

## Lawyer Sam Boorstin

The Emersonian dictum—that there is “properly no history; only biography”—finds few better illustrations than the work of Daniel Boorstin. While most historians in the 1960s and ’70s quantified and correlated, Boorstin, in such prize-winning works as *The Americans*, recreated the richness and diversity of individual lives. In this memoir of his father—a Jewish lawyer in love with the frontier town of Tulsa—Boorstin brings his relish for historical detail to his own family’s past.

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*by Daniel J. Boorstin*

I never knew anyone quite like my father, but then I never really knew my father either. He was a man without a single vice, but with a hundred foibles. He was a “devoted” husband in a miserably unhappy marriage. He was embarrassingly proud of me and advertised my small academic triumphs by stopping fellow Tulsans on the street to show them newspaper clippings, and he thermofaxed my letters home to give to passing acquaintances. Yet he never once praised me to my face. When I won my Rhodes Scholarship to go from Harvard to Oxford, he had no comment, but noted that a neighbor boy had been given a scholarship to send him from Tulsa Central High to the University of Oklahoma. My mother was one of the world’s best cooks, not in the gourmet category, but in the Russian Jewish style, spending endless hours in the kitchen to make her cheesecake or her blintzes just right. Then when my father came to dinner from his office (always later than expected) he seldom failed to say that he “would just as soon eat a bale of hay.” “Man should eat to live, and not live to eat.”

Still, there was never any doubt that my mother ruled the roost, and her tribal feel-

ings confined the family’s social life. For most of our years in Tulsa we lived in a “duplex” apartment, with my mother’s sister Kate and her husband and daughter living below. My mother’s only friend was this sister, but my father was everybody’s friend and spent his spare hours in the lobby of the Tulsa Hotel, and later the Mayo Hotel, chatting with acquaintances or strangers or simply reading the newspaper and hoping to be interrupted by a strange or friendly voice. My mother was suspicious of anyone who was not a blood relation (including especially her brothers’ wives), while my father’s suspicions (with some reason) fell especially on the blood relations themselves. Except for two or three occasions when we entertained at dinner a local merchant who was my father’s prize client, I cannot remember a single occasion when we had nonfamily guests in our house or were in another Tulsa home. Everything about our life—including our coming to Tulsa—seemed dominated by my mother’s family. I never understood how two people so ill suited to each other could ever have married. But the story of how my father and mother first met was supposed to explain it. And behind that was the story of the last years of

my father's independence, back in Atlanta.

My father always spoke with a warm and soft Georgia accent. His father was one of the many Jews who emigrated from the Russian pale in the late 1880s to escape pogroms, military service, and persecution. This Benjamin Boorstin came on his own and for some reason, never explained, settled in Monroe, Georgia. His brother came about the same time. But the immigration officers spelled his brother's name Boorstein, and so he remained. The two brothers had stores on opposite sides of the street in Monroe, where their differences of name were constant reminders of their recent arrival. Benjamin Boorstin sent for his wife, who came over with their infant, Sam. My father went to school in Monroe. While working in a general store in his spare time he managed to collect the premium tags attached to the little bags of cigarette tobacco he was selling. He sent off a stack of these tags and received one of the primitive plate cameras.

This camera changed his life, for he used it to earn his way through college. Arriving in Athens, Georgia, the site of the state university, he quickly found his way into the office of the president. He showed the president his photographs of the cracked walls and peeling ceilings of the university classrooms. These pictures, and more like them, he said, would persuade the state legislature to grant appropriations for repairs and for new university buildings. With that he applied for the novel job of university photographer and got it on the spot. Then he worked his way through by helping the president with his campaign for larger appropriations and by taking class pictures.

In those days law was an undergraduate subject.

When Sam Boorstin received his LL.B. degree he was still under 21, and when he appeared before the judge to be admitted to the bar, it was objected that he was underage. He won his first case when he persuaded the judge to admit him anyway, and so became the youngest member of the Georgia bar. In Atlanta he began practice as junior member of one of the most prestigious old law firms. He spent his spare time joining every fraternal organization that would let him in. These included the Elks, the Odd Fellows, the Red Men, and the Masons. I still have the fine Hamilton gold watch with the Masonic emblem engraved on the back which was given to him when he became the youngest Worshipful Master in the United States. He kept his hand in as a beginner in Georgia Democratic politics, which be-



*The Boorstins were still living in Atlanta in 1916 when this picture (inset) of their two-year-old son, Daniel, was taken. Before the year was out, they moved to Tulsa, where Sam established his law practice. Here, many years later, the lawyer poses in his library.*

came easier when Governor John Marshall Slaton engaged him as his private secretary. One of Sam Boorstin's qualifications—in addition to personal charm and an outgoing manner—was his elegant handwriting. He had acquired a beautifully rotund and flourishing hand by attending a penmanship school. His flamboyant signature was one of the first mannerisms that I tried to imitate—without any success.

