

The Greatest Legal Movie of All Time: Proclaiming the Real Winner

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In August 2008, the *ABA Journal* featured an article entitled *The 25 Greatest Legal Movies*.¹ A panel of experts, described in the article as “12 prominent lawyers who teach film or are connected to the business,”² selected “the best movies ever made about lawyers and the law.”³ Those experts included a United States district court judge, the Dean of the Yale Law School who has since been confirmed as Legal Adviser to the United States Department of State, five law professors, four practicing attorneys, and a law-trained, *ABA Journal* assistant managing editor who wrote the article and who characterized himself as “a film geek since childhood.”⁴ This distinguished panel ranked its twenty-five top legal movies, choosing *To Kill a Mockingbird* as its number one legal movie.⁵ The panel also selected twenty-five films as “honorable mentions,” which were listed in alphabetical order.⁶

Surely, the panel worked long and hard on its task. Their selections are certainly worthy of inclusion on any list of great legal movies. However, an injustice has been done that must be confronted. The *real* greatest legal movie of all time was not selected as the winner. It was

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1. Richard Brust, *The 25 Greatest Legal Movies*, A.B.A. J., Aug. 2008, at 38.
2. *Id.* at 38.
3. *Id.*
4. *Id.* at 47.
5. *Id.* at 38–39.
6. *Id.* at 47.

not ranked in the top twenty-five. In fact, it was not included in the list of twenty-five honorable mentions so that it would rank in the top fifty. In all likelihood, it was not even considered by the panel as a candidate for inclusion as a “legal” movie.

The greatest legal movie of all time is—drum roll, please—*Dumbo*.⁷ How do you react to this proclamation? “*Dumbo*?” you say, “Surely you jest. *Dumbo* is a children’s movie, and it’s not about the law or lawyers.” But before you reject my choice, I ask that you consider the reasons justifying my selection.

Is *Dumbo* a children’s movie? That is debatable. The movie contains numerous examples of cruelty that make it unsuitable for children. For example, upon seeing Jumbo Jr.’s large ears, the female elephants nickname him Dumbo. “Dumb” is equated with different, with a physical characteristic—large ears. The boys taunt Dumbo, ridiculing him because of his ears, and when Dumbo’s mother tries to protect him, she is the one who is locked up as crazy in a cage marked “mad” elephant. When Dumbo is made into a clown, the matriarch elephant urges her sisters to “take the solemn vow. From now on, he is no longer an elephant.”⁸ The clowns want Dumbo to leap from a height of 1000 feet. And when one clown suggests he might get hurt, other clowns reject the thought, saying: “Elephants ain’t got no feelings.”⁹ “No, they’re made of rubber.”¹⁰

Is *Dumbo* a children’s movie? Do parents really want their children to learn that if they overindulge in alcoholic beverages, they may be fortunate enough to observe pink elephants on parade?

But even if *Dumbo* can be appropriately characterized as a children’s movie, does that exclude it from consideration? Don’t adults learn things from children all the time—things like innocence, joy, happiness, and other genuinely experienced emotions? *Dumbo* demonstrates the incredible bond of love between a mother and her child when Mrs. Jumbo rocks Dumbo in her trunk while she is confined in her cell, unable to even see her baby. In *To Kill a Mockingbird*, Atticus learns a

7. DUMBO (Walt Disney Productions 1941). In this Article, all quotations from *Dumbo* are taken directly from the movie itself. For an Internet source that contains various quotations from the movie, see The Internet Movie Database, Memorable Quotes for Dumbo, <http://www.imdb.com/title/tt0033563/quotes> (last visited Apr. 19, 2010). Some of the quotations in this Internet source contain words that vary slightly from the quotations taken directly from the movie.

