

Moman Pruiett: The Oklahoma Lawyer Who Made It Safe to Murder

by

Jerry E. Stephens*

Moman Pruiett's career as a criminal defense lawyer in Oklahoma has been described in many different ways. One author called him the lawyer who "made it safe to murder."¹ His obituary in a national magazine described him as "a menace to the community."² Another writer added a dimension to the obituary with this question: "Napoleon of the bar or menace to the community?"³ He was labeled as "charming, felonious Moman Pruiett."⁴ Finally, one prominent attorney was led to comment that Pruiett's professional career is "a record that should be of interest to every lawyer."⁵

Moman Pruiett may have been all of that, and probably much more. In his own autobiography, Pruiett describes himself simply as "criminal lawyer."⁶ Whether or not that phrase was an intentional double entendre may never be known. The autobiography is, however, unstinting in its praise of his own life and work.

Others entirely agreed with Pruiett's own proud assessment. In his "Foreword" to the autobiography, C.W. Van Eaton says this of Pruiett: "Clients knew when they hired

¹ Berry, Richard K. *He Made it Safe to Murder: the Life of Moman Pruiett*. Oklahoma City: Oklahoma Heritage Association, 2001.

² *Time* (Dec. 31, 1945). The complete entry reads: "Died. Moman Pruiett, 73, shaggy-browed Oklahoma criminal lawyer; of pneumonia; in Oklahoma City. Sent to jail for robbery at age 18, he vowed "I'll open the doors of your damned prisons!" Later he became so expert at bringing tears to backwoods jurors' eyes (343 murder cases, 303 acquittals, no executions) that he was considered a menace to the community." Available online at <http://www.time.com/time/magazine/article/0,9171,886791,00.html> (last visited Sept. 2009).

³ Nancy B. Samuelson. *Moman Pruiett: Napoleon of the bar or menace to the community?* 2 OKOLHA (Oklahoma Outlaws, Lawmen, History Association) 11 (Fall 2005).

⁴ William Bryk. *Charming, Felonious Moman Pruiett*. New York Press (March 19, 2002). Available online at <http://www.nypress.com/article-5599-charming-felonious-moman-pruiett.html> (last visited Sept. 2009).

⁵ Jacob A. Stein. *Roy Thompson, Senator Gore, Moman Pruiett, and Gore Vidal*. D.C. Bar (March/April 2000). Available online at http://www.dcb.org/for_lawyers/resources/publications/washington_lawyer/mar_apr_2000/spectator.cfm (last visited Sept. 2009).

⁶ Moman Pruiett. *Moman Pruiett: Criminal Lawyer*. Oklahoma City: Harlow Publishing Corp., 1944.

Moman Pruiett to represent them he swept all other interests aside and concentrated all his tremendous energy on the presentation of the most effective manner of any and every defense they were entitled to under the law.”⁷

Moman Pruiett was a determined criminal defense lawyer. He was controversial as well. *He was a successful criminal defense lawyer with a criminal record of his own.* He was a lawyer whose record even led one scholar to consider him as a candidate for “the lawyer of the century.”⁸

Was Moman Pruiett a lawyer of great stature or a lawyer menacing the local community? This essay summarizes Pruiett’s life, examines a few cases he defended, and reviews a controversy over the publication of competing biographies. This latter controversy was the subject of an appeal to the Oklahoma Supreme Court almost 60 years ago.⁹

The complicated life of Moman Pruiett. Moman H. Pruiett was born Moorman Pruiett on July 12, 1872. His family’s home was Leitchfield, Kentucky. His actual birthplace was a steamboat on the Ohio River. His family was at that time moving from Kentucky to Arkansas seeking brighter opportunities. His father, Warren Pruiett, had been a confederate prisoner of war for many months during the civil war. Warren Pruiett’s first wife died while he was away with the confederate army and during his imprisonment.

Moving to Arkansas may have been only one of the most apparent but unsettling part of Pruiett’s early life. The Pruiett family certainly suffered as did other southerners and confederate army veterans in the period of privation following the civil war. Other problems were, however, self-inflicted. At age 16, Moman Pruiett was convicted of forgery and incarcerated. An appeal by his mother to the Arkansas governor resulted in a pardon and his release from confinement after only six months.

