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Clarence Darrow's Last Trial

by Shirley Lauro

A Samuel French Acting Edition



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CLARENCE DARROW'S LAST TRIAL was first produced by the New Theatre (Rafael de Acha, artistic director/Eileen Suarez, managing director) in Coral Gables, Florida on January 21, 2005. The performance was directed by Rafael de Acha, with sets by Rich Simone, costumes by Estewla Vrancovich, sound design by M. Anthony Reimer, and lighting by Michael Foster. The production stage manager was Joseph M. NeSmith. The cast was as follows:

CLARENCE DARROW . . . . . John Felix
RUBY DARROW . . . . . Susan Dempsey
LIEUTENANT JOHN RAMSEY . . . . . John Bixler
THEODORA RAMSEY . . . . . Jenny Levine
TOM LOU . . . . . Ricky J. Martinez
MRS. MONTEGU. . . . . Angie Radosh
DR. DAVID STEIN . . . . . Bill Schwartz
NANILOA WHITEFIELD CHAN . . . . . Tara Vodihn

CHARACTERS

(in order of appearance)

CLARENCE DARROW – 70s. Tall, craggy, American looks. Wears red galluses, string tie, white shirt, crumpled gray linen suit, hat of the era. Rambunctious, strong, brilliant, egocentric, stubborn, but in his seniority, aging, at an extremely vulnerable time in his life and career.

RUBY DARROW – Middle-aged. Younger than Darrow. This is a second marriage for Darrow. Ruby was his secretary. They are deeply in love. She is totally devoted to him and his work. They are partners in work; she is intuitive about him and his strengths and she trusts her opinion. More now that he's older. She believes in the causes he fights as much as he does. All he does: his triumphs, his defeats are hers too. In this way they are truly "one." She has an inner and outer beauty, is very bright, steady and intuitive. Simple print dress of the period, small heels, hat, chenille robe at start.

LIEUTENANT JOHN RAMSEY – Late 20s. Handsome. "All American" in looks and manner. A Naval officer, first Lieutenant, who bears himself as such. Sense of authority, in control of himself and others. Perhaps too much? Speaks with Southern accent.

DR. DAVID STEIN – Middle aged. Dark, Jewish. Wears vest, doctors white coat, glasses/pince-nez),smokes pipe. Man of intelligence,an avant guard doctor in the new field of psychiatry, coming into vogue at time of play. Has known Darrow since he was still in Residency and testified and helped him with the Leopold Loeb case, "Insanity as mitigating circumstance in the defense."

REPORTER TOM LOU – 30s. Asian/white/mixed blood. An ambitious, bright, assertive man with depth, perception, humor. Wears mix of Hawaiian/American/Asian clothes. A straw hat of some sort.

MRS. MONTEGU – 40-ish. Lieutenant Ramsey's mother-in-law; Theodie Ramsey's mother. Very aristocratic. WASP, Southern accent. A Southern matriarch from an old Southern plantation family in Atlanta that's kept its wealth. A heritage she's proud of. Charming, grand in manner, a great hostess, especially at Oyster Bay, L.I., their summer residence. Attractive. Seductive with men in her Southern way. Underneath is steel. Silk dress of the period, pearls, small heels.

THEODORA (THEODIE) RAMSEY – Very early 20s. Lieutenant Ramsey's wife, and Mrs. Montegu's daughter. Aristocratic, elegant WASP: blonde, attractive. Southern accent. A little of the "20's flapper" and "Southern flirt." A bubbly, "little girl" aura. People view her as slightly eccentric with dramatic flair but omething about her hints that she's been badly wounded, long ago. Wears long chartreuse chiffon scarf around neck that trails down.

NANILOA WHITEFIELD CHAN – 30s. The prosecuting attorney. Mixed blood: white, Chinese, and from a Royal Hawaiian Ali'i family. Bears herself as such. Extremely intelligent, strong, regal. A freethinker. Beautiful and passionate. Wears dark crepe dress of the period, and a Hawaiian lei.

It may be possible to double cast some of the roles.

PLAYWRIGHT'S NOTES

THE LAST TRIAL OF CLARENCE DARROW is inspired by the last major criminal court trial Clarence Darrow fought. But the play and characters are fictional except for Clarence and Ruby Darrow.

The play is a style piece. All design elements conform to this. Abstracted, suggested, part for the whole. Nothing in the text should be illustrated or literally rendered from the design standpoint. The play can adapt to a simple or a more formal, elaborate design concept. Use of a unit set with platforms, lights, sound, music, scrims, film clips and other visuals indicated in the script are an effort to suggest stylistically how changes of times, place, and ambience might be implemented on the stage. The suggestions can be simplified or amplified. There should be a sense of transience, of swirling movement, then stops, then movement again – as if the characters and the telling of their story are caught for critical moments in the glare of the light of history.

