

A Civil Action

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Jonathon Harr's *A Civil Action* is an epic tale of lawyer Jan Schlichtmann's Ahab-like battle to bring corporate behemoths R.W. Grace and Beatrice Foods to account for alleged toxic dumping in east Woburn, Massachusetts. As such, the book succeeds brilliantly, but by concentrating almost exclusively on Schlichtmann, Harr fails to present a balanced, comprehensive depiction of the case.

Harr begins, logically enough, by introducing the Woburn families who've contracted leukemia while living in close proximity to the Grace and Beatrice facilities ("Woburn: Summer 1966"). The checkered history of east Woburn's water supply (particularly the importance of wells G and H) is recounted, and readers learn about TCE (trichloroethylene), the industrial solvent many believe caused the leukemia. We are given Schlichtmann's complete biography and brought up to date on his doings prior to committing to the Woburn suit ("The Lawyer"). Then we learn a little about Jerome Facher, the attorney representing Beatrice in the case, and his R.W. Grace counterpart, William Cheeseman ("Rule 11"). Significantly, their biographies comprise a few pages within a single chapter, a chapter packed with a description of Facher's plan to invoke "Rule 11" against Schlichtmann, adult leukemia victim Roland Gamache's unsettling meeting with (Beatrice-affiliated) tanner Jack Riley, a biography of U.S. District Judge Walter Jay Skinner, who will preside over the trial, and, finally, the lengthy dénouement of Facher's Rule 11 scheme. The next two chapters, "Orphans & Dogs" and "Discovery," are tilted toward Schlichtmann's point of view, yet readers who've read this far might entertain the belief that balance has been more or less preserved, and that differing perspectives – the families, the judge, the defense lawyers, the jury – will be given equal weight as the book proceeds.

Unfortunately, this belief proves misguided. Harr doesn't demonize Facher or Cheeseman, and in fact portrays them as decent, honorable and even likable characters throughout *A Civil Action*. The same can't be said of Harr's take on Judge Skinner, who is often pictured as rigid, unaccountably capricious in his actions, and plainly hostile to Schlichtmann. One might argue that the author's assessment of Skinner is accurate, and that he merely seeks to render the judge in a truthful light. This proposition is undercut because, as with Facher and Cheeseman to a lesser degree, Harr never provides readers with a full understanding of Skinner's motives and thought processes.

That treatment is reserved for the flawed but nominally “heroic” Jan Schlichtmann. Beginning with Chapter 7 (“The Woodshed”), and excepting, in small part, Chapter 10 (“The Trial”), the bulk of *A Civil Action* revolves almost entirely around the triumphs and tragedies of lawyer Schlichtmann. We witness his volcanic tantrums and profuse apologies, his towering arrogance and essential insecurity, his impetuous antics inside court and out, his fastidious attention to detail, and his iron, almost fanatic determination. We watch as he interacts with financial advisors Gordon and Phillips, and with law partners Kevin Conway and Bill Crowley (all of whom rate more than perfunctory character sketches), eavesdrop repeatedly on intimate conversation between them, and feel their camaraderie as they deal with the vicissitudes of an increasingly difficult suit. We track Schlichtmann’s fall from seemingly charmed, recklessly successful personal injury attorney *nonparallel* to exhausted, bankrupt and raving near-lunatic obsessed with winning the case that subsumes and ultimately destroys his life. Readers not only listen in as Schlichtmann reveals his motives and thoughts in private conversation, but thanks to Harr, they can also get inside his head:

Schlichtmann lay awake. He could feel the rapid pounding of his heart ... At three o’clock he arose, went into the bathroom and stared at himself in the mirror. He thought he had aged a decade in the last week. ... It became clear to him what he had to do next. He had hoped for a jury that would embrace the “political” nature of the case. But he realized now that he could not depend on this jury to ring any bells in the corporate boardrooms of America. The case that he had tried to turn into an environmental crusade, the case that he had hoped would bring him fame and fortune, had suddenly turned back into an ordinary case again.

At that moment this felt like a profound revelation to him. His grief at losing Beatrice had blinded him to everything but his own pain, but now he was beginning to see again. Faced with this jury, he did not have many choices. He would have to try to settle with Grace. Maybe he could get enough money to call it a victory. That, he decided, was his challenge now. (Harr 399-400)

Passages explaining why Schlichtmann thinks or does thus and so, or why his associates think or do thus and so, recur frequently in the book. More rarely (and briefly), they’re evident when Harr focuses on Facher or Cheeseman, but apparently lacking in the author’s handling of Jay Walter Skinner. Like props, Facher, Cheeseman and Skinner enter the narrative almost exclusively in relation to their dealings with Schlichtmann. Others outside Schlichtmann’s immediate orbit – the Woburn families, the trial jurors – emerge from the pages of *A Civil Action* momentarily and then recede, bit players in the protagonist’s melodrama.

It would be untrue to say that Harr's reporting is grossly unfair to Schlichtmann's adversaries, but by approaching the story so completely from his perspective, *A Civil Action* forfeits the balance necessary for readers to make up their own minds about what really happened in east Woburn. Inevitably, this approach skews their understanding of the case in a direction favorable to Schlichtmann's position and suggests said position is the only valid one a reasonable, ethically upright individual should hold – despite the fact that Schlichtmann never conclusively proved a link between TCE and leukemia.

A Civil Action exemplifies the aspects of literary journalism that make it such a compelling genre – novelistic structure and prose, characterization, scintillating storytelling, and so on – but also embodies its drawbacks. There's nothing wrong with bringing a particular point of view to a given topic (e.g. "Beatrice and R.W. Grace were responsible for visiting illness and death on those folks in Woburn"). Without a point of view, Harr's book wouldn't have been written, and, as someone we both know asserts, there would scarcely be any journalism at all *sans* POV. The salient issue, however, is whether that point of view is presented within the context of balanced, fair and accurate reporting. On the first count at least, Jonathan Harr's *A Civil Action* fails to meet the standard.