The family moved to Paris, Texas, soon after his release. Pruiett first learned of the law through a job cleaning a local attorney’s office. Reading the law even seemed

⁷ *Id.* at vii.

⁸ Gerald F. Uelmen. *Who is the Lawyer of the Century?* 33 Loyola of Los Angeles Law Review 613 (2000).

⁹ An Oklahoma Supreme Court opinion addressed the question of the ownership of property rights in a manuscript of Moman Pruiett’s life. In the opinion in *Preston v. Berry*, 234 P.2d 417, 205 Okla. 63 (1951), the Oklahoma Supreme Court concluded that Howard K. Berry had not abandoned his property rights in the research and manuscript and that he could completely assert these rights. The biographical manuscript, in its original form, belonged to him. The opinion, furthermore, labeled Moman Pruiett’s own autobiography as a “biographical novel.”

somewhat attractive to Pruiett. But, he was soon in serious trouble. He was sentenced to five years in prison after a conviction for theft. It was after this conviction that Pruiett vowed that he would “empty your damn jails and turn the murderers and thieves loose in your midst.”¹⁰

Pruiett’s mother again proved to be his savior. She appealed to the governor of Texas on her son’s behalf and was rewarded when his sentence was reduced to the two years he had served. After returning to Paris, he changed his name from Moorman to Moman. In part this reflected Pruiett’s real desire to gain a new start in life.

Part of this new start came with the assistance of a federal district judge, David Ezekiel Bryant, who held court in Sherman, Texas. Moman Pruiett was licensed by Bryant to practice law in Indian Territory in 1895. Pruiett eventually settled down in Pauls Valley, a railroad community founded in Indian Territory in 1887.

Pruiett was not educated in any real fashion. He had become, however, a voracious reader of law books. And by all accounts, Pruiett was an extremely intelligent man. Howard Berry relates an interesting bit of conversation between Pruiett’s father, known widely as “The Captain,” and his mother that seems to emphasize the real opportunities open to him:

“Then Mawman [sic] can go back to school.... He’s just got to get some learnin.”

“School, hell,” said the Captain. “You won’t never keep that boy in school. He’s too tough. Always fightin’ Always got to have his own way. In trouble all the time. He’s most big enough to put on the section. We’ll get him to work, an’ help him save his pay. Educatin’ ain’t goin’ to do a kid like him no good.”

Betty’s eyes flashed. “He’ll have educatin.... He’s smart. Just eleven months, that’s all the schoolin’ he’s had in his whole life, an’ it’s done him more good than all the years the other children has got.”

¹⁰ There is some real irony in this account. Pruiett made his threat to the jury that had convicted him. The irony is that Pruiett’s later success came from defending charged defendants before criminal trial juries. As related by Pruiett, the threat is this: “You’ll all regret this. Ever’ damn one of you’ll regret it.... As sure as I live I’ll make you sorry. I’ll empty your damned jails, an’ I’ll turn the murderers an’ thieves a’loose in your midst. *But I’ll do it in a legal way.*” (emphasis added) Pruiett *Supra* note 6, at p.52.

“You’ll play hell makin’ a lawyer out of that one,” the Captain laughed.... He’ll fight like hell just for the right to be sulky an’ stupid.”¹¹

Pruiett’s life up to 1895 can be summarized this way: “ten [sic] months of formal schooling, thirty months in prisons, and 23 years of hard knocks.”¹² The law was to become Pruiett’s way in the future and in a new land. It was to be a new start in life indeed.

Moman Pruiett and the criminal defense law in Oklahoma. Moman Pruiett became a successful lawyer. Living in Indian Territory in the years prior to Oklahoma statehood brought Pruiett an ample number of murder cases. It was through this supply that Pruiett developed his characteristic and fiery oratory style. Gerald Uelmen describes that legal defense style this way:

It’s the same key which led to the success of P.T. Barnum. Pruiett didn’t prepare for his cases in the law library. He did his research in the brawling bar-rooms and the dusty streets from whence the jurors were called.¹³

Frontier justice would best describe the territory, the community, and the nature of law practice. Moman Pruiett excelled at this brand of law practice. One case is remembered to this day. Pruiett defended James Stevenson for the murder of Deputy Marshal R.W. Cathey, a crime committed days before Oklahoma statehood in 1907.¹⁴ Stevenson was acquitted of the murder charges in a trial held in 1909. But there was to be an even greater impact from this jury verdict. Pruiett was reported to be preparing to defend several gang members in Ada, Oklahoma. Once news reached Ada that Pruiett was their defense lawyer, a mob broke into the jail and lynched the four defendants.¹⁵

¹¹ Berry *Supra* note 1, at p.69.

