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SF PERUSALS

*Samuel French Acting Edition*

# Clarence Darrow

## A One-Man Play

*by* David W. Rintels

Based on Irving Stone's
*Clarence Darrow for the Defense*

SAMUEL FRENCH

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To Henry Fonda and
John Houseman,
teachers and friends.

MIKE MERRICK and DON GREGORY present

HENRY FONDA
as
CLARENCE DARROW

a new play by
DAVID W. RINTELS

based on "Clarence Darrow for the Defense" by
IRVING STONE

scenery and lighting by
H.R. POINDEXTER

directed by
JOHN HOUSEMAN

production stage manager
GEORGE ECKERT

general manager
JAMES AWE

A DOME PRODUCTION

# *ACT ONE*

## SCENE

*The curtain is always up.*

*The stage has four distinct areas on four slightly different levels.*

*Downstage is a bare runway, close to the audience, for* DARROW *"in one."*

*Stage right is* CLARENCE DARROW*'s Chicago law office of the 1920s, spare and traditional. Desk and chair, an overstuffed couch for his friends and clients, a thin rug, a framed photograph of John Peter Altgeld competing for room on the desk with all the books and papers.*

*Stage center, a courtroom. Upstage, dominating the stage, there is an elevated judge's bench joined to a witness box. They are bracketed by the 48-star flag and the flag of the state of Illinois. Downstage center, a defense table with two chairs for defendants and one for* DARROW. *Left center is the suggestion of a jury-box-with-rail.*

*The combined bedroom-living room of* DARROW*'s Chicago apartment of the late 1890s is at stage*

*left. Two chairs, one a simple rocker, a bed, a gas reading lamp, a table, a wall of well-thumbed books, a window.*

DARROW *was a warm, loving man, rumpled, comfortable, unceremonial. The far sides of the stage reflect that; all the majesty is in the courtroom in the center.*

*A backdrop indicates the Chicago skyline of the 1920s.*

DARROW *enters slowly from stage right. He is sixty-seven years old, a big man, leonine, with a tendency to slouch that concerns him not a bit. His long, graying hair is so carelessly combed it threatens constantly to obscure his right eye. He is wearing the same unpressed gray suit that he has worn for years, a shirt and tie without style.*

*Coming through the courtroom he pauses to look at the defense table where Loeb and Leopold sat; the bench where Judge Caverly presided; the witness box where Bryan sat. In the same mood of remembering, he comes to the in-one area and begins.*

DARROW:

When I was very young, not over seven or eight years old, my father told me about a murder that was committed when he was a young man. It happened in the town adjoining the one where we lived in Ohio. In those days, a murderer was hanged outdoors in broad daylight, and everyone was invited to see the act and all the gruesome details that went with it. It was an eager and anxious crowd, each pushing to be in at the mo-

ment of death. My father managed to get well in front where he could watch, but when he saw the rope adjusted around the man's neck he could stand no more. My father turned away his head and felt humiliated and ashamed for the rest of his life that he could have had that much of a hand in killing a fellow man.

(*Moving into the bedroom-living room*)

My father and mother were not usual people. They were freethinkers in a valley full of rock-ribbed religionists . . . the only Democrats among Republicans for as far as you could see . . . the only intellectuals. Would you believe my mother thought women should be allowed to vote—and even said so, right out loud, as early as 1840? And—I remember this perfectly, even though I was only seven or eight at the time—she never protested when my father kept me out 'til midnight riding with him on a hay wagon—

—because, buried under the straw, were slaves my father was helping to escape from south to north, from slavery to freedom, along the Underground Railway.

(*Fondly picking up a book*)

My father always did just enough work for hire—carpentry, house painting, driving a hearse—to be able to buy books. Hebrew, Greek, Latin, law, metaphysics, science, religion. He loved his books. He loved us to read them. If I became anything at all, I owe it to my father's patience and his books—

—and to be honest about it, to some plain hard work on my own part. When I was nine, my father set me to work on the hottest summer day I can ever remember, hoeing potatoes—

—and after I had worked hard for a few hours, I ran away from that hard work, went into the practice of law, and have not done any work since.