He might have had a career in Georgia politics, even though he was a Jew. But unpleasant events surrounding the infamous Leo Frank case intervened and made this impossible. In 1913, the innocent pencil manufacturer Leo Frank was railroaded on a charge of raping and murdering one of his employees in a turbulent trial that roused the ugliest passions of racism and anti-Semitism that Georgia had ever seen. The case became a newspaper sensation. My father, though still one of the most junior members of the bar, lent a local hand to the defense, as aide to several eminent imported Eastern lawyers, including the distinguished Louis Marshall. When, to no one's surprise, Frank was convicted, my father had the bitter assignment of carrying that word to Frank's wife. In 1915, after his death sentence was reduced to life imprisonment, Frank was seized and lynched by a raging mob, who had the shamelessness to have their photographs taken standing proudly beside the dangling body of the innocent Frank. There followed in Atlanta one of the worst pogroms ever known in an American city, an unpleasant reminder of the Russia from which the Boorstin-Boorstein brothers had fled. My mother's brothers then owned a men's clothing store in Atlanta, whose store windows, like those of other Jewish merchants, were smashed in the aftermath of the Frank case. The prospects were not good for a young Jewish lawyer interested in politics.

Meanwhile, in 1912, my father had married my mother under legendary cir-

cumstances. She had come down from New York City to visit her brothers in Atlanta. The handsome and promising Sam Boorstin began courting the attractive Dora Olsan from the "East." The society section of the Atlanta Constitution carried a picture of the pretty visitor with the story of a dinner held at the hotel in her honor. Governor Slaton was present, and at the end of the dinner he arose, offered a toast, and said, "Sam Boorstin, if you don't marry that beautiful girl, I'll see that you're disbarred." Sam married Dora.

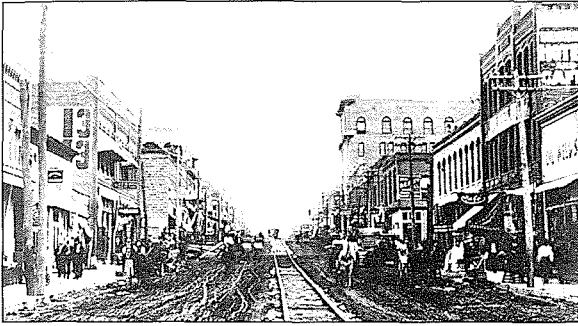
The Frank case impelled my mother's three brothers—along with my father and the husband of her sister—to leave Atlanta. They went to Tulsa (then still pronounced Tulsy), Oklahoma, a frontier town in what only nine years before had still been Indian Territory, set aside for the so-called Five Civilized Tribes. In 1916 Tulsa had few paved streets and fewer paved sidewalks. My three uncles opened a bank, and the husbands of the two sisters tagged along, with Kate's husband joining the bank. My father opened a law office, slightly separating himself from the family, and he soon became one of Tulsa's most energetic boosters.

After settling in Tulsa—which my mother despised (and never stopped despising)—my father never really took a vacation. He made a few business trips and once came to England to visit me when I was at Oxford. But he thought Tulsa was a good enough year-round place. My mother (usually with her sister) left town at the first crack of summer heat, usually to go to Atlantic City or some other resort.

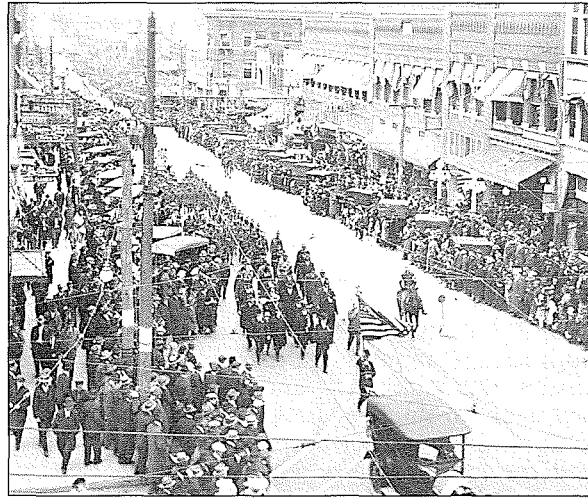
It is still hard for me to understand—much less explain—my father's love affair with Tulsa. He thought, or at least said, it was the greatest place on earth. In fact, Tulsa was a frontier village translated into the architecture and folkways of the 1920s. With endless prairies stretching around, there was no good reason for skyscrapers. Still, Tulsa built the Philtower, the Philcade, and the Exchange National Bank