8. DUMBO (Walt Disney Productions 1941).

9. *Id.*

10. *Id.*

lesson from his daughter, Scout.¹¹ When Sheriff Tate informs Atticus that he will not charge Boo with murder for killing Bob Ewell—that it would be a sin to “drag[] him with his shy ways into the limelight”¹²—Atticus is troubled by the sheriff’s decision. But Atticus accepts that decision after Scout tells him that the sheriff is right, that “it would be sort of like shooting a mockingbird, wouldn’t it?”¹³

Obviously, an article on legal movies that is published in the *ABA Journal* could be expected to highlight lawyers. The first paragraph of *The 25 Greatest Legal Movies* begins by asking: “What would Hollywood do without lawyers?”¹⁴ and ends by asserting that “lawyers have provided some of Hollywood’s most memorable cinematic heroes and some of its most honorable and thoughtful films.”¹⁵ Nevertheless, not all “legal” movies are about lawyers. *12 Angry Men*, which is the movie ranked second by the panel of experts,¹⁶ is about the deliberations of a jury. No lawyer is seen or heard throughout the entire movie. *Erin Brockovich*, ranked ninth,¹⁷ is about a paralegal. *The Paper Chase*, ranked seventeenth,¹⁸ and *Legally Blonde*, an honorable mention,¹⁹ are about law students.

But even if the category of “legal movies” gives a preference to movies about lawyers, *Dumbo* surely qualifies. What do lawyers do? They zealously advocate for their clients.²⁰ What did Timothy Q. Mouse

11. Harper Lee, author of *To Kill a Mockingbird*, prefaces her book with a quotation from Charles Lamb: “Lawyers, I suppose, were children once.” HARPER LEE, *TO KILL A MOCKINGBIRD* (unpaginated preface) (1960). Apparently, she would agree with my assertion that adults learn things from children.

12. *TO KILL A MOCKINGBIRD* (Universal Pictures 1962). All quotations from *To Kill a Mockingbird* are taken directly from the movie itself. For an Internet source that contains various quotations from the movie, see The Internet Movie Database, Memorable Quotes for *To Kill a Mockingbird*, <http://www.imdb.com/title/tt0056592/quotes> (last visited Apr. 19, 2010). The quotation cited here is also found in LEE, *supra* note 11, at 290.

13. *TO KILL A MOCKINGBIRD* (Universal Pictures 1962); see LEE, *supra* note 11, at 291 (“[I]t’d be sort of like shootin’ a mockingbird, wouldn’t it?”).

14. Brust, *supra* note 1, at 38.

15. *Id.*

16. *Id.* at 40.

17. *Id.* at 41.

18. *Id.* at 44.

19. *Id.* at 47.

20. A lawyer is ethically obligated to act as a zealous advocate for his or her clients. “A Lawyer Should Represent a Client Zealously Within the Bounds of the Law.” MODEL CODE OF PROF’L RESPONSIBILITY Canon 7 (1980); see also ANNOTATED MODEL RULES OF PROF’L CONDUCT 2 (6th ed. 2007) (“[W]hen an opposing party is well represented, a lawyer can be a zealous advocate on behalf of a client and at the same time assume that justice is being done.”).

do? He zealously advocated for his client. Timothy defended Dumbo from the mean female elephants who were contemptuously deriding him. He advocated for Dumbo by whispering into the ear of the sleeping ringmaster, urging him to select Dumbo to climb to the top of the pyramid of pachyderms as the climax of the feat that the ringmaster had envisioned. He argued for Dumbo, pleading with the crows to convince Dumbo that he really could fly. He negotiated a contract for Dumbo to appear in Hollywood. In fact, the only way we know Timothy's name is the fact that he signed the contract for Dumbo as his manager. Dumbo did not speak a word throughout the entire movie. Timothy Q. Mouse was his mouthpiece—his lawyer. And where was Timothy in the final scene of the movie—with the female elephants singing Dumbo's praises, Dumbo's mother riding in a special car at the end of the train, Dumbo and the crows flying behind? Timothy was not in the picture. If Timothy was simply a friend, he would have been in the picture. But as Dumbo's lawyer, Timothy's work for Dumbo had been completed, and Timothy would not take the spotlight away from Dumbo. Timothy faded from sight—perhaps working on some matter for another client.

If *Dumbo* is compared to the experts' choice of *To Kill a Mockingbird* as the best legal movie, some startling similarities between the two movies are revealed. In *To Kill a Mockingbird*, the lawyer's name is Atticus *Finch* and his client's name is Tom *Robinson*. What do mockingbirds, finches, and robins do? They fly. What does Dumbo do? He flies.

