

Lauyer with persecution complex:
- jurors were secretly sneering at him, etc
etc.

6H⁹

~~Willbur Spell~~

~~Lance Pickett "Pickett's charge."~~

~~Claude Kyle Cuyler~~

~~Eugene Trow (Slaughter)~~

~~Guy Millett~~

~~Whitney (Whitey) Knaddern~~

Judge Holbrook to Paul:

"Man is the only animal that laughs and weeps, for he is the only animal that is struck by the difference between what things are and what they ought to be."

Hazlitt.

The job was to arouse ⁱⁿ their ^{quality of} sympathy; the ^{their capacity for} ability to put oneself in the other fellow's place.

As George Sampson spoke of Henry James: "There are faint and complex reverberations of human encounter, like a carillon of memories."

This case, this goddam case,
was stirring ^{the tinkling carillon of} memories long dead: the
tinkling carillon of memories. (Go into Paula
sister Gale)

He was so transported that he ~~had~~
~~forgot~~ to braced against the fire box
rail and nearly fell. "Steady, Mitch, Paul
thought, "Steady does it."

This impalpable, gossamer magic...

Judge

This amiable judge, Paul saw, was
that rare ^{kind} ~~thing~~ among members of the judiciary:
^{good} a lawyer with a sense of humor. ~~There~~ ^{his} Not
the wise-cracking humor of radio &
TV, ^{the sibilant bark of - - -} but a sort of ~~easy~~ ^{easy}
~~easy~~ humor, at once courtly & earthy
more than faintly reminiscent of a man
called Lincoln.

Paul takes the case, not because:

I (a) To get back at Mitch for
beating him;

(b) Not to win election;

(c) Not to save Peterson; but

2: To punish the memory of
Mike Deukens; to vindicate &
appropriate sister, etc. etc.

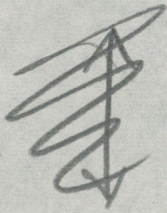


Paul & Mitch are running against
each other; Paul had from the old D.A.;
Mitch wants continuation ^{over election}, but Paul won't;
man in jig, etc. (Sosthy suggests: If
continuation case it could fall in my
lap as D.A.)

Pete's name is Ferguson

"Fergie"

As he mounted the stairs he could
hear them whispering behind him and he
knew that Jim Beckett was telling the others
that ~~Paul~~ he, Paul, had ^{successfully} defended Jim's
son that time he had, etc.



Pushing his briefcase before him
Paul threaded his way through
the milling crowd ~~at the outside~~ the
courtroom door and headed down a
side hallway to the ~~Lawyer~~ Attorney's Room
and Judge's Chambers which lay behind
the courtroom.

Here was a lawyer of the
grand old school, who, when
arguing to a jury, was one
moment positive with pride, in the
next, veering with alarm

With old Mike disputation was
a way of life; he never took a case
unless the ——— sported anger in him;
he never tried one unless, like a
maddened bull, he hurled
himself at some unjust tormentor.

Brooks ~~Girshick~~

Bruce

Melvin (Mel) ~~Girshick~~

Case had talked an aw on,
like a filibustering Senator. ^{Hesitating to}
shut him off in front of the jury.
Judge Wadsworth had listened
with growing impatience, and finally
banged his gavel, ^{declared a recess,} and summoned
both Case and ^{Paul (who was then} the prosecutor)
to ~~the~~ chambers.

"Gold almighty, Cecil," he
said, shaking his head. "Aren't
you ever going to cease ^{your} sporting?"

The ^{court} reporter had wandered
in about then and heard; the
word was met; and Case ^{was}
banned forever.

~~Oscar
Redder Medley
Julia
Dorothy Mc Carthy to Lemmings.~~

Rather,
At the first danger signal
you, lower your heads and
move into a circle of
gristle, like herd bulls,
to preserve the status quo.

~~Guy Mistletoe~~

Oblique

Crisis

Mike McCarth

I know most of you are
thinking what a drunken old bum
I am, more to be pitied than
ansured, ~~I know~~ he knows not
what he's ^{saying} ~~says~~. At least I am a
lawyer, which is ^{more} ~~most~~ of you
can ~~do~~ ^{do}. Like most of your ~~city~~
~~brethren~~ ^{Most of} you guys are fifth
columnists ^{who have} ~~pretending~~ ^{pretended} in on the law and
nothing but glorified ^{accounts} ~~accounts~~, efforts
on serving a fast tax buck,
smoothies on ^{the intricacies} corporate organization
and finance, and all the rest of
your ~~_____~~ that passes for
practicing law.