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*Progress comes to Main Street. The three photographs, from left to right, chart the rapid change of downtown Tulsa during the early 20th century. The dirt road of 1907 was a bricked boulevard by 1909. By 1917, the year after Sam Boorstin settled in Tulsa, Main Street was paved—and the hub of an increasingly modern-looking city.*



Building, all of which cast their many-storied shadows across the barren plain. That was where I first understood the American booster's defense against critical overseas visitors. "No reason not to boast, just because the great things have not yet gone through the formality of taking place."

As for culture, there wasn't much. Only a Carnegie library, the annual visit of the Metropolitan Opera Company—heavily sponsored by the best ladies' "ready-to-wear" clothing stores—and Kendall College, a Baptist missionary school to which none of the wealthy local citizens sent their sons and daughters.

My father joined in the manic optimism for the future of Tulsa, which soon called itself "the Oil Capital of the World." Oil was mother's milk to all of us raised in Tulsa. And the gambling spirit infected my uncles, who played for, and won and lost, fortunes in oil. Would their next well be a "gusher" or a "dry hole"? Was it possible to open a new "oil field" on this or that farmer's land? This was the adult jargon most familiar to me.

While my father was a booster for Tulsa, he never became an oil gambler. Instead he became a species of lawyer now nearly obsolete. He was a lone "general

practitioner." He never had a partner (my mother never would have tolerated it!), but through his office came a stream of young lawyers just out of law school whom he trained in the old apprentice style. They adored him, but found him difficult to work for. Many of them became district attorneys and judges, or they founded prosperous law firms that far outshone his own. He had his own way—his very own way—of doing everything. This included the way you use an index, the way you hold a pen, the way you talk to clients. Each of these apprentices stayed for a few years and then went on—much wiser in the law and how to practice it, but relieved at not being told how to do everything. I personally suffered more than once from my father's insistence on doing things his way. After I had been shaving for many years my father still insisted on my running the razor against the grain of my facial hair as "the only way to get a close

shave." His golf lessons, offered in a warm spirit of paternal helpfulness, made me hate the game, and I've never gone near a golf course since.

My father would have been happy to see a "Samuel A. Boorstin and Son" shingle outside his office, and to that end he really hoped I would go to the University of Oklahoma. My mother's insistence that "only the best" was good enough and that I must "go East" to Harvard helped save me from all that.

Still, my father's law practice was exemplary for those who believe that the law is a public-service profession. The big money was in oil, and he had a share of corporate oil practice. But what he enjoyed most, and talked about most, was his "general" practice. This was more like the work of a village curate than that of a city lawyer. He was especially proud of the occasion when he saved a hapless girl from disaster. He prevailed on her mother not to seek annulment of a quickie marriage until several months had passed—and so ensure the legitimacy and the financial provision for the baby he wisely suspected to be on the way. This despite the mother's and the girl's protests that "nothing had happened." There were countless occasions when he prevailed on irate husbands and wives not to go for a divorce. And there was the time when he helped secure the acquittal of one of his clients on a murder charge for shooting a rival merchant on Main Street.

As a prominent Democrat he was naturally the best general counsel for the *Tulsa Tribune*, an outspoken, violently right-wing Republican daily. He defended the *Tribune* against numerous libel suits, and despite their provocative and belligerent postures, he never lost a case for them.

He never got rich in the practice, but he had one profitable piece of good luck. A representative of Amtorg (the Soviet oil combine), who had come to Tulsa to improve his knowledge of oil-well technology, was run over by a truck and had to spend weeks in a local hospital. My father took his case and won one of the largest personal-injury verdicts on record in Tulsa at that time. The damages awarded were in the neighborhood of \$75,000. This was by

far my father's biggest case—which still gives me a warm feeling for the Soviet Union. But from a family point of view there was a price to pay. I don't think my father ever told my mother how much of a fee he had received in this case. But I do remember my mother's frequent question: "Whatever happened to all the Kapitalushnikov money?"

