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WRITER RE-WRITTEN: WHAT REALLY (MIGHT HAVE) HAPPENED TO ATTICUS AND SCOUT

*Rob Atkinson**

Nelle was more of a ‘rewriter’ than a writer, she admitted later.

Charles J. Shields, *Mockingbird: A Portrait of Harper Lee*.¹

The first thought naturally was to publish Article after Article on this remarkable volume, in such widely-circulating Critical Journals as the Editor might stand connected with, or by money or love procure access to. But, on the other hand, was it not clear that such matter as must here be revealed and treated of might endanger the circulation of any Journal extant?

Thomas Carlyle, *Sartor Resartus: The Life and Opinions of Herr Teufelsdröckh*.²

Nearly two decades ago, I posted a hundred-plus page protest against the cult of Atticus Finch and his worshipful daughter, Jean Louise “Scout.”³ Canonizers of *To Kill a Mockingbird*, it seemed to me, had badly overread their text, inspired though it may have been in its way. What it offered, I argued, was a consoling bedtime story for preteens reading a bit above grade level, not a moral exemplar for grown-ups, least of all lawyers. To offer more mature moral insights, I insisted, Scout herself would have to grow up and come to see her overadored father, for all his undeniable virtue, as fully human (and hardly progressive).⁴

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¹ CHARLES J. SHIELDS, *MOCKINGBIRD: A PORTRAIT OF HARPER LEE* 128 (2006).

² THOMAS CARLYLE, *SARTOR RESARTUS: THE LIFE AND OPINIONS OF HERR TEUFELSDRÖCKH IN THREE BOOKS* 9 (Mark Engel & Roger L. Tarr eds., Univ. of Cal. Press 2000) (1836).

³ Rob Atkinson, Jr., *Liberating Lawyers: Divergent Parallels in Intruder in the Dust and To Kill a Mockingbird*, 49 DUKE L.J. 601 (1999).

⁴ *Id.* at 716–17, 730–31.

Since then, it seems, Scout has not only grown up, but also returned, offering the moral insight omitted from *To Kill a Mockingbird*. We now have the second half of her coming-of-age story, *Go Set a Watchman*.⁵ I've already tried to show how the two books could, indeed, be read as complimentary,⁶ even as the dust jacket of *Go Set a Watchman* suggests: "It not only confirms the enduring brilliance of *To Kill a Mockingbird* but also serves as its essential companion, adding depth, context, and new meaning to an American classic."⁷ But I had to conclude that the new sequel, coming out when it did, probably would not satisfy everyone, and properly should not satisfy anyone.⁸

What we need now, it seems to me, is a second sequel. This one would take up the tale of twenty-six-year-old Jean Louise in the late 1950s, at the end of *Go Set a Watchman*, even as *Go Set a Watchman* has taken up the tale of the eight-year-old "Scout" in the early 1930s, at the end of *To Kill a Mockingbird*. This third novel would complete a trilogy; it would tell us what had become of Jean Louise. It would also, I'd hope, tell us why we have had to wait for over half a century to hear from her again.

The mind naturally abhors a vacuum; mysteries demand to be solved, no less in fiction than in fact. Conan Doyle had to bring Sherlock Holmes back from behind the Reichenbach Falls. In *To Kill a Mockingbird*, Scout and her brother Jem managed, after many adventures, to make the mysterious Boo Radley come out; in *Go Set a Watchman*, Jean Louise has resolutely revealed the real Atticus Finch. Wouldn't it be wonderful to have the trilogy completed, to know the real story behind *To Kill a Mockingbird* and *Go Set a Watchman*, an account, as credible and inspiring as its precursors, of who Jean Louise herself was to become, of how a bright, sensitive young daughter of the South would come to terms with the history of her region, and her nation, as she—and we—moved into the new millennium?

And, truth be told, I myself had been nagged, for a good while longer, by a more personal, if not more poignant, curiosity. In the fall of 2000, a few years after my original critique of *To Kill a Mockingbird* came out, I passed up the chance to have a copy hand-delivered to Harper Lee herself, at her home. One Saturday morning in October, at an ABA Board of Governors meeting⁹ at my home institution, the FSU College of Law, I chanced to meet a lawyer from Harper Lee's hometown, Monroeville,

5. HARPER LEE, *GO SET A WATCHMAN* (2015).

6. Rob Atkinson, *Growing Up with Scout and Atticus: Getting from To Kill a Mockingbird Through Go Set a Watchman*, 65 DUKE L.J. ONLINE 95 (2016).

7. HARPER LEE, *GO SET A WATCHMAN* (2015).

8. Atkinson, *supra* note 6, at 122–25.

9. See Board of Governors 2000 Meeting Dates, ABA J. April 2000 at 104 (announcing meeting in Tallahassee on October 25-28).

Alabama. He was a forty-something lawyer like me, and he was a member of Harper Lee's father's firm. He told me he took Ms. Lee her mail each week; I asked (I can only hope not too eagerly) if he would give her a copy of my article. He said he'd be happy to; I promised, first thing the following week, to send him two copies, one for him, the other for her.

Later that same Saturday morning, on the way home from the Board of Governors' meeting, I picked up my daughter Jane, then fourteen, from a county-wide Latin contest at Tallahassee's Leon High School. After asking her (I can only hope eagerly enough) how her contest had gone, I reported my own morning's news, the chance to send my article directly to Harper Lee. Jane had read *To Kill a Mockingbird* the fall before in her eighth grade English class, and she had watched the movie more than once with me and members of my law school classes. And she knew, better than I knew she knew, my views on the subject. Her response brought me up short:

Daddy, you're so *mean*. I *liked* Ms. Lee's book. Your article says mean things about it, and she's an old lady.

First thing Monday morning, I sent the nice lawyer from Monroeville a single reprint of my article, thanking him for his offer to pass another along to Ms. Lee but explaining that my daughter had convinced me that that was not a very good idea.

I'm still convinced that Jane was right, back in 2000, about the meanness of my near misstep (though not about the more general moral diagnosis); Jane, now a parent herself and a professional social worker, confirms that she has never doubted my moral mistake (while reserving judgment on the character question). But now, in the wake of *Go Set a Watchman*, we both wonder: Wouldn't Harper Lee, the wise elderly woman of 2000, who had written *Go Set a Watchman* when she herself was the twenty-something daughter of a fallible lawyer, have seen my point about Atticus and Scout? Might she not have let us in, at least a little, on the secret of *Go Set a Watchman*, and the further adventures of Scout, who surely was, in some ways, her alter-ego?

The *Alabama Law Review's* symposium on Harper Lee has given me a most welcomed opportunity to explore that prospect. This Essay is the sequel Jane and I imagine (a little convoluted, not least because one of us has colleagues who both wish him no harm and know a lot about libel law).

THE SETTING: JANE GETS A MYSTERIOUS PACKAGE.

The nice lawyer from Monroeville thought better of my instructions. He wrote to thank me for sending him my law review article and to tell me that, after reading it with interest, he'd passed it on to Ms. Lee, along with

my letter to him about my daughter's concerns. I, of course, told Jane. She and I hoped, for a while, to hear from Harper Lee; worried, again, that my article might hurt her feelings; pretty much, in a month or so, forgot about it. Then, on Bastille Day 2001, Jane received a FedEx package from Monroeville, Alabama.

She opened it to find a short handwritten note, on nice stationary, and a large sealed envelope. The note thanked her for her concern about my article and said that daddies do, sometimes, do disappointing things. But Ms. Lee reassured Jane that her daddy's article had not hurt her feelings, but rather started her to thinking. Jane's concern showed real character. A postscript said she felt she could trust Jane to do her a favor: Hold the enclosed envelope, unopened, until her death. Jane could then open the envelope and do as she thought best, including consult her daddy, if she thought he could help, as daddies sometimes can.

Dutifully, Jane did as asked. She placed the envelope in her desk drawer, where it remained, unopened if not untouched, for a decade and a half. She claims she was tempted only once to open the package prematurely, on Bastille Day 2015, the anniversary of Harper Lee's sending the package and the date when she published *Go Set a Watchman*.

Within the year, on February 19, 2016, Harper Lee died. As soon as Jane heard the news, she opened the envelope. Inside she found a typescript titled *Unsung Heroes: Another Study of Provincial Life*. Its epigraph is the final sentence of *Middlemarch*:

But the effect of her being on those around her was incalculably diffusive: for the growing good of the world is partly dependent on unhistoric acts; and that things are not so ill with you and me as they might have been, is half owing to the number who lived faithfully a hidden life, and rest in unvisited tombs.¹⁰

But both that epigraph and the original title had been stricken through with a blunt blue pencil; above them, in the same pencil and by the same hand, appear another title and a different epigraph. The new title, *The Shore Dimly Seen*, is from the wholly forgotten second stanza of *The Star Spangled Banner*;¹¹ the new epigraph is from Milton's brief for England's revolutionary government:

I imagine myself to have set out upon my travels, and that I behold
from on high tracts beyond the seas, and wide-extended regions;

10. GEORGE ELIOT, *MIDDLEMARCH* 825 (David Carroll ed., Clarendon Press 1986) (1872) (footnotes omitted).

11. ELLIS GIBBS ARNALL, *THE SHORE DIMLY SEEN* (1946); Francis Scott Key, *The Star Spangled Banner*, LIBR. CONGRESS (last visited Feb 12, 2018), <https://www.loc.gov/item/2012649666/>.

that I behold countenances strange and numberless . . . from the columns of Hercules to the farthest borders of India, that throughout this vast expanse, I am bringing back, bringing home to every nation, liberty, so long driven out, so long an exile . . .¹²

As Jane thumbed through the typescript, she noticed that, beyond a point we have indicated in the typescript, reproduced below, the text has been stricken through. On the backs of the stricken pages, in the same handwriting and blue pencil as the retitling and the strike-throughs, are several pages of manuscript.

The typescript, as everyone now knows, is a sort of outline of the plot of a third novel; the manuscript seems to be an alternative ending. The originals, I'm happy to remind you, are safely ensconced in the University of Alabama law library.¹³ Immediately below is a verbatim transcript of the typescript, followed by a verbatim transcript of the manuscript. I have added a very few footnotes to both, either to give context or to suggest lines of further inquiry.

THE TYPESCRIPT: *UNSUNG HEROES*.

Jean Louise goes back to New York, taking with her all the wisdom she has won with the help of Atticus and Uncle Jack in *Go Set a Watchman*.¹⁴ Thanks to the good offices of her childhood friend, Dill, she meets a fine family of New Yorkers, whose apartment becomes her home away from home. Recognizing that she is a struggling writer with real promise, the couple make her an almost unbelievably generous offer, which they communicate by way of a letter in an envelope addressed to her and hung on their Christmas tree: *Take a year off from your job; finish your novel*.

Hugely heartened, Jean Louise sets to work. She writes an autobiographic novel about the burning issue of the day, civil rights, combining that with her own difficulty coming to terms with her beloved father's opposition to integration, the *Brown* decision, and its aftermath—

12. JOHN MILTON, *A Second Defense of the People of England*, in 2 THE PROSE WORKS OF JOHN MILTON 328, 333 (George Burnett ed. & trans., London 1809).