The Research and The External Services Department at the University of Hawaii at Manoa, Honolulu, Hawaii; the Research Library at the William S. Richardson Law School of the University of Hawaii, Honolulu; and the Research Departments of both the Law School Library and the Bobst Library of New York Uviversity have been of invaluable help in the research phases of this project.

THE PLACES of the play are in Chicago and the Territory of Hawaii.

THE TIME is 1931 and onwards…the very dawn of celebrity as the Lindbergh Baby is kidnapped – and it is the dawn of technology; – phones, radios – with immediate international communication and transient, fluid movement throughout the world – as World War II looms ahead…

To the indigenous peoples of Hawaii.

ACT ONE

(Abstracted sounds of railroad station: train whistles, chugging train wheels. Shadowy – isolated feeling. Swirl of smoke as if billowing from trains. Now, as if caught in spot searchlight, a man, 70ish, enters. Stooped, weary, He wears 30's fedora hat, carries overcoat, briefcase. This is **CLARENCE DARROW**. *He goes to a phone booth, and makes a call. This should not be realistic. Once phone call convention is established, characters do not hold receivers but directly speak to each other as if in same room.)*

DARROW. *(as if calling out to her in the room:)* Rube?

(Lights up on **RUBY DARROW**, *woken up, wrapping robe on as she enters room, answers phone, then looks at* **DARROW** *as if they were in same room. Scene plays as such.)*

RUBY. Dee?

DARROW. I'm out of the case, Rube.

(sounds of train station)

CAN YOU HEAR? FORCED OUT! THE SCOTTSBORO CASE!

RUBY. You still there?

STATION MASTER. *(V.O.)* NASHVILLE, LOUISVILLE, CHICAGO! NOW BOARDING, TRACK FIVE!

DARROW. THE TRAIN STATION DOWN HERE.

(talks louder)

TAKIN' THE CHICAGO SLEEPER HOME! BE THERE 8 A.M.

RUBY. What happened, Dee?

(More train sounds: whistles, wheels chugging, **DARROW** *talking louder and louder.)*

DARROW. COMMUNIST LAWYERS FROM NEW YORK GOT A STRANGLEHOLD ON THE CASE.

RUBY. CAN HARDLY HEAR YOU! WHAT?

DARROW. "Scottsboro Boys're represented by *us* now!" They said. "But always an honor to have *you*, Mr. Darrow – if you can get rid of that NAACP who sent you. Just *assist us* instead!" "ASSIST?" says I. Good naturedly, mind you. "Nine colored boys from Scottsboro accused of gang raping two white girls? Why that's my very cup of Lipton Tea, boys," says I.

RUBY. You're out of the case? Oh Lord!

DARROW. But I was calm at that point, Rube. I was *calm*! "You know though, boys, I did 'the' break-through racial rape case in this nation! First time a colored man convicted of raping a white woman got life instead of death."

RUBY. I'm so sorry Dee – they wanted you to *assist?*

DARROW. "Isaac Bond! Chicago, 1906!" says I. "Remember it by any chance, boys? Annals of American history – law schools – journals – encyclopedias, boys?" But they're sitting there, Rube, lookin twelve years old – starin' at me like I was some kinda jackass talkin about defendin' Micky Mouse!

(She turns away from facing him: he is nearly overcome with grief at this point:)

So then – then, Rube?

(She turns back to him.)

RUBY. I'm here, Dee. Little hard to hear though.

DARROW. I – I gave 'em the highlight of that Landmak Plea then:

(He launches into speech as if in courtroom.)

"If a human life is worth anything, it is worth saving!"

RUBY. Anybody at the station with you, Dee?

DARROW. What are you talkin about? You aren't listenin bird one!

(He hangs up, picks up cases moving into shadows as suddenly camera flashes. **DARROW** *whirls around, startled, as camera flashes again.* **DARROW** *looks enraged as flash goes off again and again.)*

Get that damn thing away from me will you?

*(***DARROW** *exits. Lights up on corner of* **DARROW***'s Chicago apartment living room. Humble. Sparse. Gray winter morning with falling snow seen through window overlooking Lake Michigan.* **DARROW***'s wicker rocker by window. Frayed reddish rug. Bookcase with books overflowing onto the floor.* **RUBY** *at table, filling pen from inkpot, then writing in large ledger checkbook open before her.)*

RUBY. *(reading:)* "Pay to the Order of"

(writing:) Horace Baylor, M.D. –

*(***DARROW** *bursts into room brandishing newspaper.)*

DARROW. RUBY!!