My father's law office was a piece of Americana. The place of honor went to a pen-and-ink drawing of a mythical judge representing the Majesty of the Law—which my father had me trace from a picture that impressed him—and a photograph of the justices of the hallowed Supreme Court of the United States. On the walls and under the glass on his desk were mottoes, uplifting aphorisms, and lines of verse. The most poignant message (and now the most obsolete) in those days of breach-of-promise suits was the framed commandment: "Do Right and Fear No Man; Don't Write and Fear No Woman." There were some Edgar Guest poems and Kipling's "If—" in an ornate version printed by Elbert Hubbard's press. And then: "When the One Great Scorer comes to write against your name—He writes—not that you won or lost—but how you played the game." His favorite modern literature was Elbert Hubbard's "A Message to Garcia."

My father still seems to me to have been the most unmercenary man in the world. He took cases because he thought he could somehow help someone. He never pressed for his fees and took cases without thinking whether the client could ever pay him—which of course infuriated my mother. He also loved to give gifts, and never worried about the cost. There was a particular kind of loose-leaf address book bound in leather which he thought (and insisted) that everyone should use. If a celebrity came to lecture at Town Hall, afterward he would send him one of these books and try to begin a correspondence. Each address book must have cost over ten dollars and they added up. He treasured the letters of acknowledgment he received from the celebrities, which he pasted in a book and showed to visitors to his office.

His law practice required a good deal

of reading—in the extensive law library which he maintained in his office. He invited other lawyers—especially the young ones just beginning—freely to use this library, which must have been one of the best and most up-to-date law libraries in town. His nonlegal reading was myopically focused. If he found a book that he really liked he would give it Biblical status. One particular biography of Judah P. Benjamin—the first professing Jew elected to the U.S. Senate (1852–1861), who held high office in the Confederate States of America and at the end of the war emigrated to England, where he prospered as a barrister—caught his fancy. He never failed to refer to it whenever any question of history or literature arose, and pressed me to read and reread it.

He was an early champion of gummed and printed name stickers and Scotch tape, which he affixed to everything—books, golf clubs, hats, tennis rackets. He could never understand why I preferred the pristine book. This was only one expression of his love of gadgets, his booster faith in the next way to do anything, including laxatives and the latest electronic belts and exercise machines to cure all ills. As an optimist he was a ready victim for visiting book salesmen and their multivolume subscription sets, often in “simulated leather.” I remember particularly the unbroken (and mostly unopened) sets behind the glass doors of our living-room bookcase, which included the *Works of Theodore Roosevelt*, the *World's Great Orations*, *Beacon Lights of History*, and the speeches and writings of the notorious atheist Robert G. Ingersoll.

My father's enthusiasm for Robert G. Ingersoll did not interfere in the least with his public stance as a Jew. We were members of all three Jewish synagogues—the

Orthodox on the impecunious North Side and the Orthodox and Reform synagogues on the prosperous South Side. My father was active in the Anti-Defamation League and in various inter-faith activities. But I can never remember his presence at a religious service. Very different from my paternal grandfather was my mother's father, who lived with us for many years and was scrupulously Orthodox. Jacob Olsan went to “shul” every day, did no work on Saturdays, and was the reason for our maintaining a kosher kitchen with a separate set of dishes for Passover. The status of Jews in Tulsa was curious. For Tulsa was a headquarters of the Ku Klux Klan, which was responsible for burning down the Negro sections of town in one of the worst race riots of the 1920s. The Klan had no patience for Tulsa Jews, but the Jews somehow paid little attention to their gibes. My father and his Jewish friends looked down condescendingly on them and their like as a bunch of “yokels.”

I don't know how much life in Tulsa had to do with it. But just as my father was totally without vice—he never smoked, drank, or to my knowledge womanized—so he was an irritatingly tolerant man in his opinions. I could never get him to express an adverse or uncharitable judgment on anyone—including the Klan bigots and the rising Nazis. He always tried to make allowances for why people did what they did. He was a living example of how immigrant, mobile, westward-moving Americans wore off the edges of their convictions—how the West saved some people from bigotry but provided a fallow ground for bigots. I will never forget his contagious enthusiasm for the novelties of American life, and for the undocumented halcyon future.