

CALIFORNIA LAWYER:

Aaron Sapiro and the Progressive-Era Vision of Law as Public Service

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Much scholarly attention has been paid to the lawyers who established the profession in California during the nineteenth century. By following the migration of Midwesterners and former Confederate officers to the West after the 1860s, historians have reconstructed the lives and work of the legal and judicial professions in California after statehood. During the Progressive Era, California's lawyers took up the concerns of Progressives nationwide, sanding the sharp corners of industrialism and the economic inequalities that resulted from it. The rights of workers, small-scale entrepreneurs, children, women laborers, and women's right to vote all became central focus points of California politics after 1900. The stories of many lawyers who played a part in transitioning California to this new era of public policy and the new areas of law practice that came with it have gone largely untold. With the founding of the state's first law schools, a generation of home-grown and — trained

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lawyers were positioned to become the foundation of Progressive Era California.¹

One such lawyer was Aaron Sapiro, who typified several salient characteristics of this new generation of lawyers. Sapiro is best known as the man who sued Henry Ford for libel in 1927. The case ended in mistrial and an out-of-court settlement; as a result, few people understand not only what the trial was about but what Sapiro had done in his legal career to draw Ford's ire in the first place. For more than a dozen years, Sapiro organized farmers' marketing cooperatives that were designed to provide farmers with the same economic advantages as those enjoyed by labor unions and corporations. Sapiro saw law as a tool to reshape society and to make economic institutions behave rationally. His determination to use law to achieve social change stemmed from an awareness of his own talent as well as an undeniable ability to seize the moment. As he told an interviewer in 1923, "[T]he gift of leadership is not so much a matter of brains as of *intensity*. If you are so completely saturated with anything that you think it and dream it and live it, to the exclusion of all distracting influences, nothing on earth can stop you from being a leader in that particular movement." For Sapiro, what mattered was to have a vision of the world as it ought to be; persuading others was merely a matter of insisting on his vision as against "all distracting influences."² This article, in telling Sapiro's life story, reconnects him to his intellectual roots in California's tradition of legal progressivism.

Sapiro's career followed an unlikely route. He was born in San Francisco to Polish immigrants who raised him and seven siblings in desperate

¹ A good example of work on this topic is Molly Selvin, "The Loeb Firm and the Origins of Entertainment Law Practice in Los Angeles, 1908–1940" (unpublished paper on file with author). On nineteenth-century developments in California legal history and the establishment of the legal profession, see, e.g., Gordon Bakken, *Practicing Law in Frontier California* (Lincoln: University of Nebraska Press, 1991); Bakken, *The Development of Law in Frontier California: Civil Law and Society, 1850–1890* (Westport, Conn.: Greenwood Press, 1985); Christian G. Fritz, *Federal Justice in California: The Court of Ogden Hoffman, 1851–1891* (Lincoln: University of Nebraska Press, 1991); Lucy E. Salyer, *Laws Harsh as Tigers: Chinese Immigrants and the Shaping of Modern Immigration Law* (Chapel Hill: University of North Carolina Press, 1995).

² Merle Crowell, "Nothing Could Keep This Boy Down," *American Magazine* (Apr. 1923), 16–17, 136–46, 146.

poverty. His father died in a train accident when Aaron was nine, forcing his mother to send him and most of the Sapiro children to a San Francisco orphanage. After six wretched years, Aaron escaped to Hebrew Union College in Cincinnati, where he attended college and studied for the rabbinate. His orphanage experience seared into him a thorough distrust for authority. Spending time in seminary hardened in him the conviction that organized religion was useless if he were going to change the world. And so with one year left before ordination, he returned to California to enroll at Hastings College of the Law.³

During his seminary years, Sapiro encountered new friends who influenced his life in lasting ways. On his summer breaks, he returned to Northern California to visit his mother and teach in synagogues. One assignment placed him in a children's bible class in Stockton, up the Sacramento River Delta from Oakland. Sapiro's teaching position brought him in contact with one of Stockton's most prominent Jewish families, Michael and Rose Arndt. The Arndts had two children: Stanley, a studious boy, and Janet, a girl who was barely ten in 1905 when her parents enrolled her in Aaron's scripture class.⁴ Rose Arndt took more than a passing interest in the serious seminarian. She introduced him to Stockton society, broadening his circle beyond the families he met at the synagogue. Soon she invited him to accompany the family on day trips around Northern California. Before long an understanding emerged: Aaron and Janet were betrothed. In 1913, the couple married and settled in San Francisco.⁵

³ Victoria Saker Woeste, "Sapiro, Aaron," *American National Biography Online*, April 2004 update, accessed 8 Nov. 2013, <http://www.anb.org/articles/11/11-01215.html>.

⁴ Jeannette Arndt Anderson, interview by author, tape recording, Palo Alto, Cal., 31 Mar. 2005, p. 14 (transcript on file); Janet Sapiro, Certificate of Death, County of Los Angeles, State of California, Department of Public Health, 4 June 1936, no. 7502. Stanley Arndt became a lawyer who wrote an article on agricultural cooperation and practiced law for a time with his brother-in-law. Anderson interview, 7; Stanley Arndt, "The Law of California Co-operative Marketing Associations," *California Law Review* 8 (1920): 281-94.

⁵ Anderson interview, 13-14; Linda Sapiro Moon, interview by author, tape recording, Huntington Beach, Cal., 23 Sept. 2002, pp. 4-5 (transcript on file). On the practice of Jewish families betrothing their young daughters through the late nineteenth century, see Sydney Stahl Weinberg, *The World of Our Mothers: The Lives of Jewish Immigrant Women* (Chapel Hill: University of North Carolina Press, 1988), 23-24.