

PARNELL. Where've you been?

PAUL. Fishing.

PARNELL. I know that, but where?

PAUL. Camp Weasel.

PARNELL. Well, why don't you keep in touch, for God's sake? I left messages for you all over the county.

PAUL. Why?

PARNELL. Your phone hasn't stopped ringing all day—

PAUL. Creditors?

PARNELL. Haven't you read the Gazette?

PAUL. I don't waste my time reading newspapers when I'm out fishing.

PARNELL. But you've got a radio!

PAUL. Only for the Tiger-Yankee games. . . .

PARNELL. (*Thoroughly exasperated.*) Well, while you were out fishin' and listenin' to baseball games, we were havin' us one hell of a murder in the Upper Peninsula of the great state of Michigan. (*He hands PAUL a newspaper.*) Not only murder—rape, too. One hell of a rape. (*PAUL takes the newspaper and looks at it intently. PARNELL points to various items.*) This is the defendant—Lt. Manion, U. S. Army—charged with murderin' Barney Quill, bartender at the Thunder Bay Inn—claimed Barney raped Manion's wife, Laura—this handsome tomato here—the one who's been callin' you all day—left a number where you can reach her— (*Holds out a crumpled piece of note-paper.*)

PAUL. This guy doesn't need a lawyer—he needs an Act of Congress!

PARNELL. What do you mean?

PAUL. Unless this reporter is cock-eyed—and I know him and he's not—this is an open-and-shut case. I never had it this easy when I was prosecuting attorney. I had to sweat for my convictions.

PARNELL. You scared of Mitch Lodwick all of a sudden?

PAUL. That squirt! Hell, no! But why should I give him the satisfaction of beating the living daylight out of

me in court after he beat me out of my job in the last election?

PARNELL. Don't go mixing politics with the law, Paul—they're two different animals. This is a tough one, all right, but it's just the kind of big, juicy case you need to set you up as a defense attorney.

PAUL. Even if I lose?

PARNELL. Even if you lose—long as you fight like hell. You want to spend the rest of your life messing around with divorce cases? You want to hang around probate court whacking up decedent estates between the tax collector and the surviving loved ones? Is that what you want to do with your life?

PAUL. How come they didn't go to Amos Crocker? Old Willie the Weeper usually gets first crack at these daisies.

PARNELL. They tried him—he's in the hospital with a broken leg. (*As PAUL reacts.*) Well, it's better to be second choice than not on the list at all! Look, Polly, you need this case—you need it bad—the fishin' season only lasts four months, and you can't catch and freeze enough trout to feed you the rest of the year! (*A sigh.*) It's a hell of a case—a hell of a case, indeed. I only wish I were in it, and it's been many a year since I've wished that about any case.

(*A pause, as this sinks in.*)

PAUL. You really think I ought to take it on, huh, Parn?

PARNELL. If you can get it—they may have got themselves another lawyer while you were out there tormenting those innocent little fish. Look, Polly, you got to quit mopin' about losing that election, and get out and hustle. I know you miss the glory of bein' D. A.—and the regular paycheck—but the next election's a long way off, and politics being what it is, you can't be sure you'll beat Mitch Lodwick then, either. In a courtroom, though, you've got a chance—I know you've got a chance.

PAUL. That chart, Lieutenant, is for testing applicants for drivers' licenses. Can you make it out?

MANION. E-H-B-P-H-T-C-V-L-N-E—made in U. S. A.

PAUL. (*Drily.*) There goes one possible line of defense out the window.

MANION. What's that?

PAUL. You can't very well claim that your shooting Barney Quill was a case of mistaken identity. (*PAUL has taken an instant dislike to his potential client and it shows—not that LT. MANION seems to care a great deal, for he grunts unsmilingly.*) Before we talk about your case, Lieutenant, suppose we talk a little about you—helps a lawyer get the feel of his case—what the psychologists call, I believe, the frame of reference.

MANION. I wouldn't know.

PAUL. How old are you?

MANION. Thirty-six.

PAUL. And your wife?

MANION. Thirty.

PAUL. Is this your first marriage?

MANION. No.

PAUL. Suppose you tell me the matrimonial score and save us both time.

MANION. Is all this necessary?

PAUL. Let me be the judge.

MANION. It's my second.

PAUL. How did the first end?

MANION. Divorce.

PAUL. Did you get it or she?

MANION. She.

PAUL. What grounds?

MANION. Cruelty, eating crackers in bed, that sort of thing. The real grounds were she'd found another man during the war. I did not fight the case.

PAUL. In the war did you serve in the European or Pacific theaters?

MANION. Both.

PAUL. Action in both?

MANION. Plenty.

PAUL. Decorations?

MANION. Plenty. Anybody who doesn't cut and run gets those. They're like K-rations.

PAUL. Talking about K, how about Korea?

MANION. I was there.

PAUL. Action?

MANION. Plenty. Got there just in time for the big bugout from the Yalu.

PAUL. Any Korean decorations?

MANION. Plenty.

(*A pause, while PAUL digests all this heroism, modesty, and reticence.*)

PAUL. Tell me about Laura.

MANION. What do you want to know?

PAUL. Oh, things like matrimonial statistics, including present status.

MANION. I'm her second husband. She divorced the other one.

PAUL. Did you know your—uh—predecessor?

MANION. Very well. We once served in the same outfit.

PAUL. You mean you and he were buddies?

MANION. You might call it that.

PAUL. (*He reacts to the dig.*) I see. . . . Now suppose you tell me where your ex-buddy was when you took up with his wife.

MANION. Germany. Army of Occupation.

PAUL. And where were you two?

MANION. Georgia.

PAUL. It made a neat arrangement, didn't it? Did either of you have any children from your previous marriages?

MANION. No.

PAUL. Or from this one?

MANION. No.

PAUL. Any prospects? (*Silence from MANION.*) Any prospects?

MANION. Not unless that dirty bastard Barney Quill knocked her up.

(A pause.)

PAUL. What kind of a weapon did you use to shoot Quill?

MANION. A German Mauser. War souvenir, World War Two.

PAUL. Let's see, that's a semi-automatic pistol, sort of like our .38?

MANION. Yes.

PAUL. The cops have it now, of course?

MANION. Yes, I gave it to the state police.

PAUL. Where did you get this pistol—where and how? It may possibly be important.

MANION. Is it necessary?

PAUL. Look, Lieutenant, you tend to your military knitting, and I'll tend to the department of legal B. S.

MANION. I took a patrol out early one evening—a dozen men. Combat intelligence said the Germans were retreating, but combat intelligence was wrong. We caught a burst of small-arms fire, and I lost three of my men outright. The rest of us hit the ground and stayed there. As it grew darker, I saw a flash of gray disappearing behind a ruined chimney. I crawled on my belly in a wide circle, and finally got behind the chimney—I had to know how many of them there were.

PAUL. And how many were there?

MANION. One lone sniper. I crawled within safe pistol range—and then I let him have it.

PAUL. In the back—from behind?

MANION. (He laughs briefly—the first time.) He'd just shot three of my men. I didn't stop to pose him.

PAUL. Go on.

MANION. He was an old lieutenant—must have been around sixty. He'd already been wounded—his left arm was in a dirty sling. He looked like a battered old timber wolf caught in a trap—and he still held on to the Mauser pistol—he'd rigged up a rifle stock to it. He swore at me in German.

PAUL. And—?

MANION. He died. He was a good soldier. I kept the pistol as a souvenir. (He has told the story passionately.)

PAUL. (Takes the Gazette from a portfolio.) read the newspaper story about your case?

MANION. Yes, naturally.

PAUL. Is it substantially correct?

MANION. Yes.

PAUL. According to the newspaper, you have refused to amplify your original oral statement to the police that you shot Barney Quill. Right?

MANION. Yes.

PAUL. Have you made or signed any other statement to the police?

MANION. No.

PAUL. All right. So far, so good. Now let's talk about some things that may or may not have been in the newspaper. Did you see Barney Quill rape your wife?

MANION. (The faintest reaction—then softly.) No.

PAUL. Did you see him beat her up at the gate?

MANION. No.

PAUL. Did you hear her shout, as she claimed?

MANION. No. . . . Well, I did seem to hear shouting, but I may have been dreaming. Anyway, I met her at the trailer door.

PAUL. So the first time you learned Barney Quill had attacked your wife was when she told you.

MANION. Yes.

PAUL. What'd you do then?