(*Coming downstage*)

Why the law? Well, in Kinsman on every fourth of July, when Squire Allen got through reading the Declaration of Independence, which we thought he'd written because he always read it, he introduced some lawyer from the county seat. I had seen the lawyer's horse and buggy at the hotel in the morning, and I thought how nice they were and how much money a lawyer must make. He never seemed a bit afraid to stand up before the public. I remember his boots looked shiny, as though they had just been greased. He talked very loud and waved his hands and arms a great deal. The old farmers clapped and nodded their heads and said, ". . . mighty smart man . . . great man."

That's why the law.

(*Then, dead serious*)

I've never been sure I made the right choice. The law is a bum profession as generally practiced. It's devoid of idealism, almost poverty-stricken as to any real ideals. But I only learned that when I was in too deep to get out. My trouble was, I was fascinated by the *idea* of the law—the clash

of good minds, the people I'd meet. That was even better than baseball—although one afternoon in high school, with my girl friend Jessie watching, I came to bat in the last of the ninth with us one run down, two men on, two men out. Just like Casey at the Bat, only—

(*He wiggles into his stance*)

—I hit one over the grocery store to win the game. Nothing would ever be better than that.

Not even the Monkey Trial.

I didn't have much education. One year of college. One year of law school, in Ann Arbor. In those days a committee of lawyers examined you for admission to the bar. They were all good fellows and wanted to help you through. Today the Bar Association is about as anxious to encourage competition as the Plumbers' Union, or The American Medical Association. My first lawyer business was drawing up a contract for a horse trade. For this I was paid fifty cents—by each side. With all that cash jingling in my pockets, I felt so flush and reckless I asked Jessie to marry me. It made Jessie so reckless she decided to take a chance.

Prettiest girl you ever saw. Kindest, easiest-going, simplest in her tastes. She had a lot of small town in her and so, I guess, did I because we were very happy together.

We lived four years in Ashtabula, Ohio. Horses were being bought and sold at such a rate that we were able to put aside enough to buy a house —five hundred dollars down. At the last minute

the seller refused to sign over the deed because he didn't think we could meet the installments. I got so mad I said that was just fine with us—we were planning to move away anyhow.

The next day I met a woman on the street I'd never cared much for. "And how is our prominent lawyer today?" she said to me.

(*Posing*)

Oh, fine, fine. I just got a big case.

"How nice. Here in Ashtabula?"

No-o-o. In Chicago.

"That's just lovely. When are you going to try it?"

Why—as a matter of fact—tomorrow.

The next day I took the early train to Chicago.

(*He starts the long walk across the stage to his office*)

I had to. If that woman had seen me on the streets, she'd have told the whole town I was a liar—

—which I was. So I came to—

(*Now in his office; with a glint of grim delight*)

*Chicago!* With straw in my hair, in a suit bought and fitted at the Ashtabula Hardware and Emporium. They tell me I've kept that look all my life. At the Scopes trial, some reporters were giving me a hard time. I told them "I spend as much on my clothes as you do—the only difference is I sleep in mine!"

*(But now something else occurs to him, something that slows him. He looks at the Chicago skyline before he comes downstage, carrying the heavy weight of what he's just remembered)*

Chicago.

I got to Chicago at the most shameful moment in the city's history . . . just after the people of that city had demanded and been granted the death by hanging of four men they called anarchists.

Of all the men whose side I did not get to stand by until it was too late, the ones I'm sorriest about are the Haymarket Anarchists.

It began with the Chicago strike of 1886, when company police shot seven workers outside the McCormick plant. A protest meeting was called in Haymarket Square. The meeting was peaceable.

*(The stage gradually grows black except for the spotlight on* DARROW'S *haunted face)*

A little after ten it started to rain. The listeners drifted away. There were only a few hundred still in the square when Captain Bonfield, acting against the mayor's specific orders not to bring police to Haymarket Square that night, charged into the square at the front of 180 uniformed men.

"We are peaceable!" cried the speaker. The meeting was over. "We are peaceable!"

At that instant, from one of the buildings above the square, some lunatic—to this day no one

knows who—threw a dynamite bomb. It landed among the policemen. It killed seven policemen and wounded sixty more . . .