¹² Gerald F. Uelmen. *Moman Pruiett, Criminal Lawyer*. Criminal Defense (May/June 1982) at p.35.

¹³ *Id* at p.36.

¹⁴ Adrienne Grimmett. *Attorney’s battle for Stevenson’s life*. Pauls Valley Daily Democrat (April 10, 2005). This newspaper article recreates Pruiett’s defense of James Stevenson. The jury acquitted Stevenson. When asked, Pruiett simply said, “I talked ‘em out of it – cold turkey.”

¹⁵ *Id*.

Pruiett had by that time moved his law practice to Oklahoma City. He described that move as “abandon[ing] the valley.”¹⁶ He relates in the third person in his biography how this move to Oklahoma City changed the nature of his law practice itself:

When the more decorous practice [i.e., in Oklahoma City] required him to discard the shoe-string tie of the cow country court for the more ornate four-in-hand, he did without the loss of his innate ease. When the boots had to be replaced by the more conservative buttoned shoes, and the brim of the hat had to be curtailed to conform to the more sedate headgear of the new period, he made the change with a natural grace. When the natural metamorphosis was complete, the result was the same. He was a masterful and commanding individual, holding, in the new system, the same superior position he had held in the old.¹⁷

Howard Berry agrees that Pruiett was trying to move away from defending murder cases: “I’m tryin’ to thin out my murder practice.... I’m gettin’ to the place where I got to think of my family, an’ to try to lay up more cash.”¹⁸

The trial of United States Senator Thomas P. Gore represented that new direction in Pruiett’s law practice.¹⁹ Gore had been accused of a rape committed in 1914. The accusation came during the heat of that year’s senatorial campaign. The United States Attorney in the District of Columbia refused to prosecute. Gore was then sued in Oklahoma in a civil action brought by the alleged victim. This case is the central feature in an article by Jacob Stein.²⁰ Pruiett’s closing argument to the jury was persuasive, particularly in building upon Gore’s almost lifelong blindness:

In the box where you sit, Gentlemen of the jury, you have an unusual advantage over my friend and client, the defendant. You can see him but he cannot see you. He is in the dark. He cannot look into your faces and judge from your countenances what manner of men you are, whether you

¹⁶ Pruiett *Supra* note 6, at p.203.

¹⁷ Pruiett *Supra* note 6., at p.204.

¹⁸ Pruiett *Supra*, note 1, at p.266.

¹⁹ The 1914 Oklahoma senatorial campaign has been called “one of the dirtiest in American history.” The prominent Oklahoma lawyer/historian, Bob Burke, has written of the trap set for Senator Gore using a woman named Minnie Bond as a lure to wrongly put Gore in a compromising position. It was following this staged rendezvous with Bond that Gore was accused of rape. Bob Burke. *Gore, Thomas Pryor Gore (1870-1949)*. The Encyclopedia of Oklahoma History and Culture. Available at <http://digital.library.okstate.edu/encyclopedia/entries/G/GO013.html> (last visited Sept. 2009).

²⁰ Stein *Supra* note 5.

are his friends or his enemies – whether you are all good men and true, or whether any or all of you may not be prejudiced against him by the false tale told you by the lying lips of a vile woman and her still viler co-conspirators and confederates. He has had to depend upon me and upon my judgment concerning all and every one of you.²¹

Pruiett casually notes that the jury returned a verdict in Gore’s favor after deliberating for only seven minutes.²²

Moman Pruiett accrued significant wealth from his law practice. This wealth allowed him to live an ostentatious life. He bought a mansion and moved to Miami, Florida, in the early 1920s. A hurricane in 1926 destroyed this mansion. Following that personal disaster, Pruiett returned to Oklahoma and resumed his law practice.