Just as Jumbo Jr. is disparagingly nicknamed Dumbo because of his large ears, in *To Kill a Mockingbird*, the Finches' reclusive neighbor is nicknamed Boo. The children are informed that he is a dangerous maniac. Because Boo's father was unwilling to place him in an asylum, Boo was locked up in the courthouse basement for many years.²¹ The word itself engenders fear—the children are frightened of Boo. Throughout the entire movie, Dumbo never speaks. Throughout the

21. In the book, the story of Boo Radley differs slightly from that portrayed in the movie. In the book, Boo and some other teenage boys got into trouble and were charged with "disorderly conduct, disturbing the peace, assault and battery, and using abusive and profane language in the presence and hearing of a female." LEE, *supra* note 11, at 16. Although the other boys were sent to the state industrial school, Boo, at the request of his father, was required to remain in his house, where he "was not seen again for fifteen years." *Id.* at 16–17. When he was thirty-three years old, Boo reportedly stabbed his father in his leg, and because his father objected to placing Boo in an asylum, and because "[t]he sheriff hadn't the heart to put him in jail alongside Negroes, . . . Boo was locked in the courthouse basement." *Id.* at 17.

entire movie, although we only see him toward the end, Boo never speaks.

Both movies depict life in the Deep South at about the same period of time. *To Kill a Mockingbird* is situated in the fictional town of Maycomb, Alabama, in the mid-1930s. *Dumbo* takes place in Florida as the circus is leaving its winter quarters and proceeding up the state. *Dumbo* was first released on October 23, 1941.²²

When *To Kill a Mockingbird* was first published as a book in 1960, it was controversial. Within a few years, the book was banned from several schools and libraries. Critics, objecting to questionable language, references to sex and violence, and negative portrayal of authority figures, claimed the book was immoral.²³ Defenders of the book asserted that the claim of immorality came mostly from conservative southerners who objected to the book's "candid portrayal of Southern white attitudes."²⁴ Years later, African Americans²⁵ expressed concern that the book reinforced racism—after all, an innocent black man is convicted of a rape he did not commit.²⁶

Dumbo also engendered controversy. The crows are considered to be African American stereotypes.²⁷ The leader of the crows is named Jim

22. *Dumbo* is an animated movie produced by Walt Disney Productions and released on October 23, 1941. See Disney Archives, *Dumbo*, <http://disney.go.com/vault/archives/movies/dumbo/dumbo.html> (last visited Apr. 19, 2010).

23. CATHERINE BERNARD, UNDERSTANDING *TO KILL A MOCKINGBIRD* 36–37 (2003).

24. *Id.* at 37 (quoting Jill P. May, *Censors as Critics: To Kill a Mockingbird as a Case Study*, in CROSS-CULTURALISM IN CHILDREN'S LITERATURE: SELECTED PAPERS FROM THE 1987 INTERNATIONAL CONFERENCE OF THE CHILDREN'S LITERATURE ASSOCIATION 91, 91 (Susan R. Gannon & Ruth Anne Thompson eds., 1987)).

25. In this Article, the term *African American(s)* is not hyphenated. Historically, the placement of a hyphen in indicating a person's foreign origin or ancestry was used to disparage the individual as not being a *real* American, especially at times when the United States was in conflict with the country of the person's ancestry. In a speech delivered on October 13, 1915, former President Theodore Roosevelt stated: "There is no room in this country for hyphenated Americans. . . . [A] hyphenated American is not an American at all." *Roosevelt Bars the Hyphenated*, N.Y. TIMES, Oct. 13, 1915, at 1. When this concept is applied to Americans who trace their ancestry to Africa, the use of a hyphen suggests—at least to some people—that African Americans are not as worthy as other Americans and may be discriminated against as "lesser" Americans.

26. BERNARD, *supra* note 23, at 37–38.

27. See Alex Wainer, *Reversal of Roles: Subversion and Reaffirmation of Racial Stereotypes in Dumbo and The Jungle Book*, 1 REGENT U. ONLINE J. COMM., Spring 1994, <http://www.regent.edu/acad/schcom/rojc/wainer.html>.