MANION. I took care of her, of course. She was in terrible shape. One eye was nearly closed—both eyes and her face were badly bruised—so were her arms. Her skirt was torn—her panties were missing, and—and—

PAUL. Go on.

MANION. And this—this man had left his—his . . . on her thighs.

PAUL. What did you do?

MANION. I wiped it off her body and burned the evidence.

PAUL. (*Thoroughly exasperated.*) Damn it, Manion, I'm beginning to suspect we're both nuts! But we need the psychiatrist for you.

MANION. Why?

PAUL. To prove your insanity. That's a medical question, and we need expert testimony on it.

MANION. If it's a medical question, wouldn't any doctor do?

PAUL. No, most of them don't know any more about it than you or I.

MANION. Don't be modest, Counsellor. You were the one who injected insanity into this case.

PAUL. I did *not*. I merely told you what the possible legal defenses were—you told me the facts that made insanity a possible conclusion. Let's get that straight, Lieutenant, and keep it straight—it's a matter of legal ethics.

MANION. All right, suppose we find a psychiatrist and he says I'm not nuts?

PAUL. We keep shopping around until we live-trap one who does.

MANION. Where do we start?

PAUL. Not where, Lieutenant—the burning question is *what with?* Hell, man, you can't even pay me. How can you pay a psychiatrist?

MANION. All right, what do I do?

PAUL. There is one place we might get a psychiatrist, and I was half hoping you might have suggested it.

MANION. Where's that?

PAUL. From the United States Army.

MANION. I don't know whether the army would.

PAUL. I don't know either, but you can tell me who to get in touch with. And maybe we ought to pause here long enough for a little review on how serious this is. One, your only legal defense is insanity. Two, to prove it you must have a psychiatrist. Three, you can't afford a psychiatrist. Four, then we've got to go out and get one some other way. Do you have the picture?

MANION. (*He reaches across the desk for a pen or pencil and a sheet of note paper, and starts to write.*) I'll

give you the name and phone number of my C. O. You can call him.

(*While MANION is writing, a WOMAN enters. She is wearing chic dark glasses that cover a good part of her face, a tight sweater, bountifully filled, and tight slacks, and she radiates sex. This is LAURA MANION. PAUL gets to his feet, but MANION continues to write on the note paper until he finishes.*)

LAURA. Hello, Manny.

MANION. Hi, Laura. How are you?

LAURA. Mr. Biegler—?

PAUL. That's right, Mrs. Manion.

(*They shake hands. MANION hands over the sheet of paper to PAUL.*)

MANION. Mr. Biegler may take my case, Laura.

LAURA. Oh, I do hope you will, Mr. Biegler.

PAUL. There are obstacles, Mrs. Manion. (*When he gets no reaction.*) When can you and I talk?

LAURA. Now, if you like.

PAUL. The sooner the better. (*To MANION.*) I think Mrs. Manion and I had better talk alone, at least for now.

MANION. (*Rising.*) O. K., I'll leave you and Laura to talk. I'll see you later, hon. (*Exits.*)

(*She takes off her dark glasses, revealing two brutally blackened eyes. PAUL is stunned.*)

PAUL. Good Lord! Did Barney Quill really do that?

LAURA. (*Almost a whisper.*) Yes, Barney Quill did this to me.

PAUL. You'd better put those glasses back on. (*As she does, PAUL pulls out one of his Italian cigars.*) Mind if I smoke?

LAURA. Not at all—if you'll give me a light. (*She takes out a cigarette, and PAUL holds his lighter for her.*)

PAUL. I guess the first thing I'd better find out is whether you plan to stay for the trial—to stay, that is, and help.

LAURA. Why do you ask? What made you think I wouldn't stay?

PAUL. I ask because if I become your husband's lawyer I will have to know. You're a key witness in this case, and if you don't plan to stay—stay and help out—I'd say your husband's chances are pretty slim. I figure they're only about fifty-fifty as it is.

LAURA. What did Manny tell you?

PAUL. About what?

LAURA. About us, about our lives together, about any plans we may have had for the future.

PAUL. Not a thing, not a hint, not a clue. That I swear.

LAURA. How could you know then—how can you sense—? (*Groping.*) What made you doubt I'd stay and help?

PAUL. Why, Mrs. Manion, I never doubted for a moment that you'd stay. It's just routine for us lawyers to try to make sure of our witnesses.

LAURA. Was it because there was no sign of affection when we met just now—was that it?

PAUL. Are you staying, Mrs. Manion?

LAURA. Yes, I'm staying. That's the least I can do for poor Manny.

PAUL. Then I noticed it, yes. You knew I did, and I wanted you to know I did. And if you're staying, I don't think it will be good for too many other people to notice it. This is a small, nosy community, and nasty harmful little rumors have a habit of travelling with the speed of light.

LAURA. I'll remember. It's—it's just that I'm so terribly upset and—and—

PAUL. Afraid? Is that the word? Are you afraid of your husband?

LAURA. No, it isn't fear precisely—it—it's something more subtle and more degrading than that. Have you ever been jealous?

PAUL. You mean over a woman I cared for?

LAURA. Yes.

PAUL. Once or twice, I guess. . . . Is jealousy causing the tension between the Lieutenant and you?

LAURA. Jealousy more nearly covers it than any other word. Before we were married I found it only flattering. Later I discovered how terrible it could be.

PAUL. We're playing truth, now, Mrs. Manion, so I won't beat around the bush. Did he ever have any possible reason to be jealous?

LAURA. No, no! Never once! And God knows it wasn't for lack of opportunity. Oh, I like fun and flattery—and men, too, but not in the way Manny apparently thinks I do. Manny's really a grand person in many ways, but how can you continue to love a man who constantly makes you feel like a common streetwalker?

PAUL. For example—?

LAURA. Just a couple of weeks ago we went to an Army cocktail party at the hotel. A silly half-drunk second lieutenant I'd never seen before kept following me around and calling me Cleopatra, and finally he grabbed and kissed my hand. It was just one of those ridiculous things, but Manny knocked him down. Why, I think he was even half jealous of Barney Quill.

PAUL. (*Quickly.*) How do you mean?

LAURA. Oh, we'd gone to Barney's bar several times. It was about the only decent place to drink in town. Barney was the kind of man who'd flatter a witch on a broomstick if only she was wearing a skirt. One night he stopped by our table, and ran out his wretched little stock of compliments. Manny went into one of his more elaborate sulks, so we quit going to Barney's ~~bar~~.

PAUL. Was there any incident—any scene?

LAURA. No, thank goodness. Manny just made me finish my drink in a hurry, and we left. It was utterly childish—and now it's so tragic—and I feel so guilty.

PAUL. Have you mentioned any of these things to the state police? Or to anyone?

LAURA. Heavens no. I told them all about the—the

PARNELL. So let him have it. We simply tell our man to clam up and tell the People's psychiatrist to go fly a kite. If Manion won't talk, who's going to *make* him talk? They can't threaten to jail *him* for contempt—the poor bastard's already there. And you're in the clear, Polly—you cooperated. Anyway, the whole procedure of psychiatry, to be effective, presumes ardent cooperation from the subject, so what kind of a psychiatric examination would they have if he wouldn't play ball?

PAUL. Parnell McCarthy, you're one loveable sneaky old bastard.

PARNELL. Always happens to a loveable sneaky young bastard when he gets old. And now this loveable sneaky old bastard has some law books to look into.

PAUL. All right, Parn. I'd better get up to Barney Quill's hotel and bar in Thunder Bay to look into a few facts.

PARNELL. No fishing along the way, you loathsome trout murderer!

BLACKOUT

ACT I

SCENE 4

SCENE: *LIGHTS* come up in another area of the Stage, and we find ourselves in the late Barney Quill's bar in Thunder Bay, shortly before noon. Standing behind the bar is a wiry little man in a white apron, holding a towel and a glass in his hands, quite motionless. The bar itself need not be large, perhaps only a section of a larger bar, with one or two small, round tables with red-checked tablecloths alongside. The little man is ALPHONSE PAQUETTE, the bartender, and he is staring across the Stage as PAUL BIEGLER makes his entrance into the room.

PAQUETTE. (*After a moment he starts to polish the glass.*) We're not open yet.

PAUL. I know. I'm Paul Biegler from Chippewa.

PAQUETTE. Makes no difference—we're still not open. Come back in half an hour.

PAUL. I don't want a drink. I'm Lieutenant Manion's lawyer.

PAQUETTE. Congratulations.

PAUL. I want to ask you some questions.