Many would say that he was not as passionate about his resumed law practice. But he remained controversial. In 1935, the Oklahoma Bar Association attempted to disbar him. The disbarment proceedings had alleged that Pruiett extorted money from an Oklahoma City businessman by threatening to file a lawsuit accusing the man of participating in a conspiracy to conceal an adulterous relationship. A one-year suspension of his law practice was upheld by the Oklahoma Supreme Court.²³ Justice Orel Busby, writing for the full court, described Pruiett this way:

The record discloses that respondent is a man of very mature years; that he has for more than forty years engaged almost exclusively and extensively in the practice of criminal law in the southwest. In this particular field, he is probably one of the best known lawyers in criminal

²¹ Stein *Supra* note 5.

²² Judge Robert Henry has written about Senator Thomas Gore’s political life. One paper addresses the circumstances surrounding the failed attempt to prosecute Gore and the later civil trial held in Oklahoma City. As part of his closing arguments, Pruiett described Gore’s contributions to Oklahoma and this nation: “Homer and Milton were great in their age and realm. They were beloved by their people, because they discharged their duty – both public and private – in a way that merited approbation from mankind. But this blind man has outdistanced them. Living in an age and country where the enlightenment of all former ages reinforces its new and modern civilization, he has mastered all through the sense of hearing, his great diversity of learning stands as a wonderful achievement and his success as a statesman of the people is warranted by his absolute fidelity to public trust, his untiring efforts in behalf of his constituency, his love and patriotism for his country.” This is a closing argument from a man with less than one year of formal education. (Copy in author’s personal files.)

²³ *In re Pruiett*, 46 P.2d 919, 173 Okla. 121 (1935).

practice in the southwest. He is now in poor health. Instead of absolute disbarment we favor giving respondent another chance.²⁴

Characteristically, Pruiett challenged the Oklahoma Supreme Court's conclusions in the final chapter of his autobiography. Responding to the Court's one year suspension, Pruiett describes his reaction:

“Hell, no, I am not going to quit,” he growled.... “I may be broke, but I am not any broker than I was when I was shinin’ shoes in Fayetteville and Fort Smith, Arkansas. I lack a lot of bein’ through.”²⁵

It was, however, an ideologically-tinted local prosecution that may have finally doomed Pruiett's law practice. In 1940, an Oklahoma City bookseller had been charged with selling political literature in the Progressive Book Store in violation of Oklahoma's criminal syndicalism laws. The prosecution resulted from a fear of socialism, communism, or any thing believed tainted by an association with the Soviet Union.²⁶ Pruiett was the first local attorney to respond to represent the accused. Yet, the defendants all had difficulty in securing their own preferred local representation.²⁷ Shirley and Wayne Wiegand, the authors of the recently-published book, *Books on Trial: Red Scare in the Heartland*, describe Pruiett as a “[s]ixty-eight-year-old [who] had a long and colorful law career in Oklahoma, but in August 1940, chronic alcoholism left him nearly destitute and desperate for cases.”²⁸

Pruett's efforts at representing the accused came to naught. He was challenged by prosecutors for an outstanding suspension from the Oklahoma Bar Association. The suspension was based on a failure to pay his bar association dues earlier the same year. Pruiett was also challenged by the defendants. He was soon replaced by attorneys hired by the American Civil Liberties Union.

²⁴ *Id.*, 46 P.2d 919, at 921, 173 Okla. 121, at 122.

²⁵ In his reaction to the Oklahoma Supreme Court's decision, Pruiett alleges that “they got a damn judge on the Supreme Court to guard their own crookedness.” *Supra* note 6, at p.573.

²⁶ Shirley A. Wiegand and Wayne A. Wiegand. *Books on Trial: Red Scare in the Heartland*. University of Oklahoma Press, 2007. The authors relate the accidental discovery of a brief article about the prosecution published in the *Wilson Library Bulletin*: “The defendant in the trial had been brought to ‘justice’ not for anything he did, but for the content of the books he sold.”

²⁷ *Id* at pp.15-22.

²⁸ Weigand *supra* note 25, at p.10.

Pruiett's law practice all but collapsed in the wake of his efforts to defend the Progressive Book Store defendants. He was attacked by the local newspapers as only one part of a vituperous campaign against the defendants and their attorneys.