RUBY. I'm right here, dear – you get a little sleep on the train?

(She rises to embrace him but he charges past her into room.)

DARROW. See this? They caught me at the train station.

(He brandishes paper.)

"*DARROW DISMISSED*"! Mug shot a mile high. Like a mad dog, Ruby! Like a –

RUBY. Stop! You'll make yourself sick!

(She takes paper from him, tries to take off his coat. He pulls away from her.)

DARROW. Why don't they print the truth? "FORCED OUT"! Asked for their $1000 retainer back too – I tell you that? And there's no $5000 fee of course…

(She turns away, shocked, angry, frustrated.)

What's wrong?

RUBY. The 1000's gone! Back rent – grocery bills for two months – electric –

(She looks down at ledger.)

And Dr. Baylor? I swore to him: "The $800 for that surgery will be –"

(She stops short.)

Well we'll pay it off. Don't worry. Look – it's The Depression – everybody's in debt…

(She detaches check from ledger.)

DARROW. *Pro bono* all my life! And now? Seventy-six years old for cryin' out loud. And I can't pay my doctor bill!!

RUBY. Dee, don't do that to yourself!

DARROW. Scottsboro would've solved it all! Money – colored boys free – my legacy like a rock!

(He is imagining this scene as he speaks:)

Old warrior, high in the saddle – ridin' off –

RUBY. *(softly laughing, amused)* Ole Cowhand Dee?

DARROW. You think it's *funny*? My hat's on the *hook*, Ruby! I am yesterday's newspaper!

(He takes newspaper, tearing it up. She's gone back to check book, adding up figures. He notices, takes checkbook, tearing it up too.)

Not in *front* of me!

(He goes to sideboard, pours whiskey shot, downs it. She goes there, shoves whisky decanter into sideboard cupboard slams door.)

RUBY. Well, not in front of *me!*

(He looks at her, gets idea, starts rummaging through his books, pulling one out, putting it in briefcase.)

DARROW. There's one!

RUBY. Now what's that for?

DARROW. The appraiser.

RUBY. Appraiser?

DARROW. Gonna sell all these autographed books. Pay off Dr. Baylor, and everybody else! Just decided: I'm sellin off my office desk, chairs, bookcases, lamps, sign on the door too! Givin up the damn office. Why the hell pay rent two places when I can work here.

(He's trying to jam several books in his small briefcase. They don't fit. She fills pen again, secures cap on ink bottle, smoothes ledger pages, then closes it. Begins writing figures on pad again.)

RUBY. *(casually:)* Chester called.

DARROW. Chester Hawthorne? Here?

RUBY. From New York. His law office.

DARROW. *(sarcastically)* Condolence call for Scottsboro? Saw my puss in *The New York Times*?

RUBY. He –

DARROW. *(interrupting:)* So damn smug since he left here! Deeper the Depression, deeper the pockets of "Wall Street Chester, Ink!"

RUBY. Chester's your good friend, Dee. You two travel back very far in time.

DARROW. A forgotten time! 'Cause he travels now with hoity-toity New York tycoons.

RUBY. *(casually)* He'll be calling back.

DARROW. To gloat?

RUBY. Wants you to reconsider that Hawaiian case. That family in Hawaii doesn't want to use their Honolulu lawyers for their Defense.

DARROW. HAWAII? Christ, I turned that down a while ago. And down it *stays*! It's *his* client's family up on the murder charge in Hawaii. That's why he called.

(He's trying books one way then another, packing repacking.)

RUBY. He said he thinks the trial could be "an historical moment in time" for you, Dee – if it was argued right.

DARROW. "Historical moment in time"? Every moment's historical in time. What the hell's he mean by that?

RUBY. The International spotlight'll be on the trial is what he meant. "They're broadcasting live from the courtroom all around the world first time in history!" He said. Reporters from Le Monde – Der Berliner – The London Times. "Clarence would be centerstage again with a significant case" is what he meant.

(She is adding numbers, figuring their balance.)

DARROW. Centerstage wrong side! There're race issues. I can't touch that case with a 10 foot pole. And we went over and over that already. Don't you remember? How can I begin to defend white rich aristocrats in Honolulu for killing a Hawaiian??

RUBY. They're rich all right…they…they're offering you a fortune – $30,000 fee, Chester said – lodgings at the Royal Hawaiian Hotel – and a stateroom on a fancy boat to cruise down there in. If you can imagine us "cruising"!