PAQUETTE. I'm listening.

PAUL. Were you here during the shooting?

PAQUETTE. I was here. You could've got that from the papers.

PAUL. Maybe we could talk a little about what happened.

PAQUETTE. Maybe. And then again, maybe not.

PAUL. Look, Mr. Paquette, talk to me or not, I couldn't care less. I'll have my crack at you in court—where you'll bloody well have to talk, and plenty. But maybe all of us could save a lot of time if you'd help me find out what I came here to find out, and which I promise you I will find out.

PAQUETTE. Like what?

PAUL. Oh, for a starter, like where Barney and Lt. Manion were standing when the shots were fired.

PAQUETTE. I didn't see any shots fired.

PAUL. Where were you?

PAQUETTE. I was standing out on the floor talking to some customers.

PAUL. Who took over at the bar?

PAQUETTE. Mr. Quill. He'd relieved me so I could have a rest.

PAUL. And you rested by *standing* and talking to some customers? Where? By the pinball machine? By the stairs? The piano? Or was their table over by the outside door there?

PAQUETTE. By the outside door.

PAUL. Why were you standing? And why there?

PAQUETTE. What goddam difference does it make? I

was standing because I wanted to stand—and I was over there because the customers I was talking to were sitting there.

PAUL. And also because you could keep an eye out there for anybody who might be coming in?

PAQUETTE. Nah!

PAUL. In any event, Barney Quill was alone behind the bar when Lieutenant Manion came in.

PAQUETTE. He was.

PAUL. How long had he been relieving you?

PAQUETTE. Oh, for upwards of an hour, I'd say.

PAUL. And *when* had he relieved you?

PAQUETTE. Around midnight.

PAUL. What time was the shooting?

PAQUETTE. At twelve forty-six exactly.

PAUL. How would you know that?

PAQUETTE. At the first shot I wheeled around and looked at the clock.

PAUL. Then you must have seen some of the other shots fired, didn't you, Mr. Paquette?

PAQUETTE. I saw Lt. Manion up on the bar rail, leaning over and pointing at something down behind the bar.

PAUL. That something was Barney Quill, wasn't it?

PAQUETTE. Well, yes, it turned out to be.

PAUL. And where at the bar was the lieutenant standing?

PAQUETTE. Near the middle, here, right between these two service rails. It was the only place open—the bar itself was crowded.

(PAUL advances to the exact spot at the bar where MANION had been standing, and leans far over to confront PAQUETTE. He can, if he chooses, look down behind the bar from his position.)

PAUL. What happened next?

PAQUETTE. The lieutenant turned and left almost as soon as I'd turned around. I ran out the door after him,

and when I got outside he said to me: "Do you want some, too, Buster?"

PAUL. *(Winces.)* What did you do?

PAQUETTE. I said, "No, sir," and ran back inside.

PAUL. Did Barney regularly relieve you behind the bar?

PAQUETTE. Occasionally.

PAUL. How often had he relieved you, say, during the last two weeks before the shooting? And, remember, I can check.

PAQUETTE. Well, he just didn't happen to relieve me during that time.

PAUL. During the whole month, then?

PAQUETTE. I don't remember.

PAUL. Try again.

PAQUETTE. He didn't relieve me.

PAUL. Barney just *happened* to relieve you the night he just *happened* to have beat up and raped Laura Manion. Look, chum, didn't he really tell you to get to hell away from the bar so you wouldn't get hurt? And didn't he order you to stand by that window for an hour so you could spot the lieutenant coming and warn Barney?

PAQUETTE. Who said Barney raped her?

PAUL. You doubt it?

PAQUETTE. I wasn't there.

PAUL. I know you weren't there. I just asked you if you doubted that he'd raped her.

PAQUETTE. Yes, I doubt it. If he laid her at all, which I also doubt, it was with her willing consent. Anybody can see she's a floozie.

PAUL. *(A pause.)* All right, Paquette, one friendly tip . . . not a question.

PAQUETTE. What's that?

PAUL. Don't remove the gun shelf from behind the bar. It's too late—I've already seen it and it'll only look worse if you take it out now. You should have done that before the police came—at the same time you got rid of the pistols.

ACT II

SCENE 1

SCENE: *We are in the courtroom of the Iron Cliffs County Court House. Its appearance need not detain us very long, because it looks like any courtroom anywhere, with a place for a judge, a jury, the prosecution, the defense, and the witnesses.*

AT RISE: *As the LIGHTS come up in the courtroom, PAUL begins taking some papers out of a leather folder, and spreading them on the defense table. PARNELL finds a seat in an inconspicuous spot near the edge of the courtroom. After a moment or two, LAURA MANION enters, and goes to the defense table. LAURA is dressed quite demurely now, the tight sweater and tight slacks replaced by a simple suit or dress.*

LAURA. Good morning.

PAUL. Morning. Welcome to the snake pit.

LAURA. Is this the way you wanted me to dress?

PAUL. (*He looks her over.*) Perfect. Keep wearing things like that. No more tight sweaters or slacks.

LAURA. How about no make-up? I *can* look a perfect witch, you know.

PAUL. I doubt that very much. Anyway, this is just right. And remember, when your husband comes in, give him a kiss.

LAURA. How big?

PAUL. Wifely. Not too passionate. We don't want to antagonize the women on the jury—or arouse the men.

LAURA. Very good. Wifely. (*LAURA takes a seat.*)

(*After a moment or two, MITCH LODWICK, the D.A., en-*

ACT II ANATOMY OF A MURDER

ters, accompanied by a small, compact, bald GENTLEMAN of forty, whose pink complexion and alert snub-nosed features give him a pixie look. MITCH LODWICK is a handsome young man, well-groomed, forceful in manner. MITCH and his COMPANION go to the table reserved for the prosecution. MITCH crosses to PAUL, and the TWO MEN shake hands.)

MITCH. Good morning, Paul.

PAUL. Good morning, Mitch.

MITCH. (*He smiles graciously at LAURA.*) How are you today, Mrs. Manion?

LAURA. (*Unsmiling.*) Very well, thank you. ✓

(*The short bald MAN has joined MITCH, and is now introduced.*)

MITCH. Polly, this is Claude Dancer, of the Attorney-General's office in Lansing—Paul Biegler. Claude's going to kind of sit in with me during the trial.

DANCER. How do you do, Biegler? Awfully nice to know you.

PAUL. (*As he shakes hands.*) Your fame has preceded you, Mr. Dancer. I'd like to congratulate you on your brilliant handling of that grand jury investigation in Detroit. You did a fine job.

DANCER. Thank you. I'm sure it will be a pleasure to work with you.

PAUL. I *hope* it will be a pleasure.

DANCER. Oh, Mitch here seems nicely on top of his case, and I don't think I'll be in your hair much.

(*MITCH and DANCER return to their table. GROVER GLEASON, court reporter, emerges from a door behind the bench, his attention riveted on a cross-word puzzle in a newspaper.*)

GROVER. Polly, what's a four-letter word describing a woman of ill-repute?

PAUL. H-O-R-E. Didn't you know, Grover? That's the way we spell it in the Upper Peninsula.

GROVER. Go to hell, Biegler.

PAUL. My, my, that's a *lewd* word, Grover.

(GROVER starts to settle down to his stenotype machine. The Court Clerk, CLOVIS PIDGEON, enters, and busies himself with some papers. JUDGE WEAVER, in black robe, enters and mounts to his place on the bench, as those Onstage get to their feet.)

CLOVIS. (In a loud voice.) Hear ye, hear ye, hear ye! The Circuit Court for the County of Iron Cliffs is now in session, Judge Harlan Weaver presiding. Please take your seats.

(All Onstage sit down. CLOVIS now ushers in LT. MANION, who crosses to the defense table, where LAURA gives him a wifely kiss. They take seats alongside PAUL.)

JUDGE WEAVER. Mr. Clerk, will you please call in the jury?

CLOVIS. Yes, Your Honor.

(CLOVIS exits and returns with the members of the JURY, who take their places in the jury box.)

6 JUDGE WEAVER. (After the JURY has been seated.) Ladies and gentlemen, for the benefit of those who were not in the courtroom yesterday when this jury was selected, I want to say that I come here on assignment from Lower Michigan to sit in the place of your own Judge Maitland, who is presently recovering from illness. Now, I have no desire to upset the folkways or traditions of this community during murder trials, whatever they may be, but while I am sitting here, this is my court, and I warn you I am going to run it. . . . I had not realized that there were so many among you who

were such zealous students of homicide. In any case, I must remind you that this is a court of law and not a football game or a prize fight. (To CLOVIS PIDGEON.) Mr. Clerk, call the case.