(*The lights start back up:* DARROW *sags for a moment under the weight of the memory*)

. . . and it killed the socialist movement and the eight-hour day as well.

Eight men were taken—editors, lecturers, printers —eight men accused not of throwing a bomb, but of committing the unpardonable crime of writing that capitalism was the source of poverty, misery, and crime—

—and the state of Illinois charged them with conspiring with a man unknown, or men unknown, in a place unknown, in a manner unknown, to throw the bomb. . . . They presented evidence manufactured by the police . . . and during the trial the judge admitted into evidence articles that the defendants had written and told the jury that if they believed these articles had influenced the man who threw the bomb, they were justified in convicting the defendants of murder.

Four of the eight were hanged. One, Louis Lingg, the youngest, killed himself in prison by biting down on a dynamite percussion cap and blowing his head off. Three were sentenced to long terms.

And the people of Chicago pronounced themselves satisfied.

Still—

—Chicago was an extraordinary place. It was life and excitement for me—new people and ideas,

good talk and debates—and good friends like the great John Peter Altgeld who helped me get a job with the city as Special Assessments Attorney.

I didn't know what it meant, either, other than it meant sixty dollars a week.

I worked four years for the city of Chicago. I went up against the railroads quite a few times on right-of-way litigations and generally managed to lick 'em, so one day the Chicago and North Western came to me with an offer of a good job as their general attorney. I frankly wasn't sure—my thoughts on life didn't equip me for that sort of work—but Altgeld thought I should take it and finally I did. It helped us buy a nice home on the North Side where I hoped Jessie would be happy.

(*Hesitates, then with a look at the apartment*)

She wasn't, really. The big city . . . new friends . . . new ideas . . . She felt it wasn't what she'd bargained for—and of course it wasn't. She grew not to like to do things. . . .

(*Brooding, thinking he ought to say more. He crosses to the apartment*)

Did you have a nice day, Jess? Did you get out of the house? It was beautiful down by the lake.

I worry about you, cooped up in the house with Paul all day long. You could take him into the park in his carriage. . . .

No, 'course you don't, if you don't want to.

(*Defeated, down, he turns away from the apartment*)

It wasn't one-sided, of course. It never is. For my part—among other things—I wasn't home much. I served the railroad all day—settling claims, representing them in court—and nights I went out with John Altgeld and my other new friends, freethinkers mostly, and talked law and books and politics till dawn.

I worked two years for the Chicago and North Western.

Then, in 1894, Eugene V. Debs took his railway union out in support of the Pullman strikers and struck every railroad in the country, including the one I was working for. And I had to choose sides.

George Pullman, the sleeping-car man, had built a brand-new town out of five hundred acres of Illinois prairie to house his workers. An extraordinary place. Listen to how he described it:

(*Reading from a pamphlet he takes off his desk*)

"Bright beds of flowers and green velvety stretches of lawn dotted with parks and pretty water vistas . . . homes filled with light . . . a town where all that inspires to cleanliness of person and of thought is generously provided."

I almost bought a home there myself.

There was just one small thing I couldn't understand—why anyone living in this paradise, this Garden of Eden, would ever want to go on strike. Was it conceivable—was it barely possible—that in this pamphlet his own company had put out, Mr. Pullman had inadvertently left out a detail or two? I took a train down to see for myself.

*(Starts to walk and look around, filled with wonder)*

The main street was a vision: bright red flower beds . . . rows of tall green trees lining the walks . . . houses of neat red brick with trim lawns. Lovely.

Only—and this was curious—one street back from the main street, where the workers lived, the houses didn't have lawns. . . . They didn't have windows. . . . They had, at most, one faucet, for cold water, and that was in the basement where it was cheapest to run the pipes in. Three, four, five families crowded into each tenement, all using one toilet. In the entire town where "everything that inspires to cleanliness of person is generously provided," not one bathtub.

I spoke to some of the people who lived there—at least I tried to. They were afraid to talk. Every move they made was watched. Everything they said was reported back to the company. If a man talked of joining a union, he was fired that day. His family was thrown out of its home and his name was put on a blacklist that was sent to every railroad in the country.