Moman Pruiett represented his last murder defendant in 1942. He died on December 17, 1945. He had lost most of his wealth and was living in an Oklahoma City flophouse at the time of his death. Howard Berry's biography observes Pruiett's final days:

By 1945, Pruiett, who had earned and squandered a million dollars or more in legal fees and who was known for his fancy dress and extravagant lifestyle, was living in a 50-cent-per-night flophouse located above a cleaning shop in what he affectionately referred to as the "bat cave" in the 200 block of Northwest Second Street in downtown Oklahoma City.²⁹

This was, indeed, Moman Pruiett, one of the most flamboyant trial lawyers in Oklahoma legal history.

Rating Moman Pruiett as a criminal defense lawyer. Who was this lawyer who could draw such contradictory opinions about his legal career? For one, Gerald F. Uelmen, a professor of law at Santa Clara University in California considered Pruiett for the honor of "lawyer of the century." Uelmen compared these trial lawyer candidates to his own personal hero, Clarence Darrow.³⁰

Uelmen evaluated these 20th century lawyers on five professional markers. These markers included:

- professional reputation
- participation in high-profile trials, especially those ranked as "trials of the century"
- public recognition
- current accessibility of information about the individual's career and accomplishments, and
- adherence to ethical standards.

Uelmen's standard of "participation in high-profile trials" eliminated some outstanding and noteworthy lawyers. Louis Nizer and Morris Dees were eliminated because their trial work was civil and not criminal. Moman Pruiett was also eliminated because his criminal defense work was limited to Indian Territory and the state of

²⁹ Berry *Supra* note 1, at p.658.

³⁰ Uelmen *Supra* note 8.

Oklahoma. Even though Pruiett was eliminated from real consideration, Uelmen found Pruiett to be a dynamic criminal defense advocate:

This criterion will also exclude some truly great trial lawyers whose practice was confined to one local region. Moman Pruiett, for example, probably compiled the most impressive record of success in death penalty cases of any lawyer in America. *From 1900 to 1935, he defended 343 persons accused of murder. Three-hundred of them were acquitted – not one was executed.* But with rare exceptions, Pruiett tried all his cases in the Indian Territory which became Oklahoma.³¹ (emphasis added)

Uelmen also described Moman Pruiett’s successful legal career in an earlier article. One of Pruiett’s cases, he believed, was particularly significant:

I’ve selected one of the few of Pruiett’s cases which found its way into the official appellate reports. (He usually got acquittals.) Rudolph Tegeler was convicted of murder twice. Both convictions were reversed. The first reversal was pure luck. The trial judge died before the trial record could be certified, and the statutes of the time made no provision for anyone other than the judge who presided at trial to certify the record. This oversight was quickly rectified by the legislature, but too late to snare Rudolph Tegeler. *Tegler* [sic in the original] *v. State*, 107 P. 949 (1910). The second reversal produced an opinion which is still cited and quoted by Oklahoma lawyers. It should be, because it says some profound things about justice. Holding that a juror with a fixed opinion about guilt or innocence should have been excused despite the trial judge’s careful elicitation of a pledge to “disregard” that opinion and return a verdict upon the evidence, the Criminal Court of Appeals [sic] noted its reluctance to reverse the conviction of an obviously guilty man, amidst great public clamor over the expense of a retrial.”³²

Many defense lawyers evaluated by Uelmen failed to measure up to ethical standards in some fashion. He observes that “[f]ew of our contenders survived their contentious careers as trial lawyers without accusations of unethical behavior.”³³ Even Clarence Darrow faltered in Uelman’s opinion. He candidly observes that “[t]here truly

³¹ Uelmen *Supra* note 8, at pp.615-616.

³² Uelmen *Supra* note 12, at p.36.

³³ Uelmen *Supra* note 8, at p.633. The author candidly observes that Clarence Darrow “was not the only lawyer who was indicted.”

were two Clarence Darrows.”³⁴ The same assessment can probably be said about Moman Pruiett. The best evidence of the existence of two Moman Pruietts can be found in the two biographies of his life.

The life of Moman Pruiett in competing biographies. Two separate books on the life of Moman Pruiett. Both books even claim to accurately describe the color, the controversies, and the accomplishments of one lawyer’s life.