CLOVIS. People versus Frederic Manion. The charge: murder.

JUDGE WEAVER. Swear the jury.

(CLOVIS approaches the jury box.)

CLOVIS. Members of the jury, rise and raise your right hands. You do solemnly swear that you shall well and truly try, and true deliverance make, between the People of this state and the prisoner at the bar, whom you shall have in charge, according to the evidence and the laws of this state; so help you God.

(The JURORS are seated. JUDGE WEAVER nods to MITCH LODWICK, and MITCH rises and crosses to address the jury.)

7 MITCH. May it please the court and ladies and gentlemen of the jury, I would like at this time to introduce the gentleman seated at my table—Mr. Claude Dancer, the assistant Attorney General from the state capital at Lansing, who at my request, will be associated with me during this trial. (DANCER rises and makes a nice friendly bow to the jury, then sits down.) Ladies and gentlemen of the jury, the facts in this case are so utterly clear and so utterly incontrovertible that you may find yourself from time to time wondering what you are doing here at all. It is a fact that on the night of Friday, August 15th, last, or more precisely the morning of Saturday, August 16th—the time being 12:46 A. M.—the defendant, Lt. Frederic Manion, seated there with his attorney, Mr. Paul Biegler, entered the bar-and-grill of the Thunder Bay Inn, located in Mastodon Township, advanced to the bar without a single word to anyone, and there fired six pistol shots point-blank at the owner, Mr. Barney Quill,

who was at that moment standing behind the bar. Of the six shots, five struck Mr. Quill, killing him instantly. Lt. Manion then turned around, walked out of the bar-and-grill, entered his car, and drove to his trailer-home in the Thunder Bay Trailer Park, where he surrendered himself to the deputized caretaker there, saying: "I just shot Barney Quill." . . . Without in any way presuming to speak for the defense, I believe it is safe to say at this time that these facts will not be denied by Mr. Biegler or his client. We expect to prove that the defendant was sane, and that what he did was done in the heat of passion and anger. We further expect to show that the killing was premeditated and the result of malice aforethought, as the Judge will define those terms. In other words, ladies and gentlemen of the jury, we fully expect to prove and will prove that the defendant, Frederic Manion, was guilty of the crime of first-degree murder. I thank you. (MITCH returns to his table and sits down.)

JUDGE WEAVER. Mr. Biegler, do you wish to make your statement now?

PAUL. (Rising.) If Your Honor please, the defense would like to reserve its statement until later.

JUDGE WEAVER. Very well. (To MITCH.) Call your first witness.

MITCH. The People call Dr. Homer Raschid.

(Dr. RASCHID appears and goes to the witness stand. As he takes his place in the stand, CLOVIS PIDGEON approaches to give the oath.)

CLOVIS. You do solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God.

Dr. RASCHID. I do.

MITCH. Your name, please?

Dr. RASCHID. Homer Raschid.

MITCH. What is your business or profession?

Dr. RASCHID. Medical doctor.

MITCH. Do you have any specialty, Doctor?

Dr. RASCHID. Pathologist. St. Francis' Hospital, this city.

MITCH. How long have you practiced medicine, Doctor?

Dr. RASCHID. Ah . . . thirty-one years.

MITCH. Where did you obtain your medical education?

PAUL. (Rises swiftly.) The doctor's eminent qualifications are admitted.

(MITCH nods. Dr. RASCHID is grateful.)

MITCH. Did you have occasion to perform an autopsy on the body of one Barney Quill?

Dr. RASCHID. I did.

MITCH. When and where?

Dr. RASCHID. On Sunday night, August seventeenth, in St. Francis' Hospital, this city.

MITCH. Will you please tell us your findings, Doctor?

Dr. RASCHID. I made up an autopsy report . . . (He extracts some sheets of paper from a manila folder.)

MITCH. Unless Mr. Biegler objects, a summary will do—in lay terms.

(PAUL shakes his head—no objection.)

Dr. RASCHID. Well, there were multiple and perforating wounds of the body such as might be caused by bullets. All in all there were ten such wounds, as though five bullets had entered and left.

MITCH. Were you able to determine the cause of death?

Dr. RASCHID. I was.

MITCH. Could death have been caused by these wounds you have testified to?

Dr. RASCHID. They could—I mean, it could.

MITCH. In your opinion, Doctor, was death caused by these wounds?

Dr. RASCHID. It was. In my opinion a wound through

the thorax and heart was the immediate and major cause of death. The other wounds of course contributed to death.

MITCH. Have you a typewritten report of your findings?

DR. RASCHID. I have. Also some copies here.

MITCH. May I have them? (*The Doctor hands MITCH the copies.*) I ask that this original autopsy report be marked People's Exhibit One for identification. (*MITCH brings a copy over to PAUL.*) The People hand the defense the autopsy report for examination.

PAUL. A little time, please, Your Honor. (*JUDGE WEAVER nods assent. PAUL examines the papers, while GROVER GLEASON, the court reporter, marks the original copy for identification. After brief, but interested study.*) The defense has no objection.

MITCH. The People offer in evidence People's Exhibit One for identification as People's Exhibit One.

JUDGE WEAVER. It may be so received and marked.

(*GROVER marks it again, this time in evidence.*)

MITCH. You may examine.

PAUL. (*Advances toward the witness.*) Doctor, you said it appeared to you that Barney Quill had been shot five times with bullets from a gun.

DR. RASCHID. It did.

PAUL. And it appeared that each shot had plowed through him—as a layman might say—and come out on the other side?

DR. RASCHID. That is correct.

PAUL. A layman might even say that the deceased was well ventilated.

DR. RASCHID. Ha—precisely.

PAUL. Then I take it you did not find any bullets.

DR. RASCHID. No. I mention that in my report.

PAUL. Yes, I noted that. But your conclusion that the wounds were caused by bullets was more or less of a surmise, was it not?

DR. RASCHID. Well, in a sense, yes.

PAUL. You understood when you performed this autopsy that the subject had been shot by the defendant in a barroom?

DR. RASCHID. Yes.

PAUL. And this and certain other information had been supplied you by Coroner Leipart and police officers who requested the autopsy?

DR. RASCHID. Well, yes. From them and from reading the newspaper, of course.

PAUL. But the officers gave you certain background information before you did your post-mortem?

DR. RASCHID. That is correct.

(*CLAUDE DANCER has arisen, and now stands behind PAUL, rocking innocently on his heels, and staring upwards innocently. PAUL turns and notices him, then returns to the witness.*)

PAUL. So that to some extent your explanations were suggested by information you had received from them.

DR. RASCHID. Yes, but my primary purpose was to determine the cause of death. And I did determine it. I didn't need any information from anybody to do that.

PAUL. Of course not, Doctor. You have made it very plain that the deceased was well drilled. Tell us then, Doctor, how come you checked to determine whether spermatogenesis was occurring in the subject's testes?

DANCER. (*Booms out.*) I object!

JUDGE WEAVER. (*Mildly.*) On what grounds, Mr. Dancer?

DANCER. On the grounds of incompetency and immaturity. The People have called this witness to show the cause of death. He has shown it. Cross examination should be confined to that issue.

JUDGE WEAVER. Mr. Biegler?

PAUL. I now read from that portion of the doctor's report called General Findings on the top of page five, and I quote: "Spermatogenesis was occurring in both testes."

(A tall, middle-aged man appears and takes his place in the witness stand. CLOVIS administers the oath.)

MITCH. Your name, please?

BURKE. Warren Burke.

MITCH. Please state your occupation, Mr. Burke.

BURKE. I'm a commercial photographer with a studio here in Iron Bay.

MITCH. On the night of August 15th last, were you employed by the police to take some photographs at the Thunder Bay Inn Bar and Grill?

BURKE. I was.

MITCH. And do you have those photographs with you?

BURKE. I do. (He produces some 8 x 10 glossy prints.)

MITCH. And are these photographs of the deceased, Barney Quill?

BURKE. They are.

MITCH. Will you identify them, please?

BURKE. These three were taken behind the bar, and show the deceased lying on the floor. These four were taken in the coroner's office, and show the deceased full length, full face, and left and right profiles.

MITCH. The People submit these photographs to the defense for examination. (He hands the prints to PAUL, who looks at them briefly, then returns them to MITCH.)