And the wages. Eighteen ninety-four brought hard times. Skilled men who had been paid three dollars and twenty cents a day saw their wages cut until, after Pullman took out their rent money, all they had left to feed their families on was four cents a week.

But the price of food in the Pullman Company store, where their wives had to buy—that stayed the same.

Forty-three men asked permission to come in to tell Mr. Pullman their families were starving to death. They asked for and were given a firm promise they would not be discharged if they came in to talk. Mr. Pullman listened to the forty-three men, said there was nothing to discuss, told them his only duty was to his stockholders and that there was no reason to give the workers a gift of money—and the next day fired them all and put their families out on the street.

That's when the Pullman strike started and Gene Debs called out his railway workers in support. 'Course, it didn't take our government any time at all to choose sides. They got one injunction making it a crime for a man to go on strike, another for one man to suggest to another that he even consider going on strike.

(*Now his head snaps around as he sees and hears something. He looks quickly right and left until he is sure and then, his eyes blazing with anger, strides toward the audience*)

But I never thought I'd live to see the day when the United States Government would call out armed troops against its own unarmed citizens on the streets of Chicago! Look at them! Thirty-six hundred of them, guns drawn, bayonets fixed, lined up against the strikers! Look at them!

(*Calling loudly*)

Do you know what day this is?? It's the Fourth of July! Independence Day!

(*The stage starts to go dark*)

At first, angry names . . . then fists and stones . . . until at three-thirty in the afternoon the men charged into the troops who were trying to disperse them. The soldiers started shooting as they came.

Seven strikers killed!

Nobody in the Army charged. Debs and his entire executive board indicted for conspiracy to commit murder! His own people's murder.

And I went into the office of my boss, Mr. Marvin Hughitt, president of the Chicago and North Western Railroad.

(*Coming downstage*)

Debs has asked me to defend him against you, Mr. Hughitt. I can't find any reason except my own selfish interest for turning him down, so I'm going to do it. I don't believe in socialism, but I do believe that the government's ownership of railroads is better for the people than railroad ownership of government.

(*Turns toward the court*)

Gene Debs. There may have lived some time, some place, a kindlier, more gentle soul, but I have never known him. In his jail cell the night before he went on trial he said to me, "Go get a good night's sleep, Clarence, and don't worry about me. We'll come out all right. If not this time —next time."

(*The lights come up on the jury box and judge's bench as* DARROW *starts his summation*)

Gentlemen:

If a boy should steal a dime, a small fine would cover the offense. He could not be sent to the penitentiary. But if two boys plot to steal a dime but do not do it, then both of them could be sent to the penitentiary as conspirators. Not only could they be, but people are constantly being sent under similar circumstances.

This is an historic case which will count much for liberty or against liberty. Conspiracy, from the days of tyranny in England down to the day the railroads use it as a club, has been the favorite weapon of every tyrant. It is an effort to punish the crime of thought. *If there are still any citizens interested in protecting human liberty, let them study the conspiracy laws of the United States* which have grown until today no one's liberty is safe.

There is a conspiracy here, dark and damnable, and I want to say boldly to this court that someone is guilty of one of the foulest conspiracies that ever disgraced a free nation. If my clients are innocent, other men are guilty of entering the temple of justice and using the law, which was made to guard and protect and shelter you and me and these defendants, for the purpose of hounding innocent men to a prison pen. This is not the first time that evil men—men who are themselves criminals—have conspired to use the law for the purpose of bringing righteous ones to death or to jail!

(*He steps back, done; when he has recovered . . .*)

They sentenced Debs to six months in the Woodstock jail. He got off easy. No other offense has ever been visited with such severe penalties as seeking to help the oppressed.

(*Coming downstage*)

They put him in a large cell made for six people. Outside the barred windows was a garden of beautiful flowers. In the cell with him was a simple mountaineer from the South who had done nothing but give nature a chance to convert corn into whiskey. He could not imagine why he was there, any more than I can imagine why men who think themselves civilized build cells. There were three or four others in the cell, and there was the atmosphere of a happy family, and so it was, for the place was radiant with the sunshine and kindness and love of Eugene V. Debs.