13. Conditions for reviewing the documents are to be published by the law school as soon as the archiving process is complete. The terms of the law school's acknowledgement of receipt do not allow Jane and me to disclose the full terms of the transfer. That said, we would consider it neither a breach of those terms for us to imply, nor a slight to our character for you to infer, that the law school, for its part, was even more than usually generous.

14. Like both of her earlier novels, this one, too, is distinctly autobiographical. See, e.g., CHARLES J. SHIELDS, *MOCKINGBIRD: A PORTRAIT OF HARPER LEE* 118–21, 127, 189 (2006) (noting parallels, among people and events, between Harper Lee's real world and Jean Louise's fictional one) (quoting Truman Capote's observation that the first two-thirds of *To Kill a Mockingbird* are "quite literal and true").

and her own ambivalence about change in her childhood world.¹⁵ Along that taut plotline, she strings a series of vignettes about growing up in Depression-era Alabama under the tutelage of a single-parenting, small-town lawyer and the county-seat village that it took to raise her. As she learns of her father's active opposition to the rising demands of the civil rights movement, she remembers his unwavering respect for all his fellow townsfolk, regardless of color or class or creed. Her crisis of conscience comes when she sees him flank a ranting citizens council racist in the very courthouse where, two decades before, she had watched him, heedless of risk, heroically defend a black man falsely accused of rape by a young white woman. Her idol seems to have feet of clay, but it is she, his worshipper, who is dashed.

Jean Louise retches with disgust; she rants at Atticus without restraint. Thanks to his brother, her beloved Uncle Jack, they reconcile without rancor, indeed, with deepened love. She learns that Atticus Finch is her father, not her God, a mere man, though still the best man she knows, if not the best man there is. She learns that his opposition to the civil rights movement is grounded, not in the unreason of racism, but in a principled respect for states' rights and judicial restraint (if also a deeply Southern, even Anglo-Saxon, distrust of Outside Interference). How much common ground—ancestral ground—they do share!

They both believe, she is relieved to learn, in the ultimate end of justice for all; they simply disagree about the proximate means and appropriate pace of the necessary progress. She is the youthful thrust of progressivism, yearning to go onward and upward; he, the elderly caution of conservatism, well-grounded and backward-glancing. Both are essentially committed to the cause of justice, and both are needed to keep that cause on its proper course, moving at its proper pace. He is the fatherly Icarus, wisely warning; she, a daughterly Daedalus, daring, maybe a little dangerously, toward their common sun.

Dear goodness, the things I learned. I did not want my world disturbed, but I wanted to crush the man who's trying to preserve it for me. I wanted to stamp out all the people like him. I guess it's like an airplane: they're the drag and we're the thrust, together we make the thing fly. Too much of us and we're nose-heavy, too much of them and we're tail-heavy—it's a matter of balance.¹⁶

15. The parallels between the typescript and the manuscript, on the one hand, and *Go Set a Watchman* and *To Kill a Mockingbird*, on the other, may well occupy literary and legal scholars, particularly law and literature scholars, for at least an academic generation.

16. LEE, *supra* note 7, at 277.

The lesson is uplifting; the learner nonetheless cast down. Letter after letter, from publisher after publisher, brings the same formulaic praise, only to follow with the same final, fatal, damning sentence: *We regret that we are not now in a position to publish Then* a single editor, at one of New York's finest houses, takes a liking to the tale.¹⁷ This is brilliantly balanced, she tells its anxious young author, if not beautifully wrought—considering, of course, that it's a first draft of a first novel, not yet expertly edited. Jean Louise is hugely complimented, and she adds a neat new word to her already impressive vocabulary: *Bildungsroman*.

But, her editor has to add, book publishing these days, alas, is a business as well as an art. It is not only characters and plots, but also marketing and demographics, that have to be perfectly balanced. Scout and Atticus, true enough, come back to common ground after serious estrangement. But that common ground is culturally Southern and politically conservative. Scout's more literate compatriots down South will be pleased to learn, no doubt, that conscientious Christian folk, young and old, can agree to resist another Yankee incursion, even as they affirm their common Jeffersonian convictions about the essential equality of man and bemoan both the backwardness of poor whites and the impatience of much put-upon blacks. But Northerners are having quite their fill of the South's Massive Resistance; now they're coming to fear the fire next time. And, as it happens, Yankees buy most of our company's books (and everyone else's, if truth were to be told).

Go Set a Watchman might, just might, tend to confirm those fears by pointing toward a future of high-pressure hoses, snarling police dogs, even bombed churches and murdered Sunday school girls bloody in their best go-to-meeting dresses. No one, of course, wants *that* to happen; more to the point, no one wants to pay hard-back prices for a reminder that it *might* happen nonetheless. Even in the most skilled hands—from the most bankable name—this sort of warning, wise though it may be, can go really wrong. She patiently points out to Jean Louise the unenviable fate of Faulkner's *Intruder in the Dust*: a tale rather closely parallel to hers, by a Nobel Prize winner very shortly after that award, never doing much more, after nearly a decade on the shelves, than, well, gathering dust.¹⁸

The editor had been quite sure, when she first read Jean Louise's manuscript, that she had something she could work with; she now confirms that she has not only a writing, but also a writer, that she can revise. Behind

17. Those who know the real Harper Lee story best will recognize parallels, here as elsewhere, between her publishing experience and Jean Louise's. See *id.* at 114–116; see also SHIELDS, *supra* note 1, at 115 (“Even though Nelle [Harper Lee] had never published anything, not even an essay or short story, her draft of a novel ‘was clearly not the work of an amateur or a tyro,’ Hohoff [her editor] decided.”).

18. Atkinson, *supra* note 3, at 733, 739–40.

the tale of the daughter losing and then regaining her father, the editor had thought she detected another tale, dimmer and less distinct but maybe more malleable, and certainly more marketable: A little girl losing her mother, or never having one, without ever quite realizing what she missed, what she wanted, and needed.¹⁹ As she had suspected, the novel, like all first novels, is a good deal more autobiographical than its author cares to admit. The embarrassment of an emotionally disturbed mother, killed off or buried alive before the book even begins; the over-bearing step mother, fit for a fairy story; the Black mammy, an almost too obvious shadow of the missing birth mother.

Jean Louise regains Atticus in the end, the very Atticus she had loved from the beginning, or better; that was the story's happy theme. But she had had to bury her natural mother before the beginning,²⁰ and, in the end, she lost her Black surrogate mother, finally and irrevocably.²¹ And, although she insists that Atticus and Uncle Jack had helped her through her fraught passage from tomboy to teenager, she also reveals another side of all that. They had failed her in two critical, terrifying crises: when she had her first period,²² and when she formed the childish fear that a classmate's unwelcomed kiss had gotten her pregnant.²³ Sometimes, the editor knows, everyone feels like a motherless child; this young heroine, she sees, has been one, in the worst way, all her life.

And here in the editor's office is the original: the motherless twenty-something tomboy in a not entirely flattering new New York dress, the small-town Alabama girl come up North to the Big City, the earnestly aspiring female writer without a college degree. The perfect package, delivered into the hands of a woman editor of one of the world's premier publishing houses. Here, indeed, was a double opportunity: the chance to create not only the book the market was waiting for but the author as well.

On, now, to the necessary revisions. The editor reports that, even as she recites the cautionary tale of Faulkner's failure, she begins to see a *via media* (which is, she says, a kind of middle way). What about a story, set in the comfortably distant Depression era, where an adoring and adorable child learns, not that her lawyerly father has much to learn about race, but that he already knows, well, pretty much whatever is best and, more generally, that the professional classes always know best of all?²⁴ Nostalgia

19. LEE, *supra* note 7, at 116 ("Jean Louise had never known her mother, and she never knew what a mother was, but she rarely felt the need of one.").

20. *Id.* at 115.

21. *Id.* at 158–60.

22. *Id.* at 116.

23. *Id.* at 128–40.

24. In Lee's own experience, "My editor, who was taken by the flashbacks to Scout's childhood, persuaded me to write a novel from the point of view of the young Scout." Alexandra Alter, *While*

is a universal mood, at least among those remembering a happy history, and meritocratic elitism has a powerful appeal, particularly among the economically and socially well-situated. And that, she calculates, she can depend on her new protégée to infer for herself, pretty much describes her company's demographic on both sides of the Mason–Dixon Line.

I'm no Maxwell Perkins, the editor demurs, hoping she needn't say who's no Thomas Wolf; that said, she would not be doing her job if she didn't add that what could well become the central story, the case that Atticus took way back when Jean Louise was a little girl, will itself need a little "work." Just a few things, for now, by way of example.²⁵

For one thing, it won't quite do, will it, for the young Black man's defense against a rape charge to be his accuser's consent?²⁶ As Jean Louise would be the first to say—indeed, as she has said quite eloquently in her own manuscript²⁷—miscegenation conjures up atavistic fears, among Northerners as well as Southerners. What with all the unsavory mythology about Black male lust (not to mention the even less savory history of white male anxiety), it might be best not to suggest that an upstanding Black man would take even the first step down that dark road (much less that our lawyer hero would make his name by defending any such deviation, however indirectly). Not so good, then, to have a mixed-race couple mutually consenting to sex;²⁸ better to have the Black man unwittingly seduced; best to have him actually assaulted, wholly unaware of his accuser's intent, literally taken aback by the outrageous idea that a young white woman, even one who lives, say, in a shack at the dump and endures incestuous rape, might not only find a Black man attractive, but also act upon that notion (however innocent, if rare, we ourselves know that notion, not to mention those actions, to be).

Some Are Shocked by Go Set a Watchman, Others Find Nuance in a Bigoted Atticus Finch, N.Y. TIMES (July 11, 2015), <https://www.nytimes.com/2015/07/12/books/racism-of-atticus-finch-in-go-set-a-watchman-could-alter-harper-lees-legacy.html>. The editor is the first person, but by no means the only person, to see *To Kill a Mockingbird* from this perspective. See generally Atkinson, *supra* note 3.

25. As it happens, the editor was quite right to anticipate problems along these lines. During the culture wars, legal academics on the left will bewail the novel's accepting Southern apartheid and American sexism and classism. Defenders will respond that Atticus, if a man of his time, would nonetheless do the right thing anytime. See Atkinson, *supra* note 3, at 716–18 (reviewing scholarship on *To Kill a Mockingbird*). School boards here and there, now and then, will ban the book on account of its use of the "n-word." This will allow virtuous liberals to take their stand against backwardness and benightedness, just like Atticus himself; it will also allow indignant conservatives to lament that outlander ACLU-affiliated elitists are usurping control of decisions best left to local sensibilities—which, as it happens, is also just like Atticus himself. See *Rights Group Reports Increase in Books Banned*, N.Y. TIMES (Aug. 31, 1995), <http://www.nytimes.com/1995/08/31/us/rights-group-reports-increase-in-books-banned.html> (noting that left-leaning groups and parents tend complain that the book perpetuates racial stereotypes and that conservatives tend to support parental concerns about what local officials do in the schools). But that's another story, or another chapter in this story.