Crow²⁸ and the other crows are all voiced by African American actors.²⁹ Jim Crow laws—named after a black minstrel show³⁰—were the laws that enforced segregation in the South. In *To Kill a Mockingbird*, Jim Crow laws relegated African American citizens to a separate seating area in the balcony of the courtroom.³¹ Jim Crow laws were also used to discourage African Americans from registering to vote.³² Because jurors

28. The Disney website for *Dumbo* lists Cliff Edwards as the actor voicing the part of Jim Crow. Walt Disney Studios Home Entertainment, *Dumbo*, <http://disneydvd.disney.go.com/dumbo.html> (last visited Apr. 19, 2010). Two years earlier, Cliff Edwards was the voice of Jiminy Cricket in the movie *Pinocchio*; however, his name did not appear in the credits of that movie. Cliff Edwards Biography, <http://www.jazzage1920s.com/cliffedwards/biography/biography.php> (last visited Apr. 19, 2010).

29. The individuals who were the voices of the crows were all members of the Hall Johnson Choir. The New Georgia Encyclopedia, Hall Johnson, <http://www.georgiaencyclopedia.org/nge/Article.jsp?id=h-2981> (last visited Apr. 19, 2010). Hall Johnson has been described as “a highly regarded African American choral director, composer, arranger, and violinist who dedicated his career to preserving the integrity of the Negro spiritual as it had been performed during the era of slavery.” *Id.*

30. BERNARD, *supra* note 23, at 27.

31. When Atticus’s children, Scout and Jem, are invited to sit in the “Colored balcony,” black men rise to give the white children their seats. *Id.* “Their gesture is not so much one of respect as requirement—by law, black people were obligated to give up their seats to any white person who wanted them.” *Id.*

32. For example, the Constitution of Alabama, adopted in 1901, circumvented the explicit voting protections granted to African Americans by the Fourteenth and Fifteenth Amendments to the United States Constitution by imposing residency requirements, a poll tax, literacy tests, a real property ownership requirement, and by disqualifying persons convicted of various crimes, including vagrancy and “any . . . crime involving moral turpitude.” ALA. CONST. art. VIII, § 178 (residency requirement and poll tax); *id.* § 181 (literacy test requirement and real property ownership requirement); *id.* § 182 (disqualification for conviction of various crimes including any crime involving moral turpitude). The Alabama Constitution also adopted a variant of a “grandfather clause,” known as the “soldier clause” or the “fighting grandfather clause,” exempting male citizens from the section 178 residency requirement if they were descendants of individuals who served in the land or naval forces of the United States in the American Revolution, the War of 1812, the Mexican-American War, any war with the Indians, or the Civil War—whether serving for the Union or the Confederacy. *Id.* § 180. See generally R. Volney Riser, *Disfranchisement, the U.S. Constitution, and the Federal Courts: Alabama’s 1901 Constitutional Convention Debates the Grandfather Clause*, 48 AM. J. LEGAL HIST. 237 (2006) (discussing the verbatim transcript of the Alabama 1901 constitutional convention designed to disenfranchise African Americans from their rights as citizens). It seems paradoxical that the “cutesy” term of *Jim Crow laws* is used to describe these laws that were designed to ensure white supremacy by depriving African Americans of their constitutional right to be treated as equals. They should have been called by the more appropriate title: *un-American laws*.

In 1985, in a case involving individuals who had been convicted of the misdemeanor of presenting a worthless check, the United States Supreme Court held that the provision in section 182 of the Alabama Constitution disenfranchising persons convicted of crimes involving moral turpitude violated the Equal Protection Clause of the Fourteenth Amendment. *Hunter v. Underwood*, 471 U.S. 222, 233 (1985). Even though the provision was racially neutral on its face, *id.* at 227, enactment of the provision was motivated by a desire to discriminate against African Americans because of their race, *id.* at 229–31, and

were selected from voter registration lists, Jim Crow laws prevented African Americans from serving on juries.³³ In the trial of Tom Robinson, the “jury of his peers” consisted of twelve white men.

Surely there are differences between *Dumbo* and *To Kill a Mockingbird*. Once Jumbo Jr. has been nicknamed Dumbo, he retains that moniker for the rest of the film. In contrast, after Boo Radley saves Scout and her brother Jem from Bob Ewell, Atticus formally introduces Boo to Scout as Mr. Arthur Radley. Thereafter, Scout addresses him as Mr. Arthur.