*(***DARROW** *looks at her. They both smile a little. She goes back to adding figures, he keeps looking at her. Then:)*

DARROW. Somethin like that trip'd be milk and honey for you though, huh?

(He chucks her under chin.)

Puttin' up with me all these years for God's sake!

RUBY. Trip'd be a treat for anybody. Have to be a fool not to relish something like that. But it's not the reason to go, Dee…for us.

(She looks around room.)

Depression Times or not, we're both pretty used to how we live, huh – so you can do what you do. Reason to go would be: the case is right for you.

DARROW. Well, it's not.

(beat)

RUBY. Chester did remind me you'd felt the family was probably innocent – when you considered it before – from all the documents – papers – everything else he and the Honolulu lawyers sent –

DARROW. Damn it, I know they're innocent. And you know that's not why I turned it down.

RUBY. But then too, you had the choice of Scottsboro at that time.

(He turns away.)

Maybe you should just rethink a little? Remember?

(He turns back, looks at her.)

A naval Lieutenant's wife's gang raped by Hawaiian thugs – but then at the trial –

DARROW. *(interrupting, remembering)* The jury splits on racial lines. 5/7 wasn't it?

RUBY. Five orientals to acquit. Seven whites to convict…as I recall…

(They are both getting caught up in story:)

DARROW. They cannot reach a verdict! One hundred hours of deliberation! The bailiff reporting shouting, yelling in the jury room – and they simply cannot reach a verdict!

RUBY. So the judge declares a mistrial and –

DARROW. *(jumping in)* The Hawaiians go on probation. Until the retrial. Scared for their lives. And then –

RUBY. *(jumping in)* The D.A. tells the family: "the Hawaiian gang leader just sent word" –

DARROW. Privately – discretely –

RUBY. Before the case comes to trial again – he wants to sign a confession – for a plea bargain that –

DARROW. *(jumping in)* Secretly – so his gang doesn't know –

RUBY. In the family's house –

DARROW. Where the Hawaiian's gonna turn on his gang. Then –

RUBY. *(jumping in)* He turns on the *family* instead – with a knife!

DARROW. And then – the family shoots *him* in defense instead!

RUBY. "Highly intriguing case"! Chester reminded me those were your exact words when –

(Phone rings.)

Oh, I bet that's him –

DARROW. Let it ring.

(Phone rings again.)

RUBY. I told him you'd be home by now.

DARROW. Tell him I left.

(He starts off. **RUBY** *speaking looking at person:)*

RUBY. Hello?

(Spot on **RAMSEY** *looking at her from faraway area. They speak loudly.)*

RAMSEY. Is this the Darrow Residence, ma'am?

*(***DARROW** *stops, turns, looks at him.)*

RUBY. Yes. This is Mrs. Darrow.

RAMSEY. Honor, ma'am. Lt. John Ramsey here. From Pearl Harbor? Our family's legal counsellor in New York – Chester Hawthorne?

RUBY. Yes?

RAMSEY. I told him I wanted to call myself. Plead my case to Mr. Darrow directly. If I might speak with him, please, ma'am?

RUBY. Dee – Hawaii! The Lieutenant!

(to **RAMSEY***)*

Just a minute, please? Here's Clarence Darrow now!

(She pushes phone into **DARROW***'s hand.* **DARROW** *throws her a look.)*

RAMSEY. Mr. Darrow, sir?

*(***DARROW** *reluctantly joins conversation.)*

DARROW. Yes?

RAMSEY. Privilege, sir. Lt. John Ramsey, here. My wife's the one got assaulted down here – and now her mother and I are accused of murdering the gang leader and –

DARROW. I know all about it, Lieutenant. But I'm afraid I'm gonna have to turn your case down again. I'm sorry.

RAMSEY. Good God, you don't think we're guilty, sir?

DARROW. Look, son – I think you were most probably tricked by a Hawaiian thug who almost murdered you all! It's just I'm not so good unless I'm fighting for the underdog –

RAMSEY. But you saved Leopold and Loeb! They were white, wealthy – and guilty! And their victim was a child!

DARROW. Everyone there was white and wealthy: victim. Leopold. Loeb. Anyhow what saved 'em was I argued they were mentally unstable.

(A beat. Two. Then:)

RAMSEY. Oh?

DARROW. Pleaded 'em guilty of murder then brought temporary insanity in as cause…mitigating circumstance. Let me open the door a little more to insanity as a legitimate plea! God, I loved that chance!

