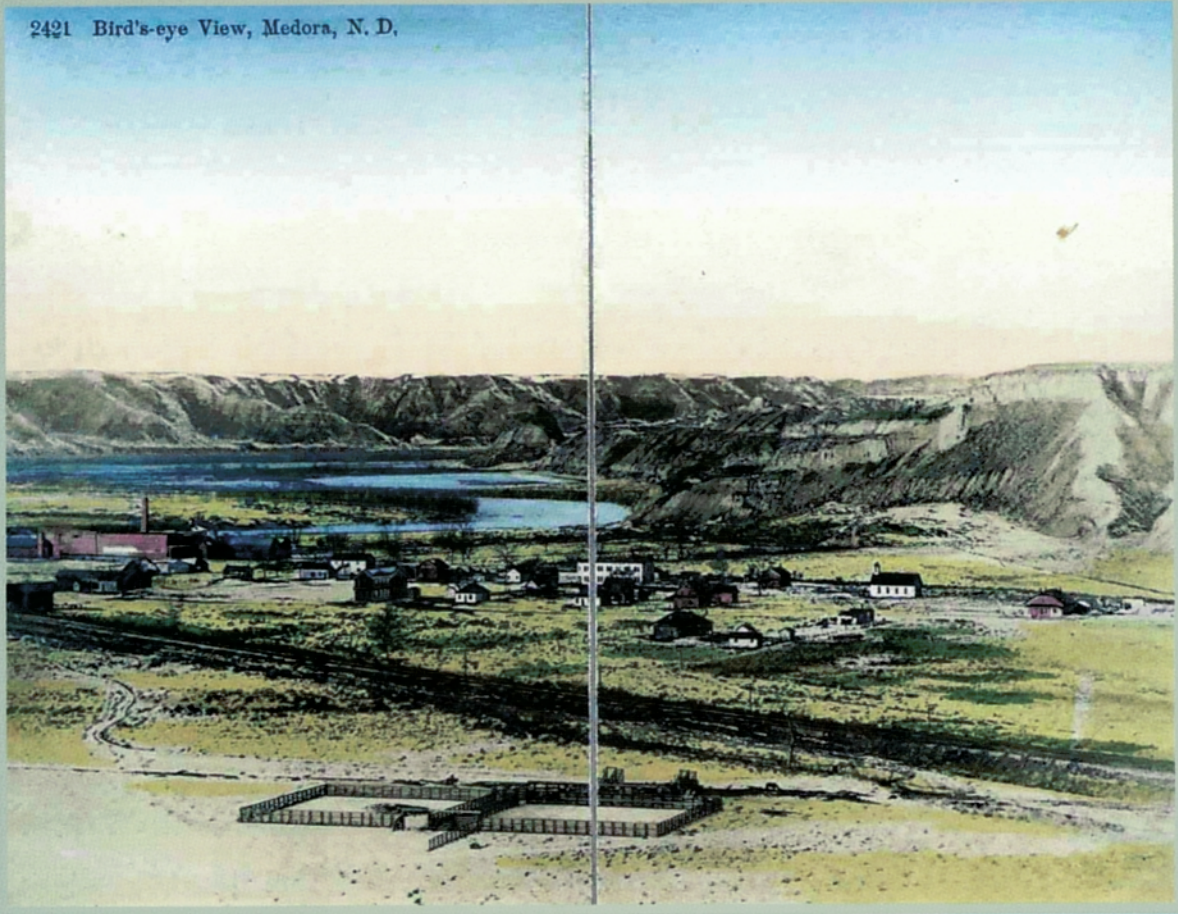


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# JOURNAL

2421 Bird's-eye View, Medora, N. D.



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VOLUME XLI, NUMBERS 1 & 2, WINTER-SPRING 2020

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## Book Review

Dan Abrams and David Fisher. *Theodore Roosevelt for the Defense: The Courtroom Battle to Save His Legacy*. Toronto: Hanover Square Press, 2019, 379 pp.

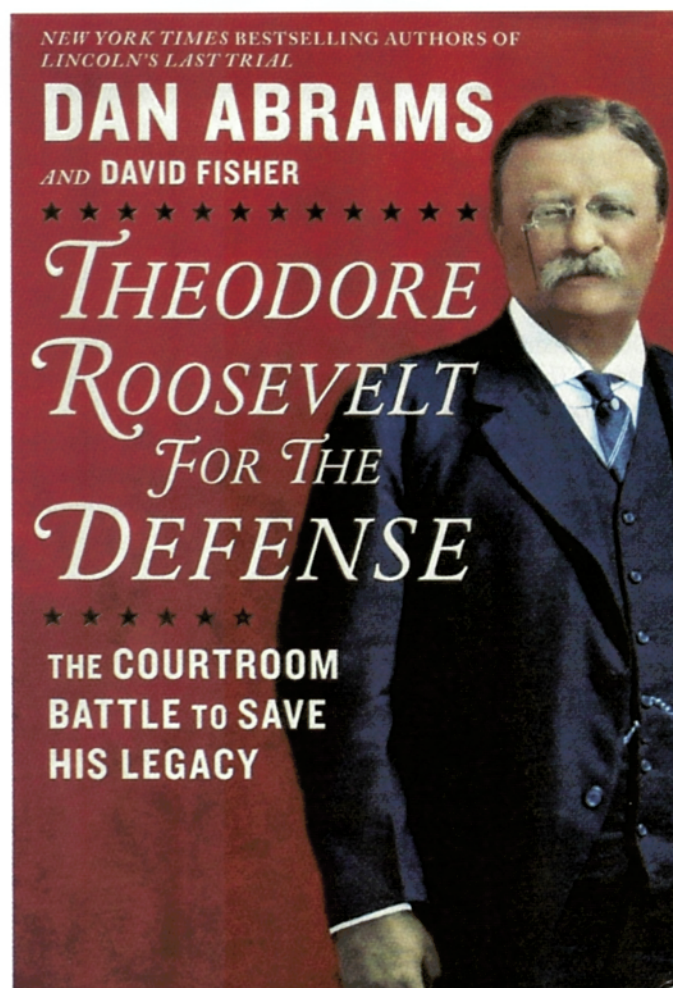
Reviewed by James Strock

Many Americans think of the O. J. Simpson prosecution as “the trial of the century.” In this interesting, well-written volume, authors Dan Abrams and David Fisher present New York machine politician William Barnes’s 1915 libel suit against Theodore Roosevelt as having had corresponding public impact.