In defending Tom Robinson, Atticus Finch makes his closing argument to a jury of twelve white men. In contrast, Timothy Q. Mouse makes his argument on Dumbo’s behalf to a “jury” of five black crows.

The strategy of the arguments differs. Atticus expresses his confidence in our system of justice and in the jurors themselves. Atticus says:

Now gentlemen, in this country, our courts are the great levelers. In our courts, all men are created equal. I’m no idealist to believe firmly in the integrity of our courts and our jury system—that’s no ideal to me. That is a living, working reality.³⁴ Now I am confident that you gentlemen will review, without passion,

the provision had a racially discriminatory impact—the registrars’ expert estimated that the provision had disenfranchised “approximately ten times as many blacks as whites.” *Id.* at 227.

For ninety-five years, the Jim Crow provisions of the Alabama Constitution of 1901 discussed above remained in that document. Finally, in 1996, those provisions were repealed. ALA. CONST. amend. 579.

33. *See, e.g.*, ALA. CONST. art. VIII, § 182 (disqualifying from voting “those who shall be convicted of . . . any crime punishable by imprisonment in the penitentiary, or of any infamous crime or crime involving moral turpitude; also any person who shall be convicted as a vagrant or tramp”); *see also* ALA. CODE § 12-16-60(a) (1975) (qualifying for jury service only an individual who “is generally reputed to be honest and intelligent and is esteemed in the community for integrity, good character and sound judgment” and who “[h]as not lost the right to vote by conviction for any offense involving moral turpitude”); Brian C. Kalt, *The Exclusion of Felons from Jury Service*, 53 AM. U. L. REV. 65, 89–92 (2003) (discussing the Supreme Court’s decision in *Hunter v. Underwood*, 471 U.S. 222, as it relates more generally to the issue of exclusion of felons from jury service).

34. In the book, after expressing his belief in the integrity of our courts and in the jury system as a living, working reality, Atticus states: “Gentlemen, a court is no better than each man of you sitting before me on this jury. A court is only as sound as its jury, and a jury is only as sound as the men who make it up.” LEE, *supra* note 11, at 218.

Several authors have noted the similarity of thought between the words of Atticus Finch in his closing argument to the jury and the words spoken by the Honorable James Horton, the presiding judge in the second Scottsboro trials. On March 25, 1931, nine African American men were arrested for raping two white women. CLAUDIA DURST JOHNSON, *UNDERSTANDING TO KILL A MOCKINGBIRD* 16 (1994). The men were tried and convicted of the crime on April 9, 1931. *Id.* at 17. Eight of the nine were sentenced to death. *Id.* The case was appealed, and on November 7, 1932, the United States Supreme

the evidence that you have heard, come to a decision, and restore this man to his family.³⁵

In contrast, Timothy reprimands the crows, using reverse psychology to induce feelings of guilt. Timothy says:

You all ought to be ashamed of yourselves. A bunch of big guys like you, picking on a poor little orphan like him. Suppose you was torn away from your mother when you was just a baby. Nobody to tuck you in at nights. No warm, soft, caressing trunk to snuggle into. How would you like being left out alone, in a cold, cruel, heartless world? And why? I ask you, why? Just because he's got those big ears, they call him a freak. The laughing stock of the circus. And when his mother tried to protect him, they threw her into the clink. And on top of that, they made him a clown! Socially, he's washed up! Aw, but what's the use of talking to you cold-hearted birds? Go ahead! Have your fun! Laugh at him! Kick him now that he's down! Go on! We don't care.³⁶

Atticus is not successful. Tom Robinson, an innocent man, is convicted. Timothy is successful. The crows respond to Timothy's argument by assisting him in convincing Dumbo that he really can fly. In fact, the crows suggest use of the "magic feather" as the device to make Dumbo believe he has the ability to fly.