26. LEE, *supra* note 7, at 109.

27. *Id.* at 176–77.

28. *Id.* at 270.

Here's another thought: Even though the Black man has to be innocent, let's consider having the jury find him guilty. The jury already drawn in your first draft is packed with unsavory red-necked morons,²⁹ a sort of legally deputized lynch mob. In fact, it might even be good to write in a literal lynch mob, only to have it defused by some combination of the young heroine's winning innocence and the mature hero's unflinching courage. True, that may strain the reader's credulity a little, but it would reinforce the hero and heroine's characters a lot.

The lawyer hero could be confident that he will win on appeal, once the Black fellow's fate is in the hands of other educated, middle-class professionals, white though they will surely be. But—how does this sound?—the unjustly jailed Black man might despair, being a simple and unsophisticated fellow, and make a mad, doomed dash for freedom. Most likely the thuggish guards would gun him down. And that would make two important points—kill two birds with one stone, if you will: Black folks should wait on the routine processes of the law, not take matters into their own hands, and everyone should be wary of poor white people in the South, especially if they have guns.

Important though those points are, it probably wouldn't do to end the story on quite so somber a note. Here's another thought: Southern "gothic" is really big up North right now; there's a young woman down in Georgia who, with a little help from that writers' workshop out in Iowa, is really cranking it out. How would it be to introduce a shadowy, spooky character and some sort of surprise ending? I know, I know: Sounds a bit over the top. But let me tell you something else I learned from that unfortunate Faulkner novel; where is it? . . . oh, yes, this is it; it's about the Northern appetite for Southern exotica: "a volitionless, almost helpless capacity and eagerness to believe anything about the South not even provided it be derogatory but merely bizarre enough and strange enough."³⁰

These are really helpful thoughts, the editor and Jean Louise both realize, each in her own way.³¹ The one is, after all, an entirely new hand at

29. *See id.* at 105 (referring to the jurors as "the trash in Maycomb County").

30. WILLIAM FAULKNER, *INTRUDER IN THE DUST* 153 (Vintage Books 1972) (1948).

31. Jean Louise seems to have taken her editor's lesson from Faulkner on Northern attitudes toward the South particularly to heart:

I'll tell you how New York is. New York has all the answers. People go to the YMHA, the English-Speaking Union, Carnegie Hall, the New School for Social Research, and find the answers. The city lives by slogans, isms, and fast sure answers. New York is saying to me right now: you, Jean Louise Finch, are not reacting according to our doctrines regarding your kind, therefore you do not exist. The best minds in the country have told us who you are. You can't escape it, and we don't blame you for it, but we do ask you to conduct yourself within the rules that those who know have laid down for your behavior, and don't try to be anything else.

. . . .

this sort of thing; the other, a very old hand indeed.³² After a great deal of rewriting and editing—which Jean Louise finds to be really educational, probably a lot like the seminars the editor tells her she’s missed by not going to college—the revised story is ready for release.

In retrospect, it’s sort of like the original, but kind of inside out, or turned around.³³ What was originally just background, Jean Louise’s happy memories of girlhood in the 1930s, is now foreground; what was originally foreground, her great Oedipal struggle with Atticus in the turbulent 1950s, is, let’s just say, no longer the focus. In the original, a grown-up Jean Louise looked back on the 1930s for the background of her coming-of-age fight with her father in the fraught 1950s; in the revision, the grown-up Jean Louise, somewhere vaguely offstage, tells the story of her girlhood self and her father’s heroic stand, way back in the Depression, for human rights, all the while implying that, left in hands like his, everything will always be best, even when they look worst, as they do right now in Alabama, in the wake of the *Brown* decision.

How right the editor is; what a master, or *maîtresse*, of her *métier*! The editor, to Jean Louise’s delight, is hugely impressed by these *bon mots*. The revised novel hits a spot as sweet as Coca-Cola’s “I Want to Teach the World to Sing” song soon will. Eventually titled *To Kill a Mockingbird*, the novice novel wins a Pulitzer Prize. This means it has artistic merit (not to mention an important moral message).

Boosted by that pat on the back, the book becomes a movie; Gregory Peck wins an Oscar for portraying—incarnating, really—Atticus Finch. The movie is even more popular than the book, mostly because Gregory Peck was impeccable and maybe also because Atticus’s somewhat dated monologues on topics like the innocuousness of the KKK³⁴ and the silliness of women-folk³⁵ don’t make the final cut. *To Kill a Mockingbird* becomes the favorite movie of people who don’t manage to read a lot of books; they, in turn, ensure that it is one of the very few books that everyone actually has to read. Reading *To Kill a Mockingbird* becomes an American rite of passage, like going to prom, even for those who’ve been advised they’re

Look sister, we know the facts: you spent the first twenty-one years of your life in the lynching country, in a county whose population is two-thirds agricultural Negro. So drop the act.

LEE, *supra* note 7, at 177–78.

32. On her relationship with her editor, Harper Lee remarked: “I was a first-time writer, so I did as I was told.” Jonathan Mahler, *The Invisible Hand Behind Harper Lee’s To Kill a Mockingbird*, N.Y. TIMES, July 12, 2015, <https://www.nytimes.com/2015/07/13/books/the-invisible-hand-behind-harper-lees-to-kill-a-mockingbird.html>.

33. See SHIELDS, *supra* note 1, at 128 (“Aside from what Nelle’s intention might have been, the effort involved was more frustrating than she imagined it would be. The writing went at a glacial pace. A perfectionist, Nelle was more of a ‘rewriter’ than a writer, she admitted later.”).

34. Atkinson, *supra* note 3, at 605 n.13.

35. *Id.*

not “college material.” It is the lens through which young people all over the country see how bad racism is and how much better the best of fathers really do know. Nor are adolescents its only enduring audience: Savvier bar presidents—local, state, and ABA-level—make emulating Atticus the theme of their terms, working him into an infinity of inspiring bar journal editorials and edifying after-dinner speeches.³⁶ A strikingly successful personal injury lawyer expands that theme to book length in *In Search of Atticus Finch: A Motivational Book for Lawyers*.³⁷

Alas, not that all goes entirely well for Jean Louise and her story; this isn’t, after all, a fairy tale. From the beginning, high-brow literary critics in fancy journals damn *To Kill a Mockingbird* with faint praise or dismiss it as hammock reading.³⁸ Jean Louise’s real-life model for Dill, himself an aspiring young Southern novelist, lets slip a boozy *bon mot* at all the cool Village bars: *Mockingbird*’s winning the Pulitzer says more about the prize than about the prized.³⁹ Jean Louise is too loyal to smell sour grapes; too generous to second-guess all the unpaid help she gave him rambling around the High Plains doing research for a novel, or something like a novel, of his own.⁴⁰

Jean Louise, meantime, returns to Maycomb, planning to live even as Uncle Jack had suggested in *Go Set a Watchman*.⁴¹ She now knows that her work—her *vocation*—is writing. She considers updating the story of Scout and Atticus, bringing it forward from the setting of *To Kill a Mockingbird*

36. See, e.g., Lesley Pate Marlin, *Defending Liberty, Pursuing Justice An Interview with ABA President Carolyn B. Lamm*, VA. LAW., Apr. 2010, at 37, http://www.vsb.org/docs/valawyer magazine/v10410_ylc.pdf; *ABA Honors To Kill a Mockingbird’ and Atticus Finch*, ABA J. (Aug. 10, 2010, 5:40 PM), http://www.abajournal.com/news/article/aba_honors_to_kill_a_mockingbird_and_atticus_finch/; Paulette Brown, *Statement of ABA President Paulette Brown on the Passing of Author Harper Lee*, ABA (Feb. 19, 2016), https://www.americanbar.org/news/abanews/aba-news-archives/2016/02/statement_of_abapre0.html.

37. MIKE PAPANTONIO, *IN SEARCH OF ATTICUS FINCH: A MOTIVATIONAL BOOK FOR LAWYERS* (1996).

38. Not everyone, alas, is impressed—more precisely, not everyone is willing to admit how impressed they really are. Thus, for example, an obviously jealous fellow female novelist from neighboring Georgia scoffs that *To Kill a Mockingbird* is “a child’s book.” Letter from Flannery O’Connor to Caroline Ivey (Aug. 20, 1961), *quoted in* Jerry Elijah Brown, *Introduction to CAROLINE IVEY, THE FAMILY*, at vii, xv (1991).

39. Alexandra Alter, *Harper Lee and Truman Capote A Collaboration in Mischief*, N.Y. TIMES (Aug. 9, 2015), <https://www.nytimes.com/2015/08/10/books/harper-lee-and-truman-capote-a-collaboration-in-mischief.html> (describing how Harper Lee drew on her friendship with Truman Capote as inspiration for Dill) (“But their friendship was strained by bitterness and rivalry. Mr. Capote envied the success of ‘Mockingbird,’ which won the Pulitzer Prize. Rumors spread alleging that he had written ‘Mockingbird’ for Ms. Lee.”).

40. *Id.* (“[Harper Lee] was stung when Mr. Capote relegated her to the acknowledgments of ‘In Cold Blood,’ after she helped to research it and contributed 150 pages of typed notes.”); SHIELDS, *supra* note 1, at 253 (“Truman’s failure to appreciate her was more than an oversight or a letdown. It was a betrayal.”)

41. “I don’t mean by fighting; I mean by going to work every morning, coming home at night, seeing your friends.” LEE, *supra* note 7, at 272.

in the depressed 1930s into the repressed present day, the early 1960s. She sometimes asks herself [w]hat had she done that she must spend the rest of her years reaching out . . . for them, making secret trips to long ago, making no journey to the present?⁴²

Truth be told, she is a bit troubled by a slightly guilty conscience: She knows in her heart of hearts—indeed, she had written in her original novel—that Atticus will not, in fact, behave as the kind of human rights hero that *To Kill a Mockingbird* has led the American left to expect, least of all in matters of racial justice. He will not be the conscience of his country, but the conscience of a very distinct kind of conservative. The Kennedy assassination makes these worries almost unbearable: A visionary young war hero from Harvard replaced by a vulgar senior senator from the Texas hills.

She approaches her New York editor with a clever idea: Why not publish *Go Set a Watchman* as a sequel to *To Kill a Mockingbird*? Although, of course, it was actually written *before*, the events it describes really take place *after*. She could set the record straight about Atticus, even as she let the country know what troubles lay ahead.

Her editor has to admit, though only to herself, that this is not quite the problem she had anticipated. Successful first novels, she knows only too well, are notoriously hard acts to follow. In fact, she prides herself on a more precise calibration: As far as the first novel exceeded expectations, just so far will the second disappoint. Her consolation had been her other, equally infallible formula: The second novel will sell at least as well as the first, even if that very fact means there will be no third. Well trained in her trade, she had, accordingly, patiently awaited *Mockingbird's* inevitable sequel.