PAUL. The defense compliments Mr. Burke on his exquisite artistry, and registers no objections.

MITCH. The People offer these photographs in evidence.

JUDGE WEAVER. They may be so received and marked.

(MITCH hands the prints to the court reporter.)

MITCH. To the defense.

PAUL. (Starts to rise.) No quest— (But he stops as LAURA MANION tugs at his arm.) One moment, Your Honor, please. (LAURA whispers excitedly to PAUL for several moments, after which PAUL smiles and pats her arm in a "Good girl!" gesture. Then he advances to the

witness stand.) Mr. Burke, were these all the pictures you took for this case?

BURKE. (Shoots a look at MITCH's table.) No, there were some others.

PAUL. Perhaps they didn't turn out?

BURKE. No, they all turned out. All of my pictures turn out.

PAUL. Of course. Were the others perhaps needless duplicates?

BURKE. No. There weren't any duplicates of poses.

PAUL. Oh? Perhaps they had nothing to do with the case at all? Perhaps they were some interesting little side shots? Made to gratify an artistic whim? A gnarled stump you couldn't resist? Perhaps a tree? Or a rum-maging bear at the Thunder Bay dump? (Pause.) Per-chance even a woman?

BURKE. They were photographs of Lieutenant Man-ion's wife.

PAUL. And these pictures of Laura Manion—they turned out well?

BURKE. Excellent.

PAUL. When did you take them?

BURKE. That very night.

PAUL. Then they would show just how Mrs. Manion looked right after the shooting?

BURKE. They certainly would.

PAUL. How many did you take?

BURKE. Three.

PAUL. And do you have them with you? (BURKE shows great reluctance to answer, and looks to MITCH for help.) Come now, Mr. Burke, either you have them or you don't.

BURKE. (Finally.) I have them.

PAUL. And may I see them? (PAUL extends his hand, and BURKE gives him three prints. PAUL looks at first print.) My, my— (He studies the three pictures, frown-ing. Mr. Burke, these shadows under both eyes—are they caused by bad lighting?

BURKE. No, sir. Mrs. Manion had two black eyes.

to re-direct, the zealous Mr. Dancer forgets all pretense that this man was ever Mr. Lodwick's witness, and he allows that he has no further questions to ask him. Now I am quite willing to take on these two legal giants, any time, any place, but I think in common fairness it should be one at a time.

JUDGE WEAVER. Your objection is well taken, Mr. Biegler. I have been waiting for you to raise it. In any case, I will lay down a rule on that. Only one counsel on a side will be permitted to examine a given witness. And now this witness may step down. (PAQUETTE leaves the witness stand.) Gentlemen, normally I insist that counsel arise and remain standing when addressing the court or examining a witness. But in view of the expanding and uncertain length of this trial—and its rather hectic pace—I am henceforth going to let you remain seated. Do I hear any objections?

MITCH and DANCER. (*Jumping to their feet in unison.*) None, Your Honor.

PAUL. (*Remaining seated.*) The defense is delighted and grateful, Your Honor.

JUDGE WEAVER. The next witness, please.

DANCER. Detective Sergeant Julian Durgo. (JULIAN DURGO, dark, handsome, curly-haired, in plain clothes, takes the stand, and is sworn in by CLOVIS PIDGEON.) Your name, please.

DURGO. Julian Durgo.

DANCER. Your address?

DURGO. 471 River Street, Iron Bay, Michigan.

DANCER. Are you a plainclothes detective in the state police?

DURGO. I am.

DANCER. How long have you served in this capacity?

DURGO. Fourteen years.

DANCER. Did you have occasion to investigate the fatal shooting of Barney Quill?

DURGO. I did. I headed the investigation.

DANCER. Were you the one who arrested Lt. Manion in his trailer?

DURGO. I was.

DANCER. Did you discuss the shooting then or later with Lt. Manion?

DURGO. I did. Both then and later.

DANCER. Will you tell us what he said?

(JUDGE WEAVER looks toward PAUL, but PAUL shakes his head—no objection.)

DURGO. I asked the Lieutenant where the gun was, and he pointed at a table and said he would get it, but I said no and instead got it myself.

DANCER. (*Handing DURGO a Mauser.*) And is this the gun?

DURGO. It is. (*Returns it to DANCER.*)

DANCER. The People offer this as the People's Exhibit Number Two in evidence. (DANCER hands the Mauser to PAUL for inspection.)

PAUL. No objection.

JUDGE WEAVER. The exhibit will be so marked.

(DANCER hands the gun to GROVER GLEASON.)

10 DANCER. Were you present later at the bar when an effort was made to recover the bullets?

DURGO. I was. I conducted the search.

DANCER. Were any recovered?

DURGO. Four bullets were found, along with shell cases.

DANCER. Did you preserve and do you now have the bullets and shell cases?

DURGO. I did and I have. (*He hands over a tagged cloth sack, and DANCER reaches in and takes out the pellets.*)

DANCER. And are these the bullets that killed Barney Quill?

DURGO. They are the lead pellets we found in the bar-room, sir.

DANCER. The People now hand defense counsel for inspection the bullets that killed Barney Quill.

(PAUL quickly folds his arms and leans back in his chair.)

PAUL. No, thanks, Mr. Dancer. I once saw a bullet. It was removed from the body of a deer hunter—just about your size. The defense has no objections, Your Honor.

JUDGE WEAVER. (*Bangs gavel.*) The exhibit will be received in evidence. Proceed, Mr. Dancer.

(DANCER hands the bullets to GROVER GLEASON.)

DANCER. Getting back to the defendant at the trailer, what else if anything did he say?

DURGO. He told us that his wife had had some trouble with Barney Quill, and that he had gone and shot him. He also asked us whether the man was dead, and we said that he was.

DANCER. What then?

DURGO. Then we drove him and his wife to the county jail.

DANCER. Was there any further talk in the car on the drive down?

DURGO. Yes, on the drive down the Lieutenant said he had thought the whole thing over before going to the bar and had decided that such a man should not live.

(DANCER pauses to let this sink in.)

DANCER. How did the defendant appear?

DURGO. He was upset and emotional and appeared very angry.

DANCER. What else?

DURGO. He said that he had no regrets over what he'd done, that he'd do it again. Several times more he asked us if the deceased was really dead.

DANCER. Then what?

DURGO. Then we arrived at the county jail, and I asked the defendant if he cared to make a formal statement, and he said no. Then he was booked on murder and

locked up, and we returned immediately to Thunder Bay to continue the investigation.

DANCER. Your witness.

(PAUL's cross-examination of DURGO is straightforward, but not bullying. He respects this man, and he shows it.)

PAUL. (*Remaining seated.*) Officer Durgo, on direct examination I believe you testified that the lieutenant told you that he had shot Barney Quill after he had learned from his wife that she had had "some trouble" with the deceased.

DURGO. I did, sir.

PAUL. Now, Officer, were those words "some trouble" the words Lieutenant Manion used to you or rather are they the words that you have used here in order to describe what it was he actually told you?

DURGO. They were my words, sir. I don't recall the lieutenant used that expression.

PAUL. All right, Officer, will you now please tell the court and the jury what the words were that the defendant himself used when he described this trouble his wife had with the deceased?

DURGO. Yes, sir. He said—

DANCER. Objection! *Objection*, Your Honor. Would not be relevant to any issues properly—

(Now PAUL leaps to his feet.)

PAUL. Listen—what're you trying to do—railroad this poor guy?! (JUDGE WEAVER is banging his gavel and calling "Mr. Biegler!" to no avail.) "Please let's not mention anything as horrid as rape until somebody gets raped!" You want it to happen right here in this courtroom—would *that* make it relevant?!

JUDGE WEAVER. Mr. Biegler! Mr. Biegler! (PAUL finally turns to him, hot and flushed.) I must warn you against another such outburst. You are an experienced

counsel—the Clarence Darrow of the Upper Peninsula. (To PAUL.) I trust, Mr. Biegler, that you know who Clarence Darrow was.

PAUL. Look, Dancer, one more crack like that, and you won't hear the next objection—you'll feel it—I'll punt you clear into Lake Superior!

JUDGE WEAVER. Gentlemen, gentlemen, this infernal backbiting has to stop. The next man who speaks out of turn will have me to deal with. Proceed, Mr. Dancer.

DANCER. (*He has made his point.*) I will withdraw the question, Your Honor. (To MANION, *almost purring.*) Do you and your wife have any children?

MANION. No, sir.

DANCER. And is this your first marriage?

MANION. No, sir, my second.