Why is *Dumbo* a better legal movie than *To Kill a Mockingbird*? Surely it is not because Timothy succeeded in his argument, and Atticus did not. A lawyer's greatness is determined by his or her devotion to his or her client and a willingness to work within the legal system to achieve

Court ordered new trials because the trial court had failed to make an effective appointment of counsel, thereby depriving the defendants of due process under the Fourteenth Amendment. *Powell v. Alabama*, 287 U.S. 45, 71 (1932). In the second set of trials, which began on March 27, 1933, Judge Horton expressed his confidence in the jurors who were to decide the case, informing them: "So far as the law is concerned, it knows neither native nor alien, Jew or Gentile, black or white. This case is not different from any other. We have only our duty to do without fear or favor." JOHNSON, *supra*, at 32. For a discussion of the Scottsboro trials and retrials as setting both the historical context of and the inspiration for the trial of Tom Robinson in Harper Lee's novel, see BERNARD, *supra* note 23, at 30–34; JOHNSON, *supra*, at 15–81.

At the second trial of the Scottsboro defendants, the jury found Hayward Patterson guilty, and he was sentenced to death. JOHNSON, *supra*, at 17. On a motion for a new trial, Judge Horton granted the motion and set aside the jury verdict, finding that "[t]he testimony of the prosecutrix in this case is not only uncorroborated, but it also bears on its face indications of improbability and is contradicted by other evidence, and in addition thereto the evidence greatly preponderates in favor of the defendant." *Id.* at 60. In December 1933, both Hayward Patterson and Clarence Norris were convicted of rape and sentenced to death, but the United States Supreme Court reversed the convictions because African Americans had been continually and totally excluded from jury service in Alabama—a violation of the Equal Protection Clause of the Fourteenth Amendment. *Norris v. Alabama*, 294 U.S. 587, 598 (1935).

35. *TO KILL A MOCKINGBIRD* (Universal Pictures 1962).

36. *DUMBO* (Walt Disney Productions 1941).

a favorable result for that client.³⁷ The problem with *To Kill a Mockingbird* is that the legal system—supposedly designed to ensure that all persons are treated equally—is portrayed as being fatally flawed. Tom Robinson was convicted of rape, not because he was guilty of that crime, but because the jury was prejudiced against him. To the jurors, Tom had committed an unpardonable sin. He had allowed a white woman to tempt him to kiss her. Can justice be achieved if in our courts of law prejudice prevails over truth? Obviously not!

Consider also Sheriff Tate's decision not to arrest Boo Radley for the murder of Bob Ewell. His decision is not based on a lack of evidence that Boo committed the killing. Rather, it is his concern that Boo—this strange and different man—may not get a fair trial. In speaking to Atticus, Sheriff Tate justifies his decision by referring to the trial of Tom Robinson. He says: "There's a black man³⁸ dead for no reason. Now the man responsible for it is dead. Let the dead bury the dead this time Mr. Finch."³⁹ He declares that Boo has done Atticus and the town "a big service."⁴⁰ And so, Sheriff Tate concocts a lie—"Bob Ewell fell on his knife. He killed himself."⁴¹—to avoid arresting Boo and subjecting him to a trial. If an officer of the law is willing to lie in order to avoid use of the legal system he has sworn to uphold, can that legal system be trusted to ensure justice? Obviously not!

Both *To Kill a Mockingbird* and *Dumbo* are movies about prejudice. Prejudice is a part of human nature. We believe we are superior to

37. Monroe Freedman, a leading authority on lawyers' ethics, acknowledged that Atticus Finch acted heroically in representing Tom Robinson, but criticized him for failing to "volunteer a small but significant amount of [his] time and skills to advance social justice." Monroe Freedman, *Atticus Finch, Esq., R.I.P.*, LEGAL TIMES, Feb. 24, 1992, at 20, 21. Although Atticus Finch may have been a "gentleman of character," a true hero would not have lived his life as a passive participant in the pervasive injustice of "racism and sexism that permeate the life of Ma[y]comb, Ala." *Id.* Monroe's Freedman article has been reprinted in JOHNSON, *supra* note 34, at 189.

38. In the book, Sheriff Tate refers to Tom Robinson by the term *black boy* instead of *black man*. LEE, *supra* note 11, at 290. As Bob Dylan inquired, in his signature song of the civil rights movement of the 1960s: "How many roads must a man walk down / Before you call him a man?" BOB DYLAN, *Blowin' in the Wind*, on THE FREEWHEELIN' BOB DYLAN (Columbia 1963).