It will tickle ^{the} ~~my~~ ^{brain} ~~my~~ belly to
~~see you~~ ^{learn} how you wiggle out of
this. But wiggle I know you will.

Old Mike McCarthy had
a round, thrust-forward head
~~permanently~~ ^{permanently} → wind-blown
~~or~~ adorned by a Keropic-doll
wisp of tobacco-stained-looking
gray hair; large, expressive
gray eyes, a ^{fine} vermilion bulb
of a nose, moist red
pursed lips, and a chin
that flowed quickly down
to meet his

(As though agitated by some
permanent form of up-draft,
like an old base-burner
coal stove.)

Old Mike McCarthy looked ^{up} at me with ~~his~~
large forlorn gray eyes. "Sick," he muttered,
wetting a forefinger and turning a page. "Sat up
^{last night} with a dying friend -- my bottle."

"Mm," I said, distastefully observing this
alcoholic old wreck of a lawyer.

Old Mike had a ^{large,} round, forward-thrust
head which was entirely bald except for a
wisp of tobacco-stained-looking gray hair
which always seemed faintly agitated as by some
invisible ^{source of permanent} force of updraft

And ^{consider, the} Think of the miracle of this trial!
Here you are:

Free men sitting freely to judge a clash
of one of your number with society... ^{Madness}
~~In one of~~ ^{If we lived in one of} the sprawling totalitarian societies
that threaten to overwhelm us. ^{Liars.}
_____ would either be fated and
freed or quietly put to death. In either
case there would be no trial.

Consider ^{well} (ponder) this miracle
of free choice.

Bailiff with his perpetual
wrinkled smile.

Fly a duck --
Isn't it a kite?

Can you tell what to do. Not Can you permit you for what you do.

12-23-53

McCarthyism

You ^{welcome} your antisocial "legal" bastards gather here to discuss "problems," and yet none of you -- not one of you -- ~~even~~ ^{have the guts to} mention let alone grapple with the biggest problem that has ever confronted ^{us} this American law -- ^{What are you talking about?} this sinister spread of ^{thing} ~~growth~~ of McCarthyism ^{that is spreading} ~~across~~ ^{across the} land like a fatal smog. It is ^{we} the lawyers who ^{should be} ~~that~~ must lead this fight; it is the ^{we} lawyers who must ^{repell} ~~erase~~ this stain on the ^{basic} ~~elementary~~ ^{fundamental} of the law, etc.

For shame! For shame!



Mike McCarthy Wick-carey-a-
McCarthy ^{thee}

Burney Barkin was being tried too;

on trial for his life and death; it is
a funny thing but it is

Always so in a murder case. Judges
may ^{huff & puff &} ^{rationally} themselves blue

in the face saying it isn't so,

but ^{goddamn it} ^{try} the dead guy as
well as his killer. "Did this

guy deserve to die? Should we

reward the ^{poor bastard} man who killed

him by letting him go? etc etc.

Mike said, etcetera, etcetera

~~Men like McCarthy~~
Long before ^{the garbage-burning} ^{stands and fall of} McCarthyism
settled over this country, there was,
etc. Consider the ~~thousands~~
~~of~~ many smart people you
know who ^{not-so-} secretly admire ~~him?~~
it and the bull-necked
fugitive from a notarepe
hooligan

12/12/53.

LAW & LAWYERS

There are few callings more clogged with frustrated actors and writers, carnival barkers and footpads, than the law. In all ages it has been the catch-all, the great compromise profession, for those who can not ~~over~~^{or} will not face the duller and more practical world, and yet who lack the integrity or ability or just plain guts to follow their natural bent. On all counts, ^{Norman St.} Legel ~~Domain~~ should have been a clown: he looked, acted and felt like one.

Paul ^{simply} had to have a carb;

he had experimented at the
cracked, troughs of what passed
weath^r for restaurants, and found that
the food ^{the most that could} ~~be~~ ^{be seen for} it
though ^{was that it} they did not kill, ^{it} barely sustained life. So he
hered old Trina.

Criminal Lawyer in I.O. Court

A ~~criminal lawyer~~ who lawyer
who ~~insisted~~ ^{insisted upon sticking} to nothing but criminal law
in Iron Chipp's county would probably
stare; ^{accordingly} there was no such animal. Paul
got ^{perhaps more of} his share of the important criminal
cases that came along largely by default;
there was ^{scarcely} no one else around that knew
his way around amongst these devious
labyrinths, ~~know~~ that combination of
shrew ^{legal} knowledge plus applied psychology,
known as * criminal law.