"This place is not so bad," he said to me. "I look at that garden of flowers. There are bars in front, I know, but I never see the bars."

(*A moment before he turns to his office*)

After Debs, I didn't consider going back to work for the railroad. Fortunately, labor felt as well disposed towards me as I felt towards labor, and for the next seventeen years I was to represent them in most of their important cases.

This informal arrangement lasted, happily on both sides I believe, until 1911, when I was retained by the American Federation of Labor to defend the McNamara brothers in the Los Angeles *Times* bombing case. After that trial, organized labor

would never have anything to do with me. They called me a traitor to their cause and some men spat in my face as I walked from the courtroom.

But that was not for seventeen years. In the nineties I was practicing law in Chicago—mostly on the side of the weak, sometimes on the side of the strong, but never on the side of the strong against the weak. My practice was mostly criminal and labor, with some civil. I was happy in my work and felt useful.

Being a lawyer in Chicago in contact with malefactors of all types, I can tell you that the Illinois legislature was none too good in those days, either. I've never known the representatives to be any different excepting at a time of some great moral crusade, and then they are always worse.

In Chicago we had a lot of massage parlors that were being used as fronts for houses of prostitution. It got so bad that the word "massage" came to mean . . . you can imagine what it came to mean . . . and to give someone a "massaging" meant . . . I suspect you know what that meant too, without my spelling it out.

Just to interrupt myself for a minute here, I've always thought most lawyers, myself included, like to say more than is absolutely necessary. I remember one counsel who was defending a man charged with biting another man's ear off in a fight. There was only one witness, and when counsel got up to cross-examine, he said, "You mean you didn't actually *see* my client bite this other fella's ear off?"

"No, sir," said the witness, and counsel of course could've sat down right then—but he's bound and determined to ask one more:

"Well, if you didn't *see* my client bite the man's ear off, how can you be so all-fire sure he *did* bite the man's ear off?"

"Well, sir, I saw him spit it out."

Anyway, as part of this reform movement in Chicago, all the massage parlors were closed up, thereby preventing a lot of hard-working masseuses from earning a living. Their association sent a committee to me, asking if I'd get an injunction against their being closed down. Did, too. Got the ordinance revoked. On my way out of court, the State's Attorney nudged me and said, "Clarence, you gave the State a good massaging on that one."

After I went out on my own, I didn't have much trouble getting clients. One reason may have been I never charged a fee if a man couldn't afford to pay. A lawyer has to do a great deal of work for which he cannot hope to be compensated, and that's how it should be. All he can hope is that once in a while he'll get a client who can afford to pay.

Once a young man came into my office and asked me to defend him on a charge of robbery. He said he wanted to pay a fee but didn't have any money right then. He did expect he could raise some by that evening. I told him I thought he'd better get another lawyer. I didn't care to accept any money that had been stolen—

So recently.

Once I went to the Cook County Jail to speak to the prisoners. I told them what I honestly believe:

(*To the audience*)

There is no such thing as crime as the word is generally understood. If every man and woman and child had a chance to make a decent, honest living, there would be no jails and no lawyers and no courts . . . and there *should* be no jails. If you would wipe them out, there would be no more criminals than now.

A guard asked one of the prisoners what he thought about all that.

"Darrow's too radical," the man said.

(*His smile fades*)

I've told a lot of men what I thought they ought to do in the course of my lifetime . . .

(*The jury box*)

. . . usually twelve at a crack. Sometimes they had the good sense to listen to me; sometimes they had the good sense not to. For years I'd been telling everyone I could catch that they ought to take the best friend I'd ever had, the wisest, most independent, incorruptible man in the world, John Peter Altgeld, and elect him governor of Illinois.

Damned if they didn't do it, too, in 1892.

It was commonly believed that his first official act would be to pardon the Haymarket Anarchists. Three of them were still alive then, still in jail. I certainly believed it.

Well, it wasn't his first act, or his second, or even his hundredth. He said that when he could spare the time he would go over the case and do what he thought was right, but he must take his own time.

In the next weeks and months I made the suggestion to him again, not once but several times. He always eluded me.