Now she has to admit, still only to herself, that she had not anticipated that *Mockingbird's* sequel would prove to be—or to have been—its prequel, *Go Set a Watchman*. But forewarned is forearmed, even as platitudes are truths. Fortunately for her editor, Jean Louise, in her ever-polite way, had presented her plan in a letter. When they meet a week later for dinner in New York, the editor is quite ready, if most reluctant, to point out the obvious problem. First, *Mockingbird's* sales are still exceptionally high, what with the new paperback market, overseas editions, translations, and all—not to mention the movie. *Cheers!* A new Jean Louise Finch novel, so close on the heels of the first, might well trip it up.

What's more, she delicately points out, there may be a special problem here: The Atticus of *Watchman* rather undercuts the Atticus of *Mockingbird*. Feeling only the slightest hint of impatience, like a teacher recalling that even the best pupils can use a bit of review, she recaps their

42. The italicized material appears in LEE, *supra* note 7, at 225, in Roman typeface.

earlier conversations about that book's being, well, perhaps a bit too frank for its own good, a little more realistic, maybe, than what most readers were ready for. Again: Northerners really don't care to be reminded that many Southerners, even of the best sort, oppose integration; Southerners probably read enough about school desegregation and that sort of thing in their local papers.⁴³

That point underscored, the editor highlights another, which she had thought would be obvious enough. Fans of Atticus might feel, well, a little betrayed. Liberals, South as well as North, might reasonably have expected, on a fair if not overly fine-grained reading of *Mockingbird*, that Atticus, in the era of *Watchman*, would side with them, in favor of racial integration, even if it came under Supreme Court order and entailed federal intervention. Atticus on the citizens' council, and denouncing *Brown v. Board*, might seem a bit like a bait and switch.

The editor reminds Jean Louise that Atticus had reminded many higher-brow, hero-hungry readers of Thomas More in the BBC's *A Man for All Seasons*, a kind of "man for all sections," who, though Southern born and bred, was the sort of fellow Northerners could trust and work with on really important matters.⁴⁴ What St. Thomas had been to religion, Atticus was to race. Would it really do to have a sequel in which St. Thomas, the great martyr for conscience, turned out to have hounded—even executed—heretics?⁴⁵

Jean Louise stands her ground, even as her as-yet unpublished novel says she will. No careful reader of *Mockingbird*, she insists, should be surprised by *Watchman*. The Atticus of *Mockingbird* could reasonably go either way on integration; many conscientious Southerners did, in fact, resist integration, truly believing that "separate but equal" facilities could be made equal while remaining separate. And many Northerners, including Ivy League constitutional scholars,⁴⁶ shared Atticus's worries about *Brown*

43. See *supra* page 601 (editor's original worries about highlighting issue of school integration).

44. *A Man for All Seasons* (BBC Radio 1954); *A Man for All Seasons* (BBC TV 1957).

45. Here again, the editor's advice has proved prescient. See HILARY MANTEL, *WOLF HALL* (2009) (historical novel in which the villainy of Thomas Cromwell and the virtue of Thomas More are rather radically reversed); see also PETER ACKROYD, *THE LIFE OF THOMAS MORE 295–99* (1998) (noting More's fondness for the torture of heretics); David Gibson, *Will the PBS Series 'Wolf Hall' Tarnish St. Thomas More's Halo?*, WASH. POST (Apr. 23, 2015), https://www.washingtonpost.com/national/religion/will-the-pbs-series-wolf-hall-tarnish-st-thomas-mores-halo/2015/04/23/fc2242e8-e9ea-11e4-8581-633c536add4b_story.html?utm_term=.ed19ed42914c.

46. Here, it has to be said, the evidence is a bit thin. See Alexander M. Bickel, *The Original Understanding and the Segregation Decision*, 69 HARV. L. REV. 1 (1955) (citing evidence that many contemporaries did not believe that the Fourteenth Amendment originally entailed integrated public schools but generally approving the Court's decision as appropriate exercise of judicial expansion); Herbert Wechsler, *Toward Neutral Principles of Constitutional Law*, 73 HARV. L. REV. 1, 22–23, 26–35 (1959) (questioning whether the Court's decisions on desegregation in public education in particular, and on matters of race in general, rest on properly articulated neutral principles).

as judicial overreaching, irrespective of the race issue. So, it's not, really, that Atticus's character is inconsistent in the two stories; it's rather that Atticus's character turns out to be more complex, his reaction to contemporary events more realistic, if not more nuanced, than she could show in *Mockingbird*, which focused on a more straightforward issue—executing an obviously innocent man only on account of his color—in an earlier, simpler time.

Jean Louise seems to get her back up a bit when her editor asks her to see these facts from a more pragmatic perspective. Southerners, the editor suspects, may not be consoled to learn that a couple of Ivy League law professors share their doubts about the constitutional soundness of *Brown*. And Northerners, she has to report, might find it easier to see Southern opponents of racial integration as narrow-minded bigots than as concerned parents, much less conscientious statesmen. Publishing, remember, has to be about marketing, not just about intellectual integrity and historical accuracy.

The editor sees, sadly, that this line of conversation is not getting them where they need to go. As patiently as ever, she tries another tack. And then, she begins, there may be a problem with Scout, too. As she expected, this gets Jean Louise's full attention. In order to find common ground for her and Atticus, remember, you had to bring her pretty far to the right on everything but race. She's pretty dubious about the New Deal,⁴⁷ positively revolted by "judicial activism."⁴⁸ For better or worse, we're not in Eisenhower's America anymore. How did President Kennedy put it? *The torch has been tossed to a whole new generation of Americans?*⁴⁹ And that new generation, she gently suggests, seems much more willing to have the role of government grow, the reach of the Court extend. This is the 1960s; by the end of the decade, America may well have a man on the moon—and a new federal agency to fund, with multi-million dollar bases strategically strung across the South, from Florida to Texas, probably not bypassing Alabama. Here's our dilemma: if Scout sees government as a lot of musty bureaucratic corridors,⁵⁰ she's going to look a lot less appealing; if we change her perspective, she can't really come to see eye to eye, or nearly so, with Atticus. I don't see any way out: either we upset the book's

47. LEE, *supra* note 7, at 240, 243–47.

48. *Id.* at 238–40.

49. *Cf. Inaugural Address of President John F. Kennedy*, JOHN F. KENNEDY PRESIDENTIAL LIBR. & MUSEUM, <https://www.jfklibrary.org/Research/Research-Aids/Ready-Reference/JFK-Quotations/Inaugural-Address.aspx> (last visited Feb. 15, 2018) (“[T]he torch has been passed to a new generation of Americans.”).

50. *Id.* at 240 (“[T]he Federal Government to me, to one small citizen, is mostly dreary hallways and waiting around.”).

internal balance, leaving Jean Louise and Atticus at odds, or we upset a lot of Jean Louise's fans, hurting the book's audience appeal.

Yankees, remember, buy an awful lot of our books; in your first draft, you rather badly bit the hand that has been feeding you pretty well ever since you published the revised version. Not that I took it personally, but I can't quite forget this bit about New York: "I despise your quick answers, your slogans in the subways, and most of all I despise your lack of good manners: you'll never have 'em as long as you exist."⁵¹

Rather than let that last point sink in, as she almost immediately realizes she should have, the editor moves on to a final, rather more delicate, point. Also, and I hesitate to say this, there's the matter of—what shall I say?—"sensitivity"? Maybe "viewpoint"? Remember when, on the very first page, Jean Louise realizes, on the train just south of Atlanta, that she is finally home, and she feels genuine joy? How—I think this is how it goes—[s]he grinned when she saw her first TV antenna atop an unpainted Negro house; as they multiplied, her joy rose?⁵² And then there are things like this: *Calpurnia used to say, when Jem and I'd beg her for coffee, that it'd turn us black like her.*⁵³ Even before the editor finished quoting the second passage, which she had not planned to deploy unless all else had failed, she knew she had gone too fast, if not too far.

Jean Louise's habitually bright eyes, already dimmed with disappointment, have clouded with hurt. Now, the editor realized, she has to go on, not to drive this last point home, but rather to soften it, even pull it back a bit. Well, of course, that passage very nicely captures a certain entirely understandable nostalgia. It's the feeling that anyone raised in the South might well experience; I'm quite sure that it's the feeling I myself would have experienced had I been, if I might quote our old friend Atticus, "in their shoes." But, of course, not everyone has been in Jean Louise's shoes; what's worse, not everyone is going to be willing to try them on.

Now, her editor knows, comes the most delicate part, because, she's inclined to think, it's the most maternal. She tells Jean Louise she hated to have to touch on that, because she knew it would hurt, and she can see that it *has* hurt. She pauses, seeming to search for the right phrase, "Friends

51. *Id.* at 178. Readers of today, South as well as North, might well rue Uncle Jack's unreconstructed view of the Civil War, around to which he seems to have brought Jean Louise. She had originally thought Southern whites went to war because of "the slaves and tariffs and things," *id.* at 195; Uncle Jack patiently explains otherwise: "They fought to preserve their identity. Their political identity, their personal identity." *Id.* at 196. And Atticus, she comes to see, was very much of the same view; so much so that she can complete his sentences with Uncle Jack's words: "The Negroes were—*Incidental to the issue in this war . . .*" *Id.* at 243. Nor can we countenance, as Jean Louise apparently did, the way Uncle Jack tries "to attract [her] attention": "She . . . straightened up to catch Dr. Finch's savage backhand swipe full on the mouth. Her head jerked to the left and met his hand coming viciously back. She stumbled and groped . . ." *Id.* at 260.

52. *Id.* at 3.

53. *Id.* at 87–88.

don't need friends when they're right." Isn't that what Uncle Jack told Jean Louise, back in your very first draft?⁵⁴ And, she dares say, she thinks that she and Jean Louise are more than just friends, that Jean Louise is a sort of adopted niece. Maybe even more than a niece, what with this whole process of helping her nurse her book along, bring it into the world, see it received, keep it safe.

As indicated above,⁵⁵ from this point on in the typescript, each page is carefully stricken through with a thick blue pencil line running from the upper right of the page to the lower left.

Jean Louise has to admit to her mentor that she sees the logic of all this, even the love. As she puts it later, in one of her last formal interviews, "I was a first-time writer, so I did as I was told."⁵⁶ She returns to Maycomb and, for a while, lives more as Uncle Jack practiced than as he had preached. As he had retired from his medical practice in Memphis to live in Maycomb as a kind of ecclesiastical antiquarian on the revenues of his stock investments,⁵⁷ so she leaves her writing career in New York City and returns to Maycomb to live on the royalties from *Mockingbird*, carefully recording the way folks live there, as a kind of small town Jane Austen.⁵⁸

Even as she knew it would, Maycomb changes on the surface⁵⁹ but remains the same at heart.⁶⁰ Many of the old downtown stores stand vacant, sometimes not entirely tastefully boarded up. But folks find they can buy most of what they need, often cheaper, at the new mall out past the bypass. If the Maycomb *Register* has closed, the Alabama issue of *USA Today* runs a weekly insert on matters of statewide interest. And Maycomb, probably like a lot of other small towns, thanks to its active chamber of commerce, has developed a buy-local campaign with an international market: the attractions of *To Kill a Mockingbird* and its famous author have become a

54. *Id.* at 273 ("[T]he time your friends need you is when they're wrong, Jean Louise. They don't need you when they're right— . . .").