The story behind the competing biographies is one almost as compelling as the life of Moman Pruiett itself. The first book is Pruiett’s own autobiography published in 1944; the second a biography authored by Howard K. Berry published in 2001. Both books were based on the same raw research materials and a manuscript originally prepared by Berry during the 1930s and 1940s.

The story of the competing Pruiett biographies is much more complicated than that paragraph would make it seem. Emphasizing the existence of the same manuscript used for both books tells much of the story of the competing biographies.

In 1951, the Oklahoma Supreme Court upheld Howard K. Berry’s challenge to the ownership of the property rights to the manuscript – and at that time an already published book – of Pruiett’s life. In that opinion, the Court noted that Berry had long considered writing a Pruiett biography: “Writing such a composition had been a dream or idea of [Berry] for several years, prior to his entry into the practice of law, subsequent to professional instruction in journalism in Missouri University, and while employed on the police force of Oklahoma City.”³⁵

Howard Berry had contracted with Moman Pruiett in 1935 to research and write a biography. The contract called for an equal sharing of all the proceeds coming from the production and marketing of the biography. Berry began almost immediately, devoting substantial time to researching and producing a manuscript. The research efforts involved a considerable amount of travel.

In 1940, a manuscript was sent to Doubleday & Company, the prominent New York City publishing house. Doubleday editors returned it to Berry with a number of suggested revisions.

Berry apparently kept Pruiett informed of the manuscript’s progress. A copy of the manuscript with the Doubleday editorial revisions was given to Pruiett. Pruiett was, however, concerned about some parts of the manuscript written by Berry. Pruiett took

³⁴ Uelmen *Supra* note 8, at p.642.

³⁵ *Supra* note 9, at 234 P.2d 417, at 419.

the unusual step of contracting with another writer to produce a more satisfactory manuscript. Berry was entirely unaware of the existence of this second contract and even of Pruiett's unhappiness with the manuscript that he had prepared.

This second contract produced a book that was published by Harlow Publishing Corporation of Oklahoma City in 1944. This book is the one referred to by Jacob Stein as containing the record of a professional career that every lawyer ought to be aware of. Stein so highly regarded the Pruiett book that he suggested every lawyer should buy and own a copy.³⁶

In the meantime, Howard Berry had enlisted into the army in 1943. It was only after Berry's return from military service that he learned of and was able to contest the 1944 book. This challenge involved several years of negotiation with Pruiett's family members who had benefitted from the book's publication.

It was fifty years after his appellate victory in the Oklahoma Supreme Court before Howard Berry would see his intellectual labor published. And it was a book well received by members of the Oklahoma bar. One example is in the language of the "Foreword" contributed by Judge Robert Henry. Judge Henry's comments confirm Berry's scholarly approach to Pruiett's life. But, he also asks one truly significant question.

As I discussed this matter recently with the author [i.e., Howard K. Berry], I thought of some further ironies in this story. In Berry we have one of the most highly respected lawyers in this state's history. The Patriarch of a distinguished family of barristers, he was selected by the Supreme Court to be the very first prosecutor of the Oklahoma Court on the Judiciary – the court that prosecutes cases against judges charged with violating their offices. He served on the Judicial Nominating Commission and received Distinguished Service Awards from the Oklahoma Bar Association and the [Oklahoma City] *Journal Record*. He is a Fellow in the American College of Trial Lawyers, the most distinguished organization of trial attorneys in the world. The honors and commendations go on and on. *What was it that caused Barry, a paragon of principle, to write about one of the most unprincipled advocates to ever take to the bar?*³⁷ (emphasis added)

Berry has a number of reasons explaining his work. One was the masterly way that Moman Pruiett could argue a case. Berry describes his closing arguments as

³⁶ Stein *supra* note 5.

³⁷ Berry *Supra* note 1, at p.17.

“masterpieces.” Berry also believed an attorney could learn much about “practical law” from observing attorneys like Pruiett.