(*A deep breath, a painful memory*)

Finally I went to him one last time. I told him that everyone expected it, that despite what others were saying, it wouldn't create hostility towards him, and that I and others could see no excuse for waiting. I will never forget how he turned to me, calmly and quietly, and said—

"I don't want to offend you or lose your friendship, but don't deceive yourself. If I conclude to pardon those men, it will not meet with the approval you expect. Let me tell you that from that day I will be a dead man."

He studied the case until he was sure—

Then he granted the pardon.

The second time Altgeld ran for governor was two years later. He lost, as he knew he would. He could never win an election after that, and the reason always was The Pardon. The newspapers fought him bitterly; but in the factories and the mills and the mines, he was worshiped almost as a god. Even though he couldn't govern the people any more, he could still serve them and fight for them—and he did, until the day he died.

(*Entering the courtroom*)

In the whole country no one has it worse than the Pennsylvania coal miners. Men who work underground in twelve-hour shifts, 365 days a year, without Thanksgiving or Christmas off. Men whose *ten-year-old daughters work in the mills next to the mines for three cents an hour!*

The president of the Philadelphia and Reading Coal and Iron Company tells us "They don't suffer—why, they can't even speak English!"

(DARROW *turns to him*)

You say you love children, sir? I have no doubt that you do. Just as the wolf loves mutton.

(*The lights turn dark blue, suggesting that the entire stage is a coal mine —except for the spotlight on the witness stand, which* DARROW *now approaches*)

You're a breaker boy, Johnny McCaffery. That means they set you and a hundred others astraddle the chute and as the coal comes rushing down, you pick out the slate?

What would you say that takes, Johnny? Quickness? You have to be quick to pick the slate out . . . ? Quick not to lose a finger, or a hand, or an arm?

Has that happened to any of your friends? How many of your friends?

Do they feed you, Johnny, before they send you into the breakers?

Do they give you anything besides the one potato to take down on your twelve-hour shift?

Do they let you see the sun, all day long?

Do they give you one day off, all year long?

You don't look very old to me. How old are you?

When will you be eleven? When's your birthday?

(*He walks away, shaking his head in deep despair, before returning to the witness box*)

You mine anthracite coal, Mr. Griffiths? How much do they pay you for that?

Two-dollars-and-a-half a week. That's for a twelve-hour day, seven-day week?

What vein are you working in?

How is the air in there?

What do you mean, bad? Do you have headaches?

Now, sir, go on and describe the effect the bad air has on you. The headaches and the eyes and the lungs.

Did you ever go to a doctor?

Does the company have doctors for the men? Any at all?

Have you asked them for a doctor?

And they wouldn't?

Now, I want to ask you about the time you lost your leg. Did the company offer to buy you a wooden one?

They acknowledged the accident had happened in the mine and still they wouldn't . . . ?

*(The lights fade out on the witness stand as* DARROW *turns to the audience for his summation)*

This demand for a decent life, for an eight-hour day at a decent wage, is not a demand to shirk work as is claimed in this case. Gentlemen of the Commission, there is only one standpoint from which you have the right to approach this question, and that is what will make the best man, the best American citizen, to build up a nation we will be proud of?

The laborer who asks for shorter hours asks for a breath of life; he asks for a chance to develop the best that is in him. It is no answer to say, "If you give him shorter hours he will not use them wisely." Our country, our civilization, our race is based on the belief that for all his weaknesses, there is still in man that divine spark that will make him reach upward for something higher and better than anything he has ever known.

*(As he finishes, the lights come up in his living room. He slowly goes toward it)*

It took the Commission over a month to hand down its findings. Soon after we'd come to Chicago I'd told Jessie I'd rather help the men get the eight-hour day than be elected President of the United States. Now that we'd finally won, there was no one to share it with.

For a long time Jessie and I had been drifting apart.

Now the house and Paul were all we had in common.

(*Sitting in his living room*)

All these years, Jess, we've been taking different roads. We're not at the same place any more.

No, of course, it's not all your fault. . . .

Is there any sense to thinking it could be different? After eighteen years?

I don't know—I may be making a mistake—but I feel I must have my freedom.