55. *See supra* p. 598.

56. Here again, Jean Louise's life seems to parallel that of her creator. *See supra* note 31.

57. LEE, *supra* note 7, at 89.

58. Michiko Kakutani, *In Harper Lee's Novels, a Loss of Innocence as Children and Again as Adults*, N.Y. TIMES (Feb. 19, 2016), <https://www.nytimes.com/2016/02/20/books/in-harper-lee-novels-a-loss-of-innocence-as-children-and-again-as-adults.html> (quoting Harper Lee's ambition to be "the Jane Austen of South Alabama").

59. *See* LEE, *supra* note 7, at 45 ("They [veterans returning from World War II] painted their parents' houses atrocious colors; they whitewashed Maycomb's stores and put up neon signs; they built red brick houses of their own in what were formerly corn patches and pine thickets; they ruined the old town's looks.").

60. *See id.* at 46 ("Although Maycomb's appearance had changed, the same hearts beat in new houses, over Mixmasters, in front of television sets.").

kind of cottage industry.⁶¹ The court house, long an architectural landmark, is now a tourist attraction, the first highlight that trolley guides point out on their regular tours. The trolley stops at Boo's Ice Cream Boo-tique, on the site of Jean Louise's girlhood home;⁶² it slows down respectfully passing Atticus's new ranch-style house, in the newer part of town, where Jean Louise herself now lives. Despite persistent efforts to paint her as a kind of ironic Boo Radley, the guides report, she is no recluse. She goes on about her daily routines, rather like an Alabama Miss Marple, though with no murder mysteries to solve.

Maycomb's general consensus is that the better comparison, now confirmed by a book, is not to Boo, but to her novel's titular songbird.⁶³ As Atticus once told Scout and Jem, so the people of Maycomb like to repeat to their children and visitors: *Mockingbirds . . . don't do one thing but sing their hearts out for us.*⁶⁴ Occasionally, an impertinent child, unwittingly like the original Scout herself, will object, in all innocence, that their mockingbird hasn't been doing much singing lately. Emulating Atticus, an obliging adult always points out that any metaphor can be pressed too far, even in the best of good faith. And, looked at a little differently, Miss Jean Louise really has kept right on singing. It's no real stretch to say that *Mockingbird* is a song that never ends. Maycomb High School puts it on as a play every year, like Alabama's own *Oberammergau*. With only a little more imagination, even a child can see that Miss Jean Louise's life among them is itself a kind of song, a virtual hymn to their modest but meaningful way of life. Indeed, as every Maycomb high school teacher points out to every senior English class, Miss Jean Louise is not unlike the lad in Grey's *Elegy Written in a Country Churchyard*, what with the noiseless tenor of her ways and all.

61. See Jennifer Crossley Howard, *Harper Lee's Legacy Would Expand Under Plan for Town Square*, N.Y. TIMES (Dec. 1, 2016), <https://www.nytimes.com/2016/12/01/arts/design/harper-lee-legacy-would-expand-under-plan-for-town-square.html> ("Monroeville, Harper Lee's Alabama hometown, inspired the depiction of fictional Maycomb in Ms. Lee's novel 'To Kill a Mockingbird,' and now her former lawyer hopes to transform part of the town's square to honor the author under a new plan. According to the website al.com, a proposed Harper Lee Trail would include a museum to be located in a refurbished 1909 bank building, where Ms. Lee's father kept a law office. Other plans include building replicas of homes in Ms. Lee's novel and renovating her house on West Avenue in Monroeville.").

62. LEE, *supra* note 7, at 112 ("The square, squat, modern ice cream shop where her old home had been was open . . .").

63. See MARJA MILLS, *THE MOCKINGBIRD NEXT DOOR: LIFE WITH HARPER LEE* 213 (2014) ("Mockingbirds are a fairly common sight around Monroeville but to have one join us in Harper Lee's yard was a bit of magic. . . . 'They just sing their song and don't care what anybody say about it. It's their song and they gonna sing it.' Mockingbirds sing loudly and don't take kindly to other birds infringing on their territory. There's something strong but also vulnerable about mockingbirds; those qualities applied to the one in the tree as well as the ones living in the house.").

64. HARPER LEE, *TO KILL A MOCKINGBIRD* 119 (1960).

These, alas, are the half-truths the good people of Maycomb tell to double effect: edifying children and distracting strangers. The fuller truth is that Miss Jean Louise hasn't published anything else, yet, or even hinted that she's been writing. Honors and awards still come, but less often. Her public grows impatient; reporters, downright rude. She tires of insistent questions about a sequel to *Mockingbird*; she declines formal interviews altogether. The general consensus in Maycomb, as elsewhere, is that she has become a victim of her own success, her much-expected second novel overshadowed by the paralyzing prospect that it will not, cannot, measure up to the first.

But the whole truth is truly stranger, and sadder. Even as she lives out her sunny, secular-as-sacred lifestyle, Jean Louise's secret writing grows darker, day by day, decade by decade. She reads more than she writes, and she is haunted by what she reads. Remembering Atticus's deep antipathy toward the NAACP,⁶⁵ she reads up on that organization and its founders. She is particularly touched by W.E.B. DuBois's "story within a story," in *Souls of Black Folk*: an enlightened young Black writer goes home to the South, only to discover that, in the end, he himself must "disappear."⁶⁶

She herself toys with an epic tale of sacrifice. Her alter-ego, Iphegenia Louise, "Iffy" to her family, gets "sacrificed" by her father at the beginning of the story⁶⁷ so that he and his brother can lead their kith and kin on a great quest to avenge an ancient wrong⁶⁸ having something to do with people from another continent who violate, or seduce, their women folk. The brothers would eventually win their war and return home in triumph.⁶⁹ But a jealous neighbor lady, with a really Dickensian name like "Miss

65. LEE, *supra* note 7, at 238 (Atticus gives "[t]he Federal Government and the NAACP" as his two reasons for chairing a Citizens' Council meeting); *id.* at 245 ("I'd like for my state to be left alone to keep house without advice from the NAACP, which knows next to nothing about its business and cares less."); *id.* at 247 ("Then the NAACP stepped in with its fantastic demands and shoddy ideas of government—can you blame the South for resenting being told what to do about its own people by people who have no idea of its daily problems?"); *id.* ("The NAACP doesn't care whether a Negro man owns or rents his land, how well he can farm, or whether or not he tries to learn a trade and stand on his own two feet—oh no, all the NAACP cares about is that man's vote.").

66. W.E.B. DU BOIS, *THE SOULS OF BLACK FOLK* 153–66 (Brent Hayes Edwards ed., Oxford Univ. Press 2007) (1903).

67. As he does at the end of *Watchman*, in both his own account and hers. LEE, *supra* note 7, at 252 ("I've killed you, Scout. I had to."); *id.* at 253 ("So he kills me and gives it a twist . . ."). And also Uncle Jack's. *Id.* at 265 (" [H]e [Atticus] had to kill you [Jean Louise] to get you functioning as a separate entity.").

68. As Jean Louise outlines it, "the chapter which concerned her began two hundred years ago and was played out in a proud society the bloodiest war and harshest peace in modern history could not destroy." *Id.* at 122. As her Uncle Jack puts it, "all over the South your father and men like your father are fighting a sort of rearguard, delaying action to preserve a certain kind of philosophy that's almost gone down the drain—." *Id.* at 188.

69. If a somewhat unusual peace between themselves. One brother, it seems, remains very much in love with the other's wife. *See id.* at 274 ("When Atticus married her, and I'd come home from Nashville for Christmas and things like that, why I fell head over heels in love with her. I still am . . .").

Maudlin,” maybe “Maudie” for short, and a stereotypically Anglo-Saxon surname, something like “Atkinson,”⁷⁰ kills the older brother, partly because she had helped him raise the daughter he destroyed, which made her mad, and partly because he had let his sister move in with him,⁷¹ which made her jealous. Then Iffy’s surrogate brother Truman⁷² kills the neighbor lady, in cold blood, only to be pursued by his personal demons to a great culture center, a sort of latter-day Athens, where he loses his way, if not his mind.⁷³

A new acquaintance at the New York Public Library finds Jean Louise a neat quote she can use for both epigraph and title, “O gods! grant me release from this long weary watch.”⁷⁴ Jean Louise knows the sentiment all too well,⁷⁵ and she is hugely impressed by, and grateful for, the classical reference. But she believes the Scriptural allusion *Go Set a Watchman*⁷⁶ will resonate better back home in the Bible Belt. And, rather than have her heroine silenced, much less sacrificed, she’d rather make her some sort of prophetess, speaking truth to power.

And hers is not to be a pretty truth. What Jean Louise began as *Unsung Heroes: Another Study of Provincial Life*, she’s now tempted to re-title *Small Lives: A Dystopian Political Fantasy*. In both *Watchman* and *Mockingbird*, she’d made her menfolk promise to be open to change.⁷⁷ In real life, alas, they continue to promise, but they never quite deliver.⁷⁸

Atticus and Hank can only shake their heads as they hear Governor Wallace’s inaugural lecture on segregation, earnestly wishing it didn’t have to be so. They dutifully become trustees of the local private school, Nathan Bedford Forrest Academy. Not, they are always careful to explain, because

70. The more devoted readers of both *To Kill a Mockingbird* and *Go Set a Watchman* will recognize Jean Louise’s *homage* to the beloved cross-the-street neighbor of her childhood, Miss Maudie Atkinson, who, I should probably say, is no known relation of mine. LEE, *supra* note 63, at 56; LEE, *supra* note 7, at 111.

71. See LEE, *supra* note 7, at 31 (“[W]hen Atticus developed arthritis, Alexandra went to live with him.”).

72. “True Man,” maybe?

73. LEE, *supra* note 7, at 71 (“She wondered where he would be when his life ended. Not on the sidewalk in Maycomb, that was for sure.”).

74. AESCHYLUS, *Agamemnon*, in THE ORESTEIAN TRILOGY 41, 41 (Philip Vellacott trans., Penguin Books rev. rpt. 1959) (c. 458 B.C.E.).

75. She has said pretty much the same thing herself: “God in heaven, take me away from here . . . God in heaven, take me away. . . .” LEE, *supra* note 7, at 253 (ellipses original).

76. *Isaiah* 21:6, *quoted in* LEE, *supra* note 7, at 95.

77. As Atticus tells the older Jean Louise in *Go Set a Watchman*, “[S]o far in my experience, white is white and black’s black. So far, I’ve not yet heard an argument that has convinced me otherwise. I’m seventy-two years old, but I’m still open to suggestion.” LEE, *supra* note 7, at 246.