DANCER. And did either you or your wife have children by your respective previous—ah—adventures in matrimony?

MANION. No, sir.

DANCER. And both of your parents are dead, I believe?

MANION. Yes, sir.

DANCER. And you have no dependents other than your wife, Lieutenant?

MANION. None, sir.

DANCER. And your wife has earned her living before, and she is in good health and could do so again?

MANION. Yes, sir, if it came to that I believe she could, sir.

DANCER. (To PAUL.) The witness is back to you.

PAUL. No re-direct examination.

JUDGE WEAVER. The witness is excused. Call your next witness.

(MANION *steps down.*)

PAUL. Dr. Matthew Smith.

(DR. SMITH *goes to the stand, and is sworn.*)

PAUL. Your name, please, Doctor?

DR. SMITH. Matthew Smith.

PAUL. What is your profession?

DR. SMITH. I am a psychiatrist.

PAUL. What is your present affiliation?

DR. SMITH. I am at present a captain in the Army, stationed at Bellevue Army Hospital as chief of the neuropsychiatric service.

PAUL. Now, Doctor, I ask you if you were recently assigned by your superiors to conduct a psychiatric examination of Lt. Frederic Manion, the defendant in this case?

DR. SMITH. I was.

PAUL. Where?

DR. SMITH. At Bellevue Army Hospital.

PAUL. When?

DR. SMITH. From Thursday, August twenty-first, through half of Sunday, the twenty-fourth, a total of three and one-half days.

PAUL. And how do the facilities at Bellevue compare with similar facilities in other hospitals?

DR. SMITH. Our facilities compare favorably with those in any hospital I am acquainted with.

PAUL. Now, Doctor, based on your knowledge of the facts in this case, on your intensive examination of the defendant, and on your long experience as a practicing psychiatrist, do you have an opinion regarding the issue of the probability of insanity in this case?

DR. SMITH. I have.

PAUL. What is your opinion?

DR. SMITH. That Lieutenant Manion was temporarily insane at the time of the shooting.

PAUL. Doctor, do you have an opinion as to whether or not he was suffering from a temporary mental disorder at the time the deceased met his death so as to be unable to distinguish right from wrong?

DR. SMITH. I have. It is my opinion that the Lieutenant was probably unable to distinguish right from wrong. I do not think it makes too much difference.

(DANCER scribbles furiously.)

PAUL. Is there in your opinion a condition here known to the profession of psychiatry?

DR. SMITH. The condition is known to psychiatry and it is not uncommon. At the present time it is known as dissociative reaction.

PAUL. Does this mental state of dissociative reaction you have been talking about bear any other tag or label?

DR. SMITH. It does. It has also been known as irresistible impulse.

PAUL. I beg your pardon—?

DR. SMITH. I said, it has also been known as irresistible impulse.

PAUL. Doctor, you may state whether or not intensive and extensive psychiatric observation and examination of the individual is important in reaching psychiatric conclusions about his mental state.

DR. SMITH. I would say they were absolutely essential.

PAUL. Your witness.

DANCER. (*Quickly.*) Doctor, how is dissociative reaction classified by psychiatrists?

DR. SMITH. It's a temporary neurotic condition.

DANCER. It is not a psychosis?

DR. SMITH. It is not a psychosis nor is it ordinarily even a serious neurosis. And it is generally of a temporary nature.

DANCER. Now, Doctor, during your examination of Lt. Manion, did you give him a Wechsler-Bellevue test?

DR. SMITH. No.

DANCER. A Bender-Gestalt test?

DR. SMITH. No.

DANCER. The Szondi test?

DR. SMITH. No.

DANCER. A Rohrschach psychodiagnostic examination?

DR. SMITH. No. I felt these tests were not indicated.

DANCER. What tests did you use, then?

DR. SMITH. I tested his perceptions rather carefully,

and then I used an electroencephalogram. Then with my own rather intensive observations and study I felt I was qualified to make some observations about this man, and perhaps understand quite a little about him. I may add, sir, that in a general way I belong to the school of psychiatry that stresses individual study and appraisal rather than to that group that has sometime been referred to as the slot-machine or gadget school of psychiatry.

DANCER. (*Going on coolly.*) Doctor, on direct examination you were asked if the lieutenant was able to distinguish between right and wrong and you answered that he *probably* could not have, adding that you did not think it made much difference. Do you still feel the same way?

DR. SMITH. I do.

DANCER. Then he might actually have known the difference between right and wrong?

DR. SMITH. He well might have.

DANCER. (*Triumphantly.*) Then how can you possibly come in here and testify that the lieutenant was legally insane?

DR. SMITH. I did not say here that anyone was *legally* insane, sir. I said that I thought that Lieutenant Manion was suffering from a medically recognized mental aberration known as dissociative reaction, sometimes known as irresistible impulse, and I say that a consciousness of doing right or wrong would not make much if any difference to a victim of that mental disorder.

DANCER. (*Looking at jury and fairly purring.*) And you are willing to rest your testimony in this case, Doctor, on that answer?

DR. SMITH. I am, sir.

DANCER. That is all.

JUDGE WEAVER. Mr. Biegler?

PAUL. (*Rises.*) No re-direct examination. Your Honor, that is our case— (*At a word from the JUDGE, DR. SMITH steps down. Suddenly PARNELL rushes over to PAUL, and*

whispers to him. PAUL's reaction appears to be negative, but PARNELL is insistent, and PAUL finally gives in, obviously with reluctance.) but before the defense rests, I would like at this time to clear up some unfinished business left over from yesterday. I had not completed my cross-examination of the People's witness, Alphonse Paquette. I wish to do so now.

JUDGE WEAVER. *(To DANCER and MITCH.)* Gentlemen?

DANCER. Very well, Your Honor. The People recall the witness Paquette.

(PAQUETTE crosses to witness stand, and holds up his hand for the oath.)

JUDGE WEAVER. You are already sworn. One oath to a customer. Please be seated.

DANCER. The People tender the witness.

JUDGE WEAVER. Your witness, Mr. Biegler.

PAUL. Mr. Paquette, I assume you understood His Honor when he told you that you are still under oath?

PAQUETTE. Uh . . . yeah . . .

PAUL. And have you had time, since we last met here, to do a little thinking—perhaps even a little recollecting?

PAQUETTE. I don't know what you mean.

PAUL. I mean, simply, Mr. Paquette, that the time for fun and games is over, and may we now have some straight answers to straight questions?

DANCER. Objection, Your Honor. Counsel's remarks totally gratuitous and insulting to this witness.

JUDGE WEAVER. I'm inclined to agree, Mr. Biegler. Suppose you ask a straight question, and then we shall see.

PAUL. Very well, Your Honor. *(To PAQUETTE.)* Was Barney Quill an expert pistol shot?

DANCER. Objection, Your Honor. The court has already ruled on that. Irrelevant and immaterial. Absolutely beside the point.

PAUL. But the People's own witness, Detective-Sergeant Durgo, has now made the deceased an expert pistol shot. We only want to develop that interesting subject.

JUDGE WEAVER. Strictly speaking you may have a point, Mr. Dancer. But the subject is now in the case, and this witness is on the stand. The witness may answer.

PAQUETTE. *(Long hesitation.)* I would say he was an expert, sir.

DANCER. Objection, objection. Witness not shown to be qualified to pass expert opinion.

PAUL. I'll get to that, Your Honor—Mr. Dancer please kindly permitting.

JUDGE WEAVER. Proceed. I'll reserve my ruling.

PAUL. On what do you base your conclusion, Mr. Paquette, that Barney was an expert pistol shot?

PAQUETTE. *(Still squirming.)* Because I've seen him shoot against the best and beat 'em. He won dozens of first prizes at shoots all over the Peninsula.

PAUL. Anything else?

PAQUETTE. Well—I've seen Barney bring down partridge on the wing with a pistol.

PAUL. Anything else?

PAQUETTE. Yeah. Barney and I used to go to the garbage dump with a stack of empty bottles from the bar. I'd toss them up in the air, and Barney'd shoot them as fast as I threw them and holler for more.

PAUL. And was Barney's prowess with pistols generally known around Thunder Bay?

PAQUETTE. It was. Matter of fact, Barney kept his medals and trophies on the back-bar.

PAUL. Do the People still press their objection?

DANCER. Ruling, Your Honor?

JUDGE WEAVER. I'm afraid the People's objection is overruled.

(And now PAUL's questions come freely and forcefully, as he feels sure he has his man. DANCER's concern grows as the questioning progresses.)