In a similar fashion, Judge Henry added: “I don’t think I would have liked Pruiett. I marvel at his record; I admire his rhetorical skill; I rejoice in some of the mercy if not justice he achieved. But Pruiett certainly abused his skills as well.... This story is not Rumpole for the defense; it is not the tale of one who believes in a good system and makes it work. It is largely one of an abuser of the law, who also abused his uncommon gift.”³⁸

In final analysis, Gerald Uelmen may have it right in both respects. Moman Pruiett is certainly a worthy candidate as the greatest lawyer of the 20th century. But he was a worthy candidate who ultimately would not deserve that label. Designating Moman Pruiett as the greatest lawyer of the 20th century would require a number of machinations in order to get around the ethical lapses in his professional career. Those efforts alone would be symbolic of the real Moman Pruiett and his legal career.

Moman Pruiett does deserve to be more widely known by those who study and appreciate the history the Tenth Circuit. As Berry observes, Pruiett might even be an attorney with a few qualities that could be useful to other trial attorneys.

Moman Pruiett may, however, be more of an historical oddity. His fifty-year career as a criminal defense lawyer in Oklahoma is remarkable in many ways. The classic description seems best: He defended more accused murderers in murder cases than any other lawyer: 343 persons charged with murder, obtaining 303 acquittals in those cases.

Confirmation that Moman Pruiett is an historical oddity comes from many sources. For example, the *Encyclopedia of Oklahoma History and Culture* has this very interesting note: “Novelist Jim Thompson [a native of Anadarko, Oklahoma] used Pruiett as the model for many of the lawyers in his books. In his book, *Me and My Big Mouth*, Walter Harrison, formerly of the *Daily Oklahoman* [newspaper] proclaimed Pruiett “the greatest master of backwoods psychology, actor, hypocrite, fakir, lawyer, showman, and publicity expert the courts of Oklahoma ever will look upon.”³⁹

Yet, Howard K. Berry may have described Pruiett in the most apt way “He made it safe to murder” in Oklahoma.

³⁸ Berry *supra* note 1, at p.18.

³⁹ Pruiett, Moorman H. (1872-1945). Oklahoma Historical Society’s Encyclopedia of Oklahoma History & Culture. Available online at <http://digital.library.okstate.edu/encyclopedia/entries/P/PR022.html> (last visited Sept. 2009).

For more information on Moman Pruiett. The reader who wants to know more about Moman Pruiett will find a number of useful and readable sources. This reader should begin with Gerald F. Uelmen's article, *Who is the Lawyer of the Century?*, at 33 Loyola of Los Angeles Law Review 613 (January 2000). This article is of special value for an informative note about Moman Pruiett. The note explains why Uelmen did not include Pruiett in the final compilation of the greatest lawyers of the 20th century.

The interested reader might then turn to the two competing biographical works. One is truly biographical; the other is autobiographical but has been labeled a "biographical novel." These two books are by Howard K. Berry, *He Made It Safe to Murder: the Life of Moman Pruiett* (Oklahoma Heritage Association, 2001); and Moman Pruiett, *Moman Pruiett: Criminal Lawyer* (Harlow Publishing Corp., 1944).

Gerald Uelmen also wrote an earlier and really excellent brief article published in one professional magazine's "Legends and Landmarks" section: *Moman Pruiett: Criminal Lawyer*, *Criminal Defense* (May/June 1982) at pp.35-38. This is a useful summary of Moman Pruiett's life. Another such summary can be found in a review of Howard K. Berry's book: Nancy B. Samuelson, *Moman Pruiett: Napoleon of the Bar or Menace to the Community*, 2 OKOLHA (Oklahoma Outlaws, Lawmen History Association) (Fall 2005), pp.11-15. Nancy Samuelson was assisted in her article by Richard E. Jones, the research editor for Howard Berry's own book.

And, finally, two very brief biographies have been prepared. The first is a one page biography by John Viles, *Great American Lawyers: An Encyclopedia*. Santa Clara, CA: ABC-CLIO, 2001, pp.223. Pruiett has also been profiled in the *Encyclopedia of Oklahoma History and Culture* published by the Oklahoma Historical Society and maintained by the Oklahoma State University Library's Electronic Public Center (<http://digital.library.okstate.edu/encyclopedia/>).

*Jerry E. Stephens is the branch librarian for the Tenth Circuit U.S. Court of Appeals Library System in Oklahoma City, Oklahoma.