78. As Hank had replied when Jean Louise had called him “a goddamned hypocrite” and asked, “how can you live with yourself?”: “It’s comparatively easy. Sometimes I just don’t vote my convictions, that’s all.” *Id.* at 234. As Atticus had replied when she said she couldn’t live with hypocrites, “I don’t know why you can’t. Hypocrites have just as much right to live in this world as anybody.” *Id.* at 234–35.

they are racists, but because they don't want their children and their grandchildren's school to be dragged down by "Negroes" (their nicer "n-word"), whose education, up to now, hasn't really been up to the mark,⁷⁹ no fault of "theirs,"⁸⁰ much less "ours."⁸¹ Ever the gentlemen,⁸² Atticus and Hank are not ones to say "I told you so" when peaceful civil rights marches, in Alabama and across the South, meet violent resistance, official as well as clandestine; when water cannons and billy clubs and attack dogs do by day what dynamite and gasoline and hempen nooses do by night. When Dr. King takes his marches North to protest segregated housing in America's great cities, he meets the very resistance Atticus and Hank knew he would, though it gives them no pleasure, public or private, to see Yankee hypocrisy about race finally, fatefully unmasked.

Governor Wallace, indeed, is decidedly not their sort, as they decisively prove in 1968. He takes to the national stage with a third-party campaign that promises, like the old Populists, to link Southern white farmers with Northern white workers under a banner of barely disguised racism. But Atticus and Hank see the real threat: the sickle and the hammer. When Wallace declares there's not "a dime's worth of difference"⁸³ between the two main-stream parties, Atticus and Hank dare to object. Senator Thurman, the Dixiecrat of two decades before, is right this time, too: *A vote for Wallace is a vote for Humphrey.*⁸⁴

Humphrey, the Democratic Party's nominee at its most indecorous Chicago convention, is the man of labor union activists and civil rights agitators. Nixon is Hank and Atticus's man: staunch anticommunist; constitutional strict constructionist. They in Alabama, like others like them all over the South, become the brilliant lieutenants of his Southern Strategy: Always insisting that race is only incidental, never the real issue, they can never say enough about bussing and welfare abuse, big government and budget deficits.⁸⁵ And thus they shepherd the solidly

79. Atticus had said as much, of course, in *Go Set a Watchman*: "Do you [Jean Louise] want your children going to a school that's been dragged down to accommodate Negro children?" *Id.* at 246.

80. See *id.* at 246–47 ("[T]he Negroes down here are still in their childhood as a people. . . . They've made terrific progress in adapting themselves to white ways, but they're far from it yet.").

81. See *id.* at 247 ("Then the NAACP stepped in with its fantastic demands and shoddy ideas of government—can you blame the South for resenting being told what to do about its own people by people who have no idea of its daily problems?") (Atticus to Jean Louise).

82. See *id.* at 249 ("[N]o power on earth would prevent him [Atticus] from being a gentleman . . .").

83. Wallace Mendelson, *Separation, Politics, and Judicial Activism*, 52 *IND. L.J.* 313, 321 (1997).

84. NADINE COHODAS, *STROM THURMOND AND THE POLITICS OF SOUTHERN CHANGE* 400 (1993).

85. As Hank had told Jean Louise, "The Courthouse Crowd are pretty well asleep at the switch now, and a hard campaign might just beat 'em." LEE, *supra* note 7, at 77.

Democratic South of the New Deal into Nixon's Emerging Republican Majority. Thus, they become the vocal vanguard of his Silent Majority.

Jean Louise watches, and records, with growing despair. She loses all hope with Nixon's reelection in 1972. Having no other outlet for her outrage, Jean Louise furiously projects these trends forward. Dipping her pen in sarcasm, she gives Atticus and Hank and Uncle Jack more than they could possibly have dreamed of. They feared the South would lose to the North again on the issue of race; she has the South conquer the North on what Atticus and Uncle Jack say matters to them even more: stopping Big Government; rolling back the New Deal. Even as they insisted, race is only incidental, the master distraction of Nixon's "Southern Strategy," the first critical step toward the New Republican Majority. The hero of that majority would be, not the Eisenhower who won the War, but the Reagan who starred in *Brother Rat*.⁸⁶

Nor does she stop there. She makes the consolidation of the Reagan revolution, the real end of the era of big government, the work of a fellow Southerner, the very sort of "yesterday's gone" young man who, as Aunt Alexandra would have pointed out, had no background,⁸⁷ and who, as Jean Louise herself anticipated, was not really marrying material, at least not for her.⁸⁸ None other than Hank himself: President Henry Clinton.

Jean Louise's projected history prove Hank and Atticus ironically right, and Governor Wallace wrong, about segregation: It does not last forever; perhaps it was always only incidental.⁸⁹ But she turns history radically around on politics more generally; even as that perverted populist had said, there really isn't a dime's worth of difference between the two major political parties. Over the course of the next several presidential administrations, each party simply tries to outdo the other: dismantling the New Deal safety net; deregulating industry and commerce; dispensing corporate privileges; denouncing the poor as "losers" and "loafers"; depicting men of color as "rapists," "repeat offenders," and "super-predators."

She is about to bring all this to a great millennial apocalypse, a decline and fall worthy of Gibbon: After a decade of decadence to rival the Roaring Twenties, with the New Deal's banking regulations repealed, Wall Street will sink into a Great Recession. Reeling on the brink of economic ruin,

86. See KEVIN P. PHILLIPS, *THE EMERGING REPUBLICAN MAJORITY* (1969).

87. See LEE, *supra* note 7, at 34 ("Henry's background—"); *id.* at 36 ("Henry is not and never will be suitable for you."). Then again, maybe it's she, herself, who isn't the made for marriage, or at least not the kind of marriage Maycomb could countenance. See *id.* at 151 ("By the time I'm ready to get married I'll be ninety and then it'll be too late.").

88. *Id.* at 227.

89. *Id.* at 201 ("[W]hat was incidental to the issue in our War Between the States is incidental to the issue in the war we're in now, and is incidental to . . . your own private war.").

Americans will make Atticus and Hank's worst nightmare come true: electing as President an Ivy League law professor who has a white Christian mother from the American heartland, maybe Iowa or Nebraska, and a black Muslim father from Africa, perhaps Nigeria or Niger.

But real history derails her jeremiad; Nixon's hubris meets its nemeses. He resigns in disgrace. In revulsion, America elects a President who is almost as wholesome and down-home as Atticus Finch, a peanut farmer from just over the Chattahoochee River in Plains, Georgia. Hugely relieved, Jean Louise puts her dystopian fantasy aside in the nation's bicentennial year and moves happily on to other pursuits.

As her years advance, Jean Louise must eventually move from Atticus's "new" house in Maycomb's postwar suburb into a new assisted-living facility out beyond the bypass. Both her sight and her hearing are failing, and no one really knows how much she really knows—except, quite possibly, she herself. Under questionable (and questioned) circumstances, a decades-old typescript is found among her papers, either in an attic or a safe deposit box, by a single person, or a group of four, or three.⁹⁰ It is entitled *Go Set a Watchman*, and it turns out to be a sort of sequel to *To Kill a Mockingbird*. Amid considerable controversy, *Mockingbird*'s original publisher publishes the second novel; even as the dust jacket predicts, [*i*]t not only confirms the enduring brilliance of *To Kill a Mockingbird*, but also serves as its essential companion . . .

There are, to be sure, some problems; this is, again, no fairy tale. Miss Finch's close friends take sharp exception. They question whether Jean Louise ever meant for this book to see the light of day; they insist that, at the time of its publication, Jean Louise did not have the mental capacity to consent to its publication, which was at variance with her long-expressed desire to publish only one book. Whatever the truth of the matter, the new book appears in bookstores everywhere on Bastille Day 2015; it soon reaches the top of the *New York Times* best seller list.

Amid all the stir, Jean Louise maintains a Delphic silence. Some believe that she slipped, at some point in the process of publishing *Go Set a Watchman*, beyond comprehension of what is going on around her.⁹¹

90. Serge F. Kovalski & Alexandra Alter, *Harper Lee's 'Go Set a Watchman' May Have Been Found Earlier than Thought*, N.Y. TIMES (July 2, 2015), <https://www.nytimes.com/2015/07/03/books/harper-lee-go-set-a-watchman-may-have-been-found-earlier-than-thought.html>.

91. Serge F. Kovalski et al., *Harper Lee's Condition Debated by Friends, Fans and Now State of Alabama*, N.Y. TIMES (Mar. 11, 2015), <https://www.nytimes.com/2015/03/12/arts/artsspecial/harper-lee-ability-to-consent-to-new-book-continues-to-be-questioned.html> ("Despite reassurances from her publisher, lawyer and literary agent that Ms. Lee has enthusiastically endorsed the publication, the controversy over the new book, 'Go Set a Watchman,' has divided some residents of her hometown here, as well as longtime friends who live elsewhere. One faction argues that Ms. Lee's mental health is too shaky for her to have knowingly authorized the new book, while the other just as vigorously affirms her competence.").

Others believe that she is very much her old self, enjoying, even as Scout would have enjoyed, a huge, if almost completely private, joke.⁹²

Finis

This is how the typescript ends. As we have seen, however, the typescript itself has been significantly edited.⁹³ We turn, now, to the manuscript written on the back of those pages of the typescript that were stricken through. These revisions begin, you will recall, just after the passage in the typescript that has Jean Louise agree with her editor that she would be wise not to publish *Go Set a Watchman* too soon after *To Kill a Mockingbird*.

THE MANUSCRIPT: THE SHORE DIMLY SEEN.

After a most puzzling dinner with her editor in New York, Jean Louise Finch immediately ducks into a downtown bar, orders a single malt, and, after a couple of sips, chuckles softly to herself. Her new therapist, Dr. Freudenshade, is right again⁹⁴: If she can stand up to her father, the iconic Atticus Finch, surely she can stand up to her New York editor, who seems to have been trying to insinuate herself as some sort of mother substitute. She needs neither her third therapist nor her second scotch to remind her of another thing: After *To Kill a Mockingbird*, she can publish anything she damn well wants. Over a third scotch, she admits to herself that second novels often fail. But she'll have had her say; she'll have set the record straight. She'll have gone and set a watchman, all right.

She fires her old editor without apology, finds a new publisher without difficulty, and brings out *Go Set a Watchman*, though not without anxiety. To her great relief, and considerable surprise, it is a huge success, critically as well as commercially. To a nation increasingly troubled by rising racial tensions and numbed by the recent presidential assassination, Jean Louise's thoughtful but unblinking revelations about Atticus's untenable ambivalence toward social progress prove a powerful, irresistible tonic.

92. *Id.*

93. See *supra* pages 595 and 611 (describing Lee's hand-written changes to her typescript).

94. Jean Louise had rather heavily hinted earlier that elements of her unorthodox upbringing "would probably have caused a child psychologist considerable dismay," LEE, *supra* note 7, at 115, even as she has expressed a rather low reward for therapy itself: "She felt sorry for middle-aged matrons who after much analysis discovered that the seat of their anxiety was in their seats . . ." *Id.* at 118. In *Watchman*, Jean Louise came to realize that her father and her uncle had acted as a kind of tag-team psychological squad. *Id.* at 200–202, 263–75 (Dr. Finch describes his conversations with Jean Louise in distinctly psychotherapeutic terms). From the manuscript, it seems, the brothers' work was not entirely done.