PAUL. Did Barney own any pistols?

PAQUETTE. A lot.

PAUL. And where did he keep these pistols?

PAQUETTE. He kept two in his quarters upstairs in the hotel.

PAUL. And the others?

PAQUETTE. He kept them down in the barroom.

PAUL. Loaded?

PAQUETTE. Loaded.

PAUL. And where in the barroom?

PAQUETTE. Behind the bar.

PAUL. And where behind the bar?

PAQUETTE. He kept two on the little shelf he'd built in the middle—and one at either end.

PAUL. Were they visible to persons standing in front?

PAQUETTE. They were not.

PAUL. And what was the purpose of these pistols?

PAQUETTE. Protection against trouble.

PAUL. Trouble?

PAQUETTE. Holdups.

PAUL. How many holdups did you have this past summer?

PAQUETTE. None.

PAUL. Any attempts?

PAQUETTE. No.

PAUL. Any during all the time you have worked there?

PAQUETTE. None.

PAUL. But the loaded guns were kept there for holdups?

PAQUETTE. For holdups.

PAUL. Were they behind the bar the night of the shooting?

PAQUETTE. No.

PAUL. Where were they?

PAQUETTE. I'd locked them up.

PAUL. All six?

PAQUETTE. No, just the four behind the bar. Barney wouldn't give up the other two he kept in his room.

PAUL. Why did you lock up the four in the barroom?

PAQUETTE. Because of Barney's general behavior. He was getting irritable and jumpy.

PAUL. Well, now, when we were so rudely interrupted yesterday, weren't we talking about Barney's drinking?

PAQUETTE. Yeah.

PAUL. Was he drinking more than usual that day?

PAQUETTE. I wouldn't say that day.

PAUL. (*Sharply.*) You wouldn't?!

PAQUETTE. What I mean is—well, I now recall he'd been drinking more than usual for about two weeks.

PAUL. Oh? And what was usual?

PAQUETTE. Barney could easily drink eight to ten double shots a day.

PAUL. And during those two weeks?

PAQUETTE. It must have been easily a fifth. It got so I couldn't keep track.

PAUL. That was what you yourself saw?

PAQUETTE. Yes.

PAUL. And it didn't take into account what he might take in his rooms or elsewhere?

PAQUETTE. It did not.

PAUL. Just one more thing. Did you see Barney come into the hotel about midnight the night of the shooting?

PAQUETTE. Yes. I was at the end of the bar and I saw him go to his room.

PAUL. How did he look?

PAQUETTE. He was messed up and breathing heavy. His clothes were filthy—like he'd fallen.

PAUL. When did you see him again?

PAQUETTE. Ten minutes later he came down to the bar.

PAUL. And how did he look then?

PAQUETTE. Very calm. He'd also changed his clothes.

PAUL. Did anything pass between you?

PAQUETTE. He said he'd fill in for me for a while.

PAUL. Anything else?

PAQUETTE. He slipped me a twenty-dollar bill.

PAUL. Had he ever done that before?

PAQUETTE. No, sir.

PAUL. Your witness.

(DANCER rises.)

DANCER. How did Mrs. Manion conduct herself at your barroom that night before the shooting?

PAQUETTE. Well, at times I thought her behavior wasn't quite ladylike.

DANCER. Like when?

PAQUETTE. Like once when she took off her shoes to play pinball.

DANCER. And didn't she do anything else while her shoes were off?

PAQUETTE. I don't recall anything.

DANCER. Didn't she also dance with a man named Hippo Lukes, who carried her shoes in his pocket?

(JUDGE WEAVER whirls around in his chair to look at PAUL, obviously expecting an objection to a highly objectionable question. PAUL does not object—he couldn't be more pleased.)

PAQUETTE. I don't recall that, sir.

DANCER. Didn't you tell me in private that Mrs. Manion had so danced with Hippo Lukes?

PAQUETTE. I don't see how I could have, sir, when I don't recall ever seeing it. You and I discussed a number of things, and you may have misunderstood me. Maybe you ought to ask Hippo Lukes himself—he ought to remember an incident like that.

DANCER. (Cold fury.) Have you been talking with Mr. —what's his name?—Mr. Biegler since you testified yesterday?

PAQUETTE. I have, sir.

DANCER. Where and when?

PAQUETTE. Why, today—just now, here in court.

DANCER. I don't mean that. In private?

PAQUETTE. No, sir. I have not had a word with Mr. Biegler in private since this trial started.

DANCER. (It's all he can do to contain himself.) Your witness.

PAUL. No further questions. Your Honor, the defense rests.

(PAQUETTE steps down. JUDGE WEAVER looks toward the prosecution.)

JUDGE WEAVER. Any rebuttal?

DANCER. (Still angry, but finally gaining control.) Yes, Your Honor. The People will call Dr. W. Harcourt Gregory. (Dr. GREGORY goes to the stand, and is sworn by CLOVIS PIDGEON.) Your name, please?

Dr. GREGORY. W. Harcourt Gregory.

DANCER. What is your occupation?

Dr. GREGORY. Doctor of medicine, specializing in psychiatry.

DANCER. How long have you been in this field, Doctor?

Dr. GREGORY. Twenty-five years.

DANCER. And what, if any, is your present position?

Dr. GREGORY. Medical superintendent of the Pentland State Hospital in Lower Michigan.

DANCER. And what kind of patients are treated there?

Dr. GREGORY. Those regarded as insane or feeble-minded.

DANCER. Now, Doctor, you are familiar with the facts in this case, and you have been in this courtroom since yesterday morning—do you have an opinion based on reasonable psychiatric certainty as to whether or not Lieutenant Manion was in a condition of emotional disorganization at the time he shot and killed Barney Quill so as to be insane?

Dr. GREGORY. I have.

DANCER. What is that opinion?

Dr. GREGORY. That there is clearly insufficient evidence to warrant a diagnosis of insanity.

DANCER. Do you believe the Lieutenant could distinguish right from wrong?

DR. GREGORY. I do.

DANCER. And he could understand and comprehend the nature and consequence of his acts?

DR. GREGORY. Yes.

DANCER. And he was not dominated by his unconscious mind?

DR. GREGORY. He was not.

DANCER. Your witness.

(PAUL moves in swiftly and hammers away.)

PAUL. Doctor, when and where did you first lay eyes on Lieutenant Manion?

DR. GREGORY. Yesterday. Here in court.

PAUL. And have you seen him outside of the courtroom since then?

DR. GREGORY. No, sir.

PAUL. You have not conducted any personal examination of him?

DR. GREGORY. Obviously not, sir.

PAUL. Nor have you conducted on him *any* of the various tests mentioned here by Dr.—uh, Mr. Dancer?

DR. GREGORY. I have not.

PAUL. Would you have conducted them if you had had the opportunity?

DR. GREGORY. I certainly would have. The necessity for them was clearly indicated.

PAUL. So that your main complaint over the findings of Dr. Smith is that he failed to give the proper psychiatric tests?

DR. GREGORY. Yes.

PAUL. Doctor, do you assume and want this jury to believe that no personal screening or observation or examination or tests of the Lieutenant is better than the methods used by Dr. Smith?

DR. GREGORY. I did not say that.

PAUL. I know you didn't actually say it. But haven't you implied it?

DR. GREGORY. What do you mean?

PAUL. I mean this, Doctor: do you mean to testify here that the newly announced Gregory system of *no* tests or *no* examination whatever is better than Dr. Smith's test or even the tests Mr. Dancer so glibly inquired about?

DR. GREGORY. Are you trying, sir, to make a joke out of my profession?

PAUL. *Joke*, Doctor? *I* make a joke out of your profession? You have ventured an opinion on the sanity of this man that night without the benefit of any personal observation or tests or history whatever, isn't that correct?

DR. GREGORY. Yes, sir.

PAUL. (*Slowly now.*) Doctor, is that normal and accepted psychiatric practice?

DANCER. (*Cuts in quickly.*) I object to that. Counsel asked a question and got an answer, and now he doesn't like it.

JUDGE WEAVER. The objection is overruled. Answer the question.

DR. GREGORY. (*Sinking in his chair.*) No, it is not normal psychiatric practice.

(PAUL takes a considerable pause now as he gets ready to light the fuse.)

PAUL. (*Coldly.*) Dr. Gregory, I assume that over the years you have testified in any number of trials of this nature, am I correct?

GREGORY. Correct.