(beat)

RAMSEY. Of course –

DARROW. Your Honolulu lawyers'll do a good job for you all, I'm sure. And I wish you all the luck –

RAMSEY. *(interrupting)* Mr. Darrow? Listen? Please? Local lawyers here aren't good. First trial my wife was even given a bad prosecutor from the D.A.'s office! Incriminating evidence tainted, botched, suppressed – critical witnesses not called. That mistrial was because of that, sir. Not racial top dog/under dog issues. Good lawyers and we'd've won.

(beat)

DARROW. Be that as it may, I –

RAMSEY. *(interrupting:)* My mother-in-law's life and mine are on the line down here, sir – we're desperate –

DARROW. I just can't!

(A beat. Then two.)

RAMSEY. Look, Mr. Darrow – I panicked and blanked when he pulled his knife and said he'd rape my wife again! I went crazy! Wild in the moment – shooting crazy wild – an accident that I shot him –

(He looks at **DARROW**.*)*

We wanted him brought justice legally! That's what inviting him to the villa to sign the confession was about!

(A long silence: **DARROW***'s thinking of something.)*

DARROW. That ever happen to you before, son?

RAMSEY. What?

DARROW. "Blanking"? "Panicking" – Going "crazy wild in the moment"?

(beat, then softly)

RAMSEY. I've blanked before…lost time…after my wife Theodie was…assaulted…and –

DARROW. What?

*(***RAMSEY** *looks around to see if he's being overheard. Then a whisper:)*

RAMSEY. Happened on the submarine I command too. After my wife's assault – I pretended a migraine – was relieved of duty—

(again a lengthy silence)

DARROW. See a doctor, son?

RAMSEY. *(ashamed)* Private psychiatrist –

DARROW. Have trouble like this – before Hawaii?

(Silence. Then:)

RAMSEY. Annapolis –

DARROW. What happened there?

RAMSEY. Couldn't separate what was happening from what I thought was happening – ended up in the infirmary –

(long beat)

DARROW. When did you say the trial starts?

RAMSEY. Five weeks –

DARROW. Wouldn't give a lawyer time enough to tie his shoe! Takes a week to get down there, doesn't it?

RAMSEY. You're thinking about coming? Oh my God

DARROW. Thinking about – just thinking –

RAMSEY. Look – the Honolulu lawyers have done all the ground work already and Chester will send you the whole background of the first case – you'd have every possible kind of help. Oh my God, Mr. Darrow! There's a chance?

DARROW. Get all your medical records to me fast as you can. Don't forget Annapolis.

RAMSEY. Yes sir –

DARROW. If I came – *if* I came – I'd be coming for the chance to go for a temporary insanity plea, Lieutenant. Highly experimental –

RAMSEY. I – I see –

DARROW. You willing to take the stand on that plea, son?

RAMSEY. I – I – what's the risk?

DARROW. Reputation – career – all that –

RAMSEY. I – I – yes…

DARROW. I'd need to see a psychiatrist friend of mine, first. Helped me with Leopold and Loeb.

(Blackout on **RAMSEY**. **DARROW** *to* **RUBY***:)*

Call David at Chicago Psychiatric, will you Rube?

(He puts on hat.)

Let him know what I'm thinking of doin?

(Starts walking. Over should to **RUBY***:)*

Should be there by noon—tell him I want his advice –

(Blackout on **RUBY**. *Lights up,* **STEIN***'s office.* **DARROW** *walks in.* **STEIN** *reading from a medical book. He rises.)*

STEIN. Clarence!

(They shake hands.)

DARROW. Ruby called?

STEIN. I think there's a damn good shot with this, Clarence.

(Several beats. **DARROW** *mulling this over, smiles at* **STEIN**.*)*

DARROW. Would you come testify to that, David?

(beat)

STEIN. Other side of the world, Clarence…just lost my best resident – there're good psychiatrists there, Clarence – I don't think –

DARROW. Trust some Local Yokel? I never would've saved Leopold or Loeb without you on board. I need you, David – your experience – credentials. If we get this plea established? Might help you start your own clinic – like that Karl Meninger friend of yours has –

STEIN. And wouldn't I like that.

(beat)

DARROW. Well?

STEIN. I – I'll try to come –

DARROW. What the hell kind of answer is that? TRY?

*(***DARROW** *starts from area.)*

STEIN. Clarence? Count me in!

(Blackout on **STEIN**, *as* **DARROW** *enters his home area, sitting, thinking.)*

DARROW. Ruby?

*(***RUBY** *enters, studying him a moment, then:)*

RUBY. Stein's agreed and you're taking the case!

DARROW. I am.

RUBY. Not worried about the race issues like you were before then?

DARROW. Mental illness is universal, Rube. I'll cross all color lines with a plea like this.

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