I'm sorry, Jess.

(*Comes downstage, far from his home*)

Now that I was alone, I found myself working harder than ever at things I cared about.

We'd made a beginning in Pennsylvania, but in the West there was open warfare between miners and owners. A man named Harry Orchard—as low a specimen as you'd ever want to see—killed the former governor of Idaho with a bomb and said Big Bill Haywood, the union man, had put him up to it. Idaho's new governor, Gooding, sent deputies, without a warrant, to Colorado in the dark of night, to kidnap Haywood and run him back to Boise for hanging.

(*Straightening*)

The United States Constitution may have guaranteed Haywood a fair trial. Governor Gooding *did* guarantee—his exact words—that Haywood would never leave Idaho alive.

Everyone in Idaho stood up and cheered. Everyone but the miners.

Eighty days the trial ran, eighty days of rage and vituperation and bitterness. The judge's daughter said it sounded like eighty days in an insane asylum. I know I felt like one of the inmates.

I took the side of Bill Haywood.

He was a big man, and the toughest I ever met. Totally honest, fearless, incorruptible, strong as an ox inside and out. A terrible temper and only one eye, just like a pirate. And no stranger to violence, either.

(*Entering the court*)

I do not mean to suggest the workingman has always been right. I know he is sometimes wrong; I know he is sometimes cruel and sometimes corrupt; I know he is often unreasonable and unjust.

(*The fire comes back; the eyes blaze; to the jury*)

But to hang Bill Haywood, or any man, on the testimony of Harry Orchard!

(*The stage goes black except for one piercing, pitiless spotlight on the witness chair*)

Harry Orchard! This self-confessed perjurer who robbed miners of their ore; who shot and killed a drunken man in a dark street; who tried to murder the governor of Colorado; a man who, by his own admission, blew up a railroad station,

killing thirty men. This is the man on whose testimony you're asked to hang Bill Haywood.

(*The lights come up on* DARROW)

Gentlemen:

This murder was cold, deliberate, cowardly in the extreme, and if this man sitting in his office in Denver fifteen hundred miles away employed this miserable assassin to come here and do this cowardly work, then for God's sake, gentlemen, hang him by the neck until dead.

But I sometimes think I am dreaming in this case. I sometimes wonder whether here in Idaho or anywhere in the country a man can be placed on trial and lawyers seriously ask to take the life of a human being upon the testimony of Harry Orchard. For God's sake, what sort of a community exists up here that sane men should ask it? Need I come here from Chicago to defend the honor of your state?

There is no way to give Haywood back the eighteen months he has spent in the Boise jail. If a man is so insane that he wants to go out and work for the poor, as Haywood has, these are the wages that he receives today and which he has received since the time the first foolish man commenced to agitate for the upbuilding of the human race.

But, gentlemen, it is not for Bill Haywood alone that I speak.

I speak for the poor, for the weak, for the weary, for that long line of men who in darkness and despair have borne the labors of the human race. Their eyes are upon you twelve men of Idaho

tonight. If you kill Haywood, your act will be applauded by many. In the railroad offices of our great cities . . . among the spiders of Wall Street . . . in every bank in the world, where men hate Haywood because he fights against the system on which the favored live and grow rich and fat . . . from all these you will receive blessings and unstinted praise.

But if your verdict should be "not guilty" in this case, there are still those who will reverently bow their heads and thank you twelve men for the life and reputation you have saved. Out on our broad prairies where men toil with their hands, out on the wide ocean where men are tossed and buffeted on the waves, through our mills and factories and down deep under the earth, thousands of men and women and children will kneel tonight and ask their God to guide your hearts!

(*He finishes, exhausted again; he sinks into his chair*)

As the case was sent to the jury, a sympathetic reporter leaned over to me.

"Well, it takes twelve," he said.

"No," I told him. "It only takes one."

I knew that in Boise the best we could hope for was a hung jury.

Just before five o'clock in the morning an eavesdropper outside the jury room heard the jury take a poll and the foreman announce a vote of eleven to one. In Boise that meant eleven to one for conviction. He told the newspaper, which had an extra on the street in ten minutes.

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