(*The fuse is burning.*)

PAUL. And I assume further that you pride yourself on your knowledge of the law in these matters, as well as of medicine, am I also correct?

GREGORY. Correct.

PAUL. Then, Doctor, has no one ever told you before this very moment that "irresistible impulse" is recognized as a defense to crime in the state of Michigan—

(Explosion! PAUL has no chance to finish as DANCER and MITCH are both on their feet, yelling at once, and as JUDGE WEAVER bangs his gavel violently.)

DANCER. Objection! Objection, Your Honor! Counsel usurping your function—interpreting the law—objection!

JUDGE WEAVER. Sustained! *(Sternly.)* Mr. Biegler, that was completely uncalled for. The witness and the jury will disregard Mr. Biegler's last question and it will be stricken from the record. And I might add, ladies and gentlemen of the jury, that you will take your law solely from me—not from the Sunday supplements, not from your favorite cops-and-robbers programs on television, and most emphatically not from the attorneys in this case—but *solely from me*. Now, Mr. Biegler?

PAUL. No further questions, Your Honor.

JUDGE WEAVER. Mr. Dancer?

DANCER. No further questions.

JUDGE WEAVER. Any further rebuttal?

DANCER. No, Your Honor.

JUDGE WEAVER. Mr. Biegler?

PAUL. None, Your Honor. *(PAUL's question has clearly unnerved DANCER and MITCH LODWICK, despite the fact that the JUDGE has sustained their objection, and they huddle nervously in conference. PARNELL smiles broadly.)*

JUDGE WEAVER. This court will now recess for one hour for lunch. Jury arguments will start sharply at 2 P. M. I shall directly follow jury arguments with my charge, and I hope to turn the case over to you, ladies and gentlemen of the jury, sometime late in the afternoon.

(JUDGE WEAVER rises, and those in the courtroom start their dispersal. LIGHTS dim out and we are briefly

in darkness. Suddenly all the LIGHTS come on at once, CLOVIS appears, and bangs for quiet.)

CLOVIS. Hear ye, hear ye, hear ye! The Circuit Court for the County of Iron Cliffs is now in session, Judge Weaver presiding. *(The JUDGE appears and ALL rise until he is seated, then ALL take seats. CLOVIS PIDGEON approaches the jury.)* Members of the jury, have you agreed upon a verdict?

FOREMAN. *(Rises.)* We have.

JUDGE WEAVER. The defendant will please rise.

(PAUL and MANION stand.)

CLOVIS. What is your verdict?

FOREMAN. We find the defendant not guilty by reason of insanity.

(There is an outburst of excitement at the defense table, which PAUL does his best to quiet. MITCH and DANCER look stunned.)

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JUDGE WEAVER. Thank you, ladies and gentlemen, for your loyal and attentive service in a long and difficult case. *(Turns to the lawyers.)* Gentlemen, as you well know, the law now enjoins upon me, under this verdict, the unpleasant duty of sending this man away until he is pronounced sane. Since the two otherwise violently disagreeing psychiatrists agreed on one thing, namely, that the man is now sane, and since I agree with both of them, I do not intend to send him away, because the law also wisely says that no one shall be compelled to do an idle thing. Gentlemen, I shall be glad to entertain a writ of habeas corpus for his release from custody.

PAUL. *(Jumps up.)* Your Honor, I already have such a paper filled out and ready to serve.

(Hands it to GROVER, who turns it over to JUDGE WEAVER.)

DANCER. The People agree, Your Honor, to the immediate release from custody of Lt. Manion.

JUDGE WEAVER. Ladies and gentlemen of the jury, you are excused.

(As the JURORS leave the box, JUDGE WEAVER turns his attention to the document. LAURA and LT. MANION approach PAUL, and LAURA throws her arms around his neck and kisses him. PAUL, perturbed, looks at MANION as he disengages himself.)

MANION. *(A genuine smile—his first.)* It's O.K., Counsellor—this once. *(He extends his hand to PAUL.)* Thanks, Mr. Biegler, I'll never forget you for what you've done. Now, about your fee . . .

PAUL. Don't worry about it now. Let's all go out and get thoroughly crooked tonight, and we'll talk about it tomorrow.

MANION. All right. Just bring along a promissory note to the trailer park.

(DANCER comes over to PAUL and shakes hands.)

DANCER. Congratulations, Biegler. You're a worthy opponent—damn you!

PAUL. Thanks, Dancer. That goes for you, too—double.

(DANCER and MITCH gather their papers and leave.)

JUDGE WEAVER. Mr. Clerk! *(He hands CLOVIS the habeas corpus document, and the CLERK escorts LT. MANION and LAURA off to complete the LIEUTENANT'S release.)*

(PAUL goes over to PARNELL.)

PAUL. Parn! What did you do to Paquette—hit him with his bar rag?

PARNELL. *(Smiles.)* No. I just dropped by his place for a little of that white vest bourbon—seein' the trial

was almost over, I figured it was O. K. Anyway, the talk somehow—I'm not sure just how—the talk got around to perjury and the penalties therefor, and I just happened to drop in some apt and persuasive legal commentary on the subject.

(PAUL is delighted. JUDGE WEAVER now comes down from the bench and crosses to PAUL and PARNELL.)

JUDGE WEAVER. Well, Mr. Biegler, congratulations.

PAUL. Thank you, Your Honor. I want you to meet the man who was most responsible for them—my new law partner, Parnell McCarthy.

(JUDGE WEAVER shakes PARNELL'S hand.)

JUDGE WEAVER. Happy to know you, Mr. McCarthy. Well, congratulations again to you both on winning one of the strangest and most brilliant prosecutions I've ever witnessed.

PAUL. *(Startled.)* Prosecutions?

JUDGE WEAVER. Prosecutions. I guess, Mr. Biegler, you're just an old unreconstructed D.A. at heart. This is the first time in my legal career that I've ever seen a dead man successfully prosecuted for rape. *(A broad smile.)* Well, good day, gentlemen. *(JUDGE WEAVER exits.)*

BLACKOUT

ACT III

SCENE 2

SCENE: *The LIGHTS come up on a nearly bare stage, with only a sign to indicate that we are in the Thunder Bay Trailer Park. After a moment or two, PAUL and PARNELL come staggering on, arm in arm, obvi-*

ously hung over after a night of celebrating, and singing atrociously.

PARNELL. Oh, Mr. Biegler, that was just about the most brilliant goddam prosecution I ever witnessed. . . .

PAUL. (*Playing along.*) What prosecution, Your Honor?

PARNELL. First time I've ever seen a dead man successfully prosecuted for rape! (*Loud laughter.*) Oh, Polly, boy, we had us a judge!

PAUL. (*Cups his hands and calls out.*) Mr. Lemon! Hey, there, Mr. Lemon!

(*After a few moments, MR. LEMON, the caretaker, appears.*)

MR. LEMON. Mornin', Mr. Biegler.

PAUL. (*He takes a promissory note from jacket pocket.*) Mr. Lemon, you got a party staying here name of Manion—Lieutenant Frederic Manion?

MR. LEMON. Did have, Mr. Biegler. Pulled out last night about Three A. M.—him and his wife—seemed in kind of a hurry.

PAUL. (*Stunned and sobered.*) Did they leave any message?

MR. LEMON. Well, yup, if you can call it that. Just as they left, the lieutenant leaned out an' tole me if you came lookin' for him to tell you he'd had an irre—what the hell—an irresistible impulse to get the hell out of here. Said you'd understand.

PAUL. Anything else?

MR. LEMON. Yes, they was movin' when the woman called back for me not to deliver the message I just now delivered. Said that was too cruel, I think she said. I kinda think mebbe she was bawlin' some.

PAUL. *She was bawlin'?*

MR. LEMON. (*Misunderstands PAUL.*) Yup. Him—he was kind of a sassy fella—always called me Buster.

PAUL. Called you *what?*!

MR. LEMON. Buster. He called everybody Buster. (*Exits, muttering to himself.*) Imagine callin' a man my age Buster. . . .

(*PAUL and PARNELL break out in drunken, hysterical laughter. Then PAUL throws his arm around PARNELL's shoulder.*)

PAUL. Come on, Parn, old buddy, let's go up to Barney Quill's bar for a couple of belts of that white-vest bourbon. (*He tears the promissory note in two, and hands half to PARNELL.*) Here's your share of the fee. . . .

(*Arm in arm, still laughing, they stagger off, as the LIGHTS dim. Then:*)

BLACKOUT

END OF THE PLAY