Just as she'd hoped, America sees how her father at first disappoints her, only to win back her love and respect as she herself matures. Readers—who prove far more sophisticated than some sophisticates might have thought—recognize a tragic truth: Political wisdom is a matter of balance; Atticus, like James F. Byrnes and John W. Davis, may have been on the wrong side of history,⁹⁵ but they were not bad men. The moral of the story—*Admit you're wrong; set things right*—becomes America's mantra.

When an interviewer from the *New Yorker* asks Jean Louise what she'll do next, she offers a carefully thought-out agenda: Return to law school in Alabama, practice law at her father's firm in Maycomb, maybe someday run for office or seek a judgeship. When the reporter wonders why she doesn't want to stick with writing, Jean Louise allows that she may do a little on the side, around the edges of her law practice. Sensing the interviewer's disappointment, she hastens to add that she's always been eager to try new things. She recounts the advice that Calpurnia, a kind of second mother, had given her when she got a big Whitman's sampler for her sixth birthday: "If you take a little bite off one piece, and don't much like it, put it back and try another one. It's your birthday—and your box of chocolates." She also remembered, but didn't think it right to mention, what her real mama had said: "Run along, now, and fetch me another piece of your birthday candy. *Scoot!*"

Reading her *New Yorker* interview, her old friend Hank has a very bright idea. He brings out a hugely successful line of tee-shirts, which bear an ironic reversal of Uncle Jack's advice: On the front, in huge letters, they shout *Run, Scout, Run!*; on the back, in slightly smaller typeface, they explain: *For the U.S. Senate*. And this windfall could not have come at a more critical time. Faced with a federal court's desegregation order, Maycomb County has closed its public schools. Stepping into the breach, Hank uses his tee-shirt profits to fund The Martin Luther King Freedom Academy, a tuition-free pre-K through twelfth-grade prep school for college-bound kids of all creeds and colors. No one doubts his heart is in the school; no one doubts that Jean Louise is still in his heart.

Jean Louise resists the temptation to run—for the Senate, that is. But, around the edges of her law school studies, she does find time to campaign relentlessly for President Johnson's election in 1964. Ironically enough, her efforts are almost undercut by a misreading of her book, which tips many marginal voters into Goldwater's camp. Exit polls show that many people believe Goldwater took his *laissez-faire* politics straight from the playbook

95. Byrnes, who had served as a United States Supreme Court Justice and Secretary of State, tried to implement genuinely "separate but equal" schools as governor of South Carolina; Byrnes's friend Davis, former ABA president and candidate for the Presidency of the United States, defended Byrnes's system in *Brown v. Board of Education of Topeka*. See, e.g., JAMES F. BYRNES, *ALL IN ONE LIFETIME* 407–09 (1958).

of Uncle Jack and Atticus in *Go Set a Watchman*.⁹⁶ When pressed, many admitted they had not actually read the book, but had thoroughly enjoyed the movie. And what a hit the movie is: The 1965 Oscar for best actor goes to Ronald Reagan for his portrayal of the aging Atticus; twin Oscars for supporting roles go to Charlton Heston as Uncle Jack and Marilyn Monroe as twenty-six-year-old Jean Louise Finch.

Johnson manages to win the 1964 election, though by the narrowest margin in American history. Never one to hold a grudge, he particularly appreciates Jean Louise's personal appearances on his behalf. What's more, he was himself, by his own account, deeply moved by the movie version of *Go Set a Watchman*, which Lady Bird told him was very nearly as good as the book. To the list of genial pet names LBJ has given all the women folk closest to him, he now adds "Mockingbird" for Jean Louise. This is generally taken to be an affectionate reference to the title of Jean Louise's first novel; it may also allude to the fact that, in their long and frequent private meetings in the Oval Office, Jean Louise always brings the conversation around, toward the end, to her admitted obsession: federal legislation protecting civil rights generally, the right to vote in particular. Always polite during these meetings, the President, or so it is rumored, vents frustration as soon as Jean Louise has left, even referring to her with a vulgarity an aid once a bit too obviously abbreviated, in an interdepartmental memo, as "M-Fingbird."

Still, LBJ knows that Jean Louise has a point. As the first Southern president since Woodrow Wilson, whose progressive views, Johnson knows, managed to span the globe without reaching Black America, Johnson decides he must make amends. As a first step, he reminds a nationally televised audience that, as a member of the Southern caucus, he

96. Here is an example of Uncle Jack's libertarian tendencies:

The time-honored, common-law concept of property—a man's interest in and duties to that property—has become almost extinct. People's attitudes toward the duties of a government have changed. The have-nots have risen and . . . received their due—sometimes more than their due. The haves are restricted from getting more. You are protected from the winter winds of old age, not by yourself voluntarily, but by a government that says we do not trust you to provide for yourself, therefore we will make you save.

LEE, *supra* note 7, at 197. And there's more:

The only thing I'm afraid of about this country is that its government will someday become so monstrous that the smallest person in it will be trampled underfoot, and then it wouldn't be worth living in. The only thing in America that is still unique in this tired world is that a man can go as far as his brains will take him or he can go to hell if he wants to, but it won't be that way much longer.

Id. at 198. Atticus's view has a less libertarian, more stand-in-the-schoolhouse-door states' rights "Massive Resistance" ring about them:

You mean because the Court said it we must take it? No ma'am. I don't see it that way. If you think I for one citizen am going to take it lying down, you're quite wrong. As you say, Jean Louise, there's only one thing higher than the Court in this country, and that's the Constitution—.

Id. at 241.

himself was no model of racial reform. But, he reports, he has been brought up short by this observation of Atticus Finch to his daughter in *Watchman*:

Listen, Scout, you're upset by having seen me doing something you think is wrong, but I'm trying to make you understand my position. Desperately trying. This is merely for your own information, that's all: so far in my experience, white is white and black's black. So far, I've not yet heard an argument that has convinced me otherwise. I'm seventy-two years old, but I'm still open to suggestion.⁹⁷

Following Atticus's example, Johnson reports, he, too, has tried to remain open to question. In that progressive frame of mind, the truth suddenly dawned on him: Atticus is trying to get Scout to see that racism isn't about experience or arguments at all; the statement "white is white and black's black" is meant to strike her as either irrelevant or meaningless, or both.

Lyndon Johnson, through this most enlightening, mind-opening if imaginary dialogue with Atticus, learns the Great Lesson of Southern History: if you find your social system was founded on a fundamental injustice, the best thing to do is set things right as soon as possible. Johnson has decided to do what he's now figured Atticus, were he in the President's shoes, would do: shepherd a major civil rights bill through both houses of Congress as quickly as possible, with a major voting rights bill to follow close on its heels. With the help of his old mentor, Senator Richard Russell of Georgia, who is almost an incarnation of Atticus, Johnson manages to do just that. A ubiquitous bumper sticker neatly captures the new moral touchstone of national politics: *What Would Atticus Do?*⁹⁸

What does Atticus himself actually do? As everyone has come to expect, something inspired, and inspiring. Refusing to let advancing age hold him back, he joins the Peace Corps.

Taking another cue from the master, LBJ decides to take the Tao of Atticus international himself. Putting himself in the light Vietnamese footgear of Chairman Ho Chi Minh of the People's Republic of Vietnam, the President recalls another major faux pas of Woodrow Wilson's racism: At the Paris Peace Conference of 1919, Wilson refused to see the young Ho, who had been quite eager to enlist his nation in the President's new League. To set this right, Johnson negotiates a cease-fire for the Tet national holiday and flies to Hanoi to meet with Chairman Ho.

His apology for President Wilson's slight does not have nearly the effect President Johnson had hoped; Ho nodded only imperceptibly, not

97. LEE, *supra* note 7, at 246.

98. Here again, Jean Louise herself has lead the way. *See id.* at 117 ("[B]efore she made any decision of importance the reflex, 'What would Atticus do?' passed through her unconscious . . .").

even what you'd call a "shallow bow," and said nothing. Nor did he brighten appreciably when President Johnson went on to explain the second great lesson of Southern history, which he had learned, like Jean Louise, from the sagacious Uncle Jack: *There will be no honor, but huge shame, not to mention loss of life and waste of money, in fighting a losing battle, which a land war in Asia is likely to be.* But, whatever his intention, Ho smiled broadly when President Johnson went on to propose that American troops unilaterally withdraw from Vietnam. Steeped as he was in Confucian conventions of courtesy, Ho asked, in addition, only that Vietnam receive most favored nation status. Eager to let bygones be bygones, he renames Saigon "Woodrow Wilson City" and invites LBJ to call him "Uncle Ho." President Johnson personally supervises the departure of the very last troop transport. The photograph of his signing "A for Atticus" as he boards the Presidential helicopter on the top of the U.S. Embassy building is an instant icon, plastered on the walls of dorm rooms all over America.

Back at in Washington, LBJ invites Jean Louise to a White House dinner, where he provides the perfect quote for the occasion: *This is the little lady who wrote the big book that got us out of what might have become a great war.* Acknowledging the President's modesty but refusing to ignore his contribution, the Swedish Parliament awards the 1966 Nobel Peace Prize jointly to him and Jean Louise.

Having thus advanced justice at home and achieved peace abroad, President Johnson seemed certain to crush his and Kennedy's old rival, Richard Nixon, the perennial Republican presidential nominee, in 1968. The Democratic Party seems to sit solidly on its Southern base, but all is not as secure as it seems. Vice President Hubert Humphrey's dealings with the Mississippi Freedom Democrats back at the 1964 Convention still rankles many Southerners. Richard Nixon, notorious trickster, concocts a devious "Southern Strategy," designed to tempt race-conscious Southerners into the Republican camp, even as Alabama's "Segregation Forever" Wallace launches a third party campaign. Only the iconic Atticus averts devastating defections; recalling the cautionary tale of Atticus's racial position, the South seems solid for the Democratic Party and President Johnson.

At the same time, though, Southerners also take a message from *Watchman's* other white male middle-class hero. Inspired by Uncle Jack's spirit of religious toleration,⁹⁹ Southerners look past what might otherwise have seemed unorthodox religious views to embrace the sound managerial vision of the Republican nominee, former GM executive and Michigan

99. See *id.* at 191 (Uncle Jack's enthusiasm for a dean of Westminster Abbey who "invited every heretic he could lay hands on to preach in the Abbey").

Governor George Romney. This looks like a huge setback for American liberalism, only to prove a blessing in disguise. President Romney proves the perfect consolidator of the Great Society, matching his mastery of administrative detail to Johnson's grand vision of social justice.

Even so, in the Presidential election of 1976, the South returns to its Democratic roots and Christian orthodoxy, this time through the good offices of none other than Atticus himself. At his Peace Corps post just outside Bombay [sic], Atticus has met another somewhat older volunteer, from right across the Chattahoochee River in Plains, Georgia. His letters home to Jean Louise overflow with affection for "Miss Lilian." The two displaced and somewhat home-sick Southerners discover they have a great deal in common: Both have lost their loving spouses; both have very accomplished adult children. Miss Lilian gives Atticus her son's address, which happens to be the Georgia governor's mansion, and Atticus and the long-fatherless James Earl become pen pals. With Atticus's encouragement, James Earl, whom Atticus fondly calls "Jimmy," decides to do what otherwise might have seemed ridiculous, given his complete lack of experience in national politics: Run for President.

