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Jim Chen\*

## W.J.B., Vox Populi

*The evil men do lives after them  
The good is oft interrèd with their bones. . . .*<sup>1</sup>

William Jennings Bryan dominated the Democratic Party—and arguably American politics at large—for nearly three decades. Thrice he sought the presidency. Thrice he lost. Perhaps no other American politician has had greater influence by losing.

Precisely two moments from the life of William Jennings Bryan define this politician's place in the public's eye: Bryan's "Cross of Gold" speech from the 1896 Democratic Convention in Chicago and his humiliation at the hands of Clarence Darrow in the trial of John Scopes at Dayton, Tennessee. John Dos Passos, that great chronicler of American culture during the early twentieth century, expressed this popular view of Bryan as "The Boy Orator of the Platte":

It was in the Chicago Convention in '96 that the prize-winning boy orator the minister's son whose lips had never touched liquor let out his silver voice so that it filled the gigantic hall, filled the ears of the plain people: . . .

*The humblest citizen in all the land,  
when clad in the armor of a righteous cause,  
is stronger than all the hosts of error.  
I come to speak to you in defense of a cause as holy as the cause of Liberty. . . .  
You shall not press down upon the brow of labor this crown of thorns,  
you shall not crucify mankind upon a cross of gold.*

They roared their lungs out (*crown of thorns and cross of gold*) carried him round the hall on their shoulders, hugged him, loved him, named their children after him, nominated him for president, boy orator of the Platte, silver tongue of the plain people. . . .

Bryan grew gray in the hot air of Chautauqua tents, in the applause, the handshakes, the backpattings, the cigar-smoky air of committeerooms at Democratic conventions, a silver tongue in a big mouth. In Dayton he dreamed of turning the trick again, of setting back the clocks for the plain people, branding, flaying, making a big joke of Darwinism and the unbelieving outlook of city folks, scientists, foreigners with beards and monkey morals. . . .

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1. WILLIAM SHAKESPEARE, JULIUS CAESAR act 3, sc. 2.

He was a big eater. It was hot. A stroke killed him.<sup>2</sup>

These two moments do scarce justice to the life and career of William Jennings Bryan. Free silver faded almost immediately from the national political scene after 1896. No national election since then has hinged explicitly on the subtle macroeconomic tools that government can use to move the economy by a great margin.<sup>3</sup> American voters and the politicians who woo them have focused, if at all, on coarse fiscal policies that commit great amounts of the federal government's wealth to little overall economic effect.

As for evolution and the Scopes trial, Bryan was dead wrong.<sup>4</sup> His attempt to draw a progressive social critique from religiously motivated doubts about evolution unleashed a serpent into American educational policy. The common folk who stood beside Bryan at Dayton have transmogrified his religious piety without embracing his call for social justice across lines of income, wealth, and class.

The publication of Michael Kazin's definitive biography of Bryan, *A Godly Hero*,<sup>5</sup> reminds us that the Great Commoner was far more than the sum of the Cross of Gold speech and the Scopes Monkey Trial. As Professor Kazin demonstrates in his biography and in his introduction to this symposium, Bryan singlehandedly reshaped the Democratic Party from a conservative, almost reactionary, party opposed to the exertion of federal power into an activist party advocating the aggressive deployment of federal resources and legal coercion on behalf of farmers, laborers, and other "common" interests. Confronted with William McKinley's formidable warchest in 1896, Bryan adopted a personal style of campaigning that persists to this day at all levels of American government. McKinley's campaign manager, Mark Hanna, responded by developing financial and organizational tactics known to every campaign conducted after 1896. Most of all, even though free silver and redistribution through inflationary monetary policy soon faded from the Democratic Party's agenda after 1896,<sup>6</sup> the other elements of the Democratic domestic platform utterly transformed American law and politics. Antitrust law, wage-and-hour legislation, a progressive income tax, protection of the right of workers to organize and bargain collectively, and aggressive federal assistance to farmers all remain salient components of contemporary federal law.

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2. JOHN DOS PASSOS, *The 42nd Parallel*, in U.S.A. 5, 151–54 (Daniel Aaron & Townsend Ludington eds., 1996).

3. See Jim Chen, *The Price of Macroeconomic Imprecision: How Should the Law Measure Inflation?*, 54 HASTINGS L.J. 1375 (2003).

4. See Jim Chen, *Legal Mythmaking in a Time of Mass Extinctions: Reconciling Stories of Origin with Human Destiny*, 29 HARV. ENVTL. L. REV. 279 (2005).

5. MICHAEL KAZIN, *A GODLY HERO: THE LIFE OF WILLIAM JENNINGS BRYAN* (2006).

6. See Chen, *supra* note 3.

Bryan was no messiah. Shackled by his party's dependence on the Jim Crow South, Bryan remained silent on race. Perhaps no other American politician has ever been more naive about matters of war and peace or the power of domestic policy and international treaties to neutralize belligerence among nations. His decision to oppose the teaching of evolution has haunted both state and church for a lifetime beyond Bryan's showdown with Clarence Darrow at Dayton.

But, Professor Kazin has demonstrated that Bryan, for good and for ill, served as a harbinger of numerous political movements. The New Deal, the Great Society, the religious right, and an emerging "Christian left" all owe their origins to the political career of William Jennings Bryan. We ignore him at our peril. At the very least, we impoverish our understanding of our recent political past if we restrict our awareness of Bryan to the Cross of Gold speech and the Scopes trial.

W.J.B. lost nearly every political campaign he undertook. In defeat, he led coalitions of farmers, laborers, believers, and agitators. Indeed, he inspired them. He never served as President, and given his woeful performance as Secretary of State, America is likely blessed to have known him strictly as a presidential candidate. W.J.B. was the prophet of free silver and the scourge of evolution, but he was much, much more. Today, as during the days of his life, W.J.B. is the voice of the people.<sup>7</sup>

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7. Cf. Dos Passos, *supra* note 2, at 2-3 ("U.S.A. is the world's greatest river valley fringed with mountains and hills, U.S.A. is a set of bigmouthed officials with too many bank accounts. U.S.A. is a lot of men buried in their uniforms in Arlington Cemetery. U.S.A. is the letters at the end of an address when you are away from home. But mostly U.S.A. is the speech of the people.").