39. TO KILL A MOCKINGBIRD (Universal Pictures 1962).

40. *Id.* In the book, Sheriff Tate declares that Boo has done Atticus and the town "a great service." LEE, *supra* note 11, at 290.

41. TO KILL A MOCKINGBIRD (Universal Pictures 1962). In the book, Sheriff Tate concludes his statement by saying: "Bob Ewell fell on his knife. Good night, sir." LEE, *supra* note 11, at 290.

others who look different, for example, a different skin color or extremely large ears. We believe we are superior to others who think differently than we do. For example, we are certain that our religion is superior, is the “right” religion. Prior to the Civil War, imposing slavery on Africans was considered justifiable in order to bestow upon them the gift of salvation. Of course, the gift came at a cost—hell on earth in life as a slave.⁴² We, and those who think and look like we do, are the in-group. All others are inferior, they are outsiders—the “others.”

Why is *Dumbo* a better legal movie than *To Kill a Mockingbird*? At the end of his closing argument, Atticus invokes the name of the Lord in his quest to have the jurors find his client innocent. He implores them, “In the name of God, do your duty. In the name of God, believe Tom Robinson.”⁴³ But the jurors do not listen. The jurors do not do their duty; they do not believe Tom Robinson. Justice is not achieved in the courtroom. But even if Tom Robinson had been exonerated, as an African American man living in Alabama in the 1930s, he would not have been accepted in society as an equal.⁴⁴

Because Atticus invoked the name of the Lord to conclude his argument, perhaps it is appropriate for me to quote from the Bible to conclude my argument in support of *Dumbo* as the greatest legal movie. In the book of Deuteronomy, the ancient Israelites were commanded: “Justice, justice shalt thou pursue, . . .”⁴⁵ Why is the word *justice* mentioned twice? Is the second use of the word merely to emphasize the

42. How ironic that the “task” of conferring this costly gift has been characterized as “The White Man’s Burden.” See generally WINTHROP D. JORDAN, *THE WHITE MAN’S BURDEN: HISTORICAL ORIGINS OF RACISM IN THE UNITED STATES* 87–98 (1974) (discussing the conversion of slaves to Christianity in the United States).

43. *TO KILL A MOCKINGBIRD* (Universal Pictures 1962). In the book, Atticus merely states: “In the name of God, do your duty.” LEE, *supra* note 11, at 218. He then says something more in an undertone to himself, which Scout does not comprehend. She asks her brother Jem what Atticus said, and Jem replies, “‘In the name of God, believe him,’ I think that’s what he said.” *Id.*

44. Perhaps the thought was best expressed by Martin Luther King in a speech he gave in Montgomery, Alabama, in 1965. Dr. King said:

If it may be said of the slavery era that the white man took the world and gave the Negro Jesus, then it may be said of the Reconstruction era that the southern aristocracy took the world and gave the poor white man Jim Crow. He gave him Jim Crow. And when his wrinkled stomach cried out for the food that his empty pockets could not provide, he ate Jim Crow, a psychological bird that told him that no matter how bad off he was, at least he was a white man, better than the black man. And he ate Jim Crow.

Martin Luther King, *Our God is Marching On!* (Mar. 25, 1965), available at <http://www.milkonline.net/ourgod.html>.

45. “that thou mayest live, and inherit the land which the LORD thy God giveth thee.” *Deuteronomy* 16:20.

importance of pursuing justice? I am not a Biblical scholar, but I would like to suggest an alternative explanation. The first mention of *justice* refers to justice in the legal system. When an innocent man is acquitted of a crime he did not commit, justice is achieved in the courtroom. In *To Kill a Mockingbird*, that justice was not achieved. The second mention of *justice* refers to justice in society. When someone who is different—an outsider—is accepted as an equal by others, justice is achieved in society. In *Dumbo*, Dumbo achieved success in society. For his accomplishment—flying—he was appropriately applauded and rewarded. The broader notion of justice in society was achieved.

Is it possible that people will someday be able to overcome their prejudices and accept as equals those who are different? *Dumbo* offers us that hope. After all, as Jim Crow informs us: “I be done seen ‘bout everything, when I see an elephant fly.”⁴⁶

46. DUMBO (Walt Disney Productions 1941).