James Earl "Jimmy" Carter is a "Mr. Smith Goes to Washington" straight out of Central Casting circa 1957. He has a toothy grin, a homey drawl, and a vast entourage of certified, even certifiable, Washington Outsiders, all from inside the Atlanta Perimeter. What's more, America feels comfortable with his mainstream, Southern Baptist beliefs, tolerant though they had tried to be toward what they could not but find the more exotic tenets of the former President's Latter-Day Saints faith. President Carter's fireside chats approach the popularity of the FDR prototype; trendspotters trade in their Travolta leisure suits for the President's trademark cardigan sweater, noting that it's the very thing Atticus Finch would wear (but not knowing that the President's own is, in fact, an Atticus hand-me-down that Jean Louise had hand-knitted). Amy, the President's endearing daughter, takes to signing all her homework "Scout"; at her invitation, Jean Louise broadcasts a nationally televised Halloween reading of the Boo Radley scene from a tree house on the White House grounds.

But Jimmy Carter is not all button-up sweaters and Open Diplomacy; no, sir. On his secret orders, a team of Navy Seals, the elite of the President's own branch of service, rescue hostages held at the American Embassy in Tehran. That alone would probably have secured his reelection in 1980, even if the Republicans had not put forward the hapless Ronald Reagan. As the President is said to have said of the Republican Party, "There you go again." On the day of his second inauguration, in a gesture of genuine good will, President Carter, famous for his service aboard nuclear submarines, pledges to help the Islamic Republic of Iran launch an ambitious, but of course peaceful, nuclear program of its own. He says nice

things about the Palestinian people, too, and recommends that people read the Old Testament as well as the New.

Back in Maycomb, Jean Louise sketches out a third novel, *The Shore Dimly Seen*, in what she hopes will become her Maycomb trilogy. Buoyed by bicentennial spirit, she projects the course of American history out to the millennial year 2001; here, in barest outline, is how she sees it going:

1984: George Herbert Walker Bush, a New England Republican transplanted to Texas, wins the White House back for the Republicans with promises to offer a kinder, gentler conservatism than the increasingly discredited Goldwater-to-Reagan brand. He proves an incomparable campaigner, a master of the common touch; people compare his mastery of language to that of America's greatest living novelist, Jean Louise Finch.

And with better reason than they may suspect. She supplied him with the damning label "voodoo economics"; it sticks to his principal Republican opponent's supply-side, "trickle-down" program like a sheet of toilet tissue to the sole of wing-tip shoe. But some of Mr. Bush's one-liners, it's only fair to say, are almost certainly all his own. Eager to reach out across both party and sectional lines to Southern Democrats, Bush declares that "Boll Weevil Democrats, like Gypsy Moth Republicans, will be around for a long, long time." But his most famous phrase may have come, along with plausible deniability, in asides to his vice presidential pick, an up-and-coming young New York City real estate tycoon, as "boos" begin to drown out Ronald Reagan's lengthy concession speech at the 1988 Republican National Convention: "He didn't pay for that microphone, but they're gonna hafta pry it from his cold, dead hand."

1988: Bush easily wins reelection to a second term. He has the support, especially in the South, of a significant number of Democratic crossover voters who are deeply unimpressed with his Democratic opponent, the solid but lackluster Michael Dukakis of Massachusetts. The centerpiece of President Bush's second campaign is the well-kept promise of his first: *Read My Lips: All the new taxes we need to leave no child behind*. It appears on ubiquitous billboards and TV ads along with pictures of Atticus reading aloud to Jem and Scout. Reaffirmed in his bipartisan inclinations, President Bush appoints a lifelong Democrat to the first Supreme Court vacancy of his second term; she becomes the first female Justice, Jean Louise Finch.

1992: President Bush, himself the son of a Senator, begins to think a bit too literally of his legacy. He dreams to do what no President, so far as he knows, has done before, "not even Adam": Pass the office on to his own son. But he has trouble choosing which one: By right, it should go to the elder, his somewhat abbreviated namesake; but, as he has to admit, "this is a sort of Esau-and-Jacob situation, and I'm really no Solomon." The Republican Party fares no better. After a series of bruising primary battles

between the brothers, the Republican National Convention comes down to a televised coin-toss. Governor Jeb Bush of Florida wins the toss; Governor George W. Bush of Texas has to settle for the vice presidential slot.

Meanwhile, on the Democratic side, no nationally prominent candidate has dared challenge the Bush dynasty. Finally, like David to their twin Goliaths, up steps the one-term junior Senator from Alabama, whose only prior public-sector job had been some part-time community organizing back in his home town.¹⁰⁰ For America, it's the year of the outsider; for Maycomb, it's the hugest day in history: Chief Justice Jean "Scout" Louise Finch swears in President Henry "Hank" Clinton.

To pretty much everyone's surprise, perhaps not least his own, President Clinton accomplishes major things. Having successfully integrated homosexuals into the military, he moves on to securing adoption of the Defense of Marriage Amendment, which confers constitutional protection on same-sex marriages across the country. When conservative Southern states prove reluctant to ratify, he winningly winks, "Oh, c'mon, y'all; I reckon every family's got a 'confirmed bachelor' like Uncle Jack somewhere back in the pantry." Many credit his success to his almost unbelievably talented wife, a native of suburban Chicago who was nonetheless willing to move back to Maycomb with him after law school. With her charmingly in charge, Congress expands Medicare and Medicaid into ClintonCare: universal, single-payer health insurance for all Americans.

But this is not Camelot. Ugly, if not entirely unsubstantiated, rumors threaten a constitutional crisis: According to the Articles of Impeachment, the President has had "inappropriate relations" with the head of a wholly independent branch of government. How can the Chief Justice of the Supreme Court impartially preside over the President's trial? But preside she does. The prosecutor is no star; the Senate narrowly acquits the President (mostly, everyone suspects, out of sympathy with his much-beloved wife). Democratic hopes for retaining the Presidency, however, have been seriously hurt, even as the proper Bush heir has become not only apparent, but inevitable: *Jeb!*

Early in the fall, however, Vice President Gore, the Democratic standard-bearer in 2000, manages to pull even, or very nearly so, with Governor Bush. (Ask Dill if it's too clever to make Gore Vidal's cousin the Vice President?) Gore is, even by his own account, a rather stiff campaigner; luckily for him, however, his Harvard roommate Tommy Lee Jones is quite the reverse. He stars in the blockbuster movie of Summer 2000, a remake of *Go Set a Watchman*. Just in time for both the 2000

100. See *id.* at 53 ("Atticus Finch was right when he said the only good the University did Henry [Clinton] was let him make friends with Alabama's future politicians, demagogues, and statesmen.").

election and the 2001 Oscar nominations, he wins wide acclaim for his portrayal—reincarnation, really—of the aging Atticus, supported by Jack Nicholson as Uncle Jack and Jennifer Garner as Jean Louise. His huge appeal spills over to Gore, whom he enthusiastically endorses in campaign appearances from coast to coast.

Televised coverage of the election returns transfixes the country. The Electoral College deadlocks; contested ballots in Lyndon Johnson's old West Texas district hold the key. The Texas Commissioner of Elections, appointed by Gov. George W. Bush, declares the outcome for Candidate Jeb Bush. As a Democratically appointed state judge orders the ballots recounted, Bush's lawyers secure an immediate stay from a Republican-appointed federal judge, from which Gore's lawyers file an unprecedented emergency appeal directly to the United States Supreme Court.

There, known only to the members of the court themselves, the eight associate justices evenly divide, with Republican appointees for Bush, Democratic appointees for Gore; the outcome of the election, the fate of the nation, lies in the hands of Chief Justice Jean Louise Finch. In the privacy of her Supreme Court office, on an old-fashioned rotary-dial phone with an ultra-secure satellite uplink, she places a midnight call to the private residence of a recently-retired 102-year-old solo practitioner in Maycomb, Alabama. When it rings, he and both his brother and his sister all reach for the receiver.

* * *

Here the manuscript ends. Perhaps Harper Lee lost faith in her ability to write believable fiction; perhaps she had to admit, if only to herself, that things simply were not going to go as she had let herself dream, in either America or Maycomb. We will never know.

On the other hand, we are truly blessed. We might never have had a sequel to *To Kill a Mockingbird*. At the very end of her life, Harper Lee gave us *Go Set a Watchman*, with its revelations about the real Atticus. And now we know, if only posthumously, that she has bequeathed us, not just one Jean Louise Finch, but two: one with the world-stage second act of *The Shore Dimly Seen*, the other with the quiet hometown retirement of *Unsung Heroes*.

CONCLUSION: REALITY CHECK.

Make no mistake: The nice lawyer I met from Monroeville, Harper Lee's sister Alice's law partner, did, indeed, follow my instructions, even as I took Jane's point, doubtlessly for the same reason: It would have been wrong to pass my extended critique of *To Kill a Mockingbird* along to the

aging Harper Lee. It might well have hurt a nice old lady's feelings; I might as well have hurled a rock at a songbird, all the while half hoping not to hit it, as mischievous boys always will. Though all of us have had to wait two generations, we now have Ms. Lee's view, quite possibly against her wishes, on what Atticus would have done in the civil rights era, how he would most likely have reacted to the Great Society.

Long before we knew that, we knew what had happened to the Great Society itself. We will most likely never know, of course, what really became of Jean Louise; the third volume of her trilogy of autobiographical novels is not likely to be found. Jane and I, for our part, have made our peace with Atticus. Disagree with him as we must, on many points, we would, if we could, happily grant him his greatest wish: "Well, I certainly hoped a daughter of mine'd hold her ground for what she thinks is right—stand up to me first of all."¹⁰¹ On this point, as on most others, Atticus is at one with his more grandiloquent brother, Jean Louise's Uncle Jack: "Every man's island, Jean Louise, every man's watchman, is his conscience."¹⁰²

The daughter of Atticus's hope, Jane and I believe, would have been someone like the Jean Louise of *The Shore Dimly Seen*. That is the novel, we like to think, that Harper Lee, in her most insular moments, must have imagined would someday come out, reconnecting her story with ours, completing a trilogy with *To Kill a Mockingbird* and *Go Set a Watchman*.

We very much appreciate her giving us both of those first two; we pray she made her peace with this last.

And we remember another prayer, at the beginning of the first book of another trilogy. It is the prayer of a watchman who has been set, not by a god who is a father, but by a queen who is a mother, "in whose woman's heart [a] man's will nurses hope"¹⁰³: *O gods! [G]rant me release from this long weary watch.*¹⁰⁴

Amen, and amen.

101. *Id.* at 277.

102. *Id.* at 264–65.

103. AESCHYLUS, *Agamemnon*, in THE ORESTEIAN TRILOGY 41, 41 (Philip Vellacott trans., Penguin Books rev. rpt. 1959) (c. 458 B.C.E.).

104. *Id.* (italics added).