*Theodore Roosevelt for the Defense* recreates a significant if neglected aspect of TR’s multi-faceted career. Roosevelt was fifty-six years old. This made him seem older than a person of that age today; the median age for death for men in that period was under fifty. Roosevelt had left the presidency more than six years prior. In the interim his crowded hours included a long African expedition and two months of South American exploration under extremely dangerous conditions. Along the way he had recast American politics, leading an epic third-party bid that would divide the dominant Republican coalition—TR finished second, well ahead of President William H. Taft—and would open the way for his formidable rival, Democrat Woodrow Wilson.

Roosevelt had been ostracized and isolated following his 1912 defeat. He was clawing his way back, by degrees, into the good graces of the Republican Party. The 1916 election lay just ahead. Meanwhile, the international scene was troubled. The United States—and the Rough Rider—were bystanders as the titanic European conflict we now know as World War I was decimating a generation.

Against this backdrop, TR was sued for libel by an erstwhile ally, Barnes. In a widely reported statement, the ex-President had spoken scathingly of systemic corruption in New York. He indicated that Barnes, a Republican, conspired with his Democratic counterparts to block the election of a third-party Progressive candidate in the 1914 gubernatorial election. Barnes, believed to have statewide electoral ambitions of his own, doubtless saw the prospect of a spectacular trial as an ideal “bully pulpit.”



The trial was indeed a bully pulpit—for Roosevelt. TR was no stranger to the law or courtroom combat. Though he dropped out of Columbia Law School (from which he would receive an honorary law degree in 2019, a century after





Onondaga Historical Association  
(from p. 378 of Theodore Roosevelt for The Defense)

*Theodore Roosevelt in 1916, his reputation saved, once more ready to charge forward into political battle.*

his death), TR long regarded himself as having good legal judgment and instincts. He had no hesitation in discussing legal matters with his valued colleague Elihu Root. Root, one of the most acclaimed lawyers of the era, appeared bemused rather than annoyed by TR's vigorous interventions.

Roosevelt successfully brought a libel suit against a small Michigan publication, *The Iron Ore*, in 1912. The paper had propagated longstanding, oft-repeated rumors that TR was an alcoholic. The truth was unquestionably on Roosevelt's side. He prevailed and settled for nominal damages of \$1.

As a writer and historian as well as a politician, Roosevelt was customarily quick to protect his reputation. Unfortunately for Barnes, TR may have become even more defensive in response to widespread questioning of his judgment and character in the aftermath of his 1912 defeat.

The authors are notably well-placed to present the human drama of the trial that ensued. Abrams is chief legal affairs correspondent of ABC News. He has been a fixture of cable television reporting for three decades. His father, Floyd Abrams, is widely regarded as the most respected First Amendment attorney of our time. His sister is a federal district court judge. Co-author Fisher also joined Abrams in

writing a prior historical courtroom account, *Lincoln's Last Trial*, a *New York Times* bestseller.

This book will hold value for several categories of readers. First would be anyone who enjoys following the course of a trial. Abrams and Fisher, working from contemporaneous records, chronologically follow the events. In the early twentieth century, the legal procedures were somewhat less prescriptive than today. This renders the reportage more engaging and accessible than in a comparable case now. Abrams and Fisher offer useful context, identifying issues and personalities that may be unfamiliar to many readers a century later.

In the book as in life, Theodore Roosevelt is at the center of the action. The highlight of the trial, and the book, is his testimony. Newspapers—particularly tabloids—gave the populace a window into the proceedings. As one paper said, Syracuse erred in “not staging the Barnes-Roosevelt trial in the arena instead of the courthouse” (p. 123).

Opposing counsel attempted to demonstrate that Roosevelt was drenched in hypocrisy. They pointed out, with some justification, that TR criticized Barnes for political practices in which he himself engaged during his own career. This hit him in a sensitive spot. Roosevelt was exquisitely aware of the compromises implicit in his pursuit of “realizable ideals.” And his self-righteousness appeared to be most pronounced when his actions were legitimately questioned.

Nonetheless, the former President more than held his own. To the frustration of his interrogators, he eluded their elaborate verbal snares. Unsurprisingly, Roosevelt was highly disciplined and vocal in his presentation. Despite the risk of a judgment that could be financially ruinous, he steadfastly directed his communication to his most important audience: the American people. They were unseen, but the scrum of reporters was a reminder of the millions outside who were looking in. At the dramatic end of this jury trial, TR prevailed.

Abrams and Fisher are wise to let Roosevelt take center stage. His personality is more than sufficient to fix our attention a century later. TR devotees will find value in this glimpse of the lion in winter. Others may lament that, for all his faults and errors, Roosevelt set a standard for American political leadership which is far beyond that on offer in the late-twentieth and early-twenty-first centuries.



*James Strock, a longtime member of the Board of Trustees of the Theodore Roosevelt Association, is an independent entrepreneur and reformer in business, government, and politics. He is the author of Theodore Roosevelt on Leadership (2001) and many other writings.*