Paul takes care not to kick back
Mitch, not to help — beat Mitch, etc...
Really to avenge the memory of his sister.

+

Try & Fail

Like ~~the~~ ^{the} ancient dramatic ^{but effective} convention of a play within a play, ^{in a criminal trial} it was always nice work for the defense to contrive a trial within a trial, etc. Somebody ^{but the defendant} had to be played. So Paul had to try ~~to~~

to introduce such a device in this trial. ^{Yes, He} Had to try and fail, try and fail -- ^{try to get} to get ⁱⁿ the evidence of the rape; ^{try to get} try to get.

Prosecution: firmly & honestly committed to keeping ^{it} out, ~~the~~

~~the~~, so that when it did get in, as Paul was determined it should, ^{figuratively} ~~he~~ ^{he} ~~could~~ ^{was} ~~understand~~ ^{his} ~~etc etc~~ ^{etc etc}. "Moustache" "Aha!..."

Paul was ^{sitting} in the tub in his apartment reading
about ~~the~~ the ~~back~~ ^{accumulated} issues of the Mining Gazette that had
accumulated while he was away. The phone rang and Paul
closed his eyes against the ^{low} persistent ~~beep~~ ^{buzzing} ~~tone~~ ^{until it finally} ~~it~~ went away.
"Russians ^{again} Reject Offer For Meeting" he read with tired.

Then: "Army Lieutenant Kills ^{Big Bear} Hotel"

Argument

Paul thinking of corn & warm
flowing marshmallow, soap operas, trial
scenes in Hollywood movies, etc.
as he quies



Touch not a hair on you
gray head! (

The middle-aged group of
lawyers were too old for Mike; he liked
the younger crop, lately out of law
school.



The morning of the trial was ~~began was~~
as gray on the morning of the trial

Paul Bigler

At 8:30 a.m. Paul Bigler drove ^{his car} past the courthouse
~~door around~~ and looked for a place to park.
Although the trial ~~did not~~ ^{he saw with some ambiguity} was not ~~set~~ ^{scheduled} to open until
9:00, ~~at that~~ ^{available} every space was ^{already} taken. Paul thought that
the sheriff might Paul was half tempted to park ~~the~~
his car anywhere and let the cops tag it. The ^{very least} ~~best~~ the
sheriff might have ^{he thought probably,} done ^{was} to have reserved a
parking place for the people ~~that~~ ^{who} any real business
there at all: the ~~prosecutor~~ Mitch, the
prosecutor; and himself, the defense attorney. But
no, he'd have to park several blocks away and lug
his fat briefcase all the way.

9/24/53

some his mother had given him ^{at the end of his freshman} year in

leather briefcase, ^{the one he had used since his school days.} Paul Begler sat stashing papers into his old leather briefcase. He glanced over at the defense table, and ~~over~~

the willowy figure of Rex St. Clair ^{but} bending over the defendant and his wife. They were engaged in earnest but inaudible conversation, that is, ~~still~~ the attorney

was doing the talking and Pearson and his wife ^{some} listening intently, occasionally nodding.

with folded arms, ^{to take the} waiting ^{back to jail.} Sheriff ^{Kimberly} stood just out of earshot, but

not far enough away to dispel the notion that among the crowd of ^{retreating courtroom} spectators (and voters) that he

was the sheriff, ~~see~~, and this man Pearson was his prisoner, ~~see~~, and there'd better not be any shenanigans, ~~see~~, because he'd damn well...

Paul ^{wryly} remembered that ^{before} the trial had begun he had ^{frequently} seen the St. Clair and the defendant and his wife seated in the attorney's car, ^{sometimes} nearly a block away from the jail when the parking was crowded. But things were different now

from ^{Kimberly} Sheriff ^{Kimberly} stood just out of earshot

Paul reflected,
Yes, the trial of a criminal case ~~was~~ ^{is}
a game or, more accurately, a sort of a play
that ~~was~~ ^{is} staged without ~~any~~ rehearsal, a play
in which the ^{witnesses are the} actors, ^{the ad libbing} frequently ad libbed and,
under stress, and the attorney ~~was~~ ^{are the} prompters,
although occasionally the Lord only knows, the
attorney ^{sometimes} prompts ^{from} inside the actors and ~~take~~
take over the leading roles.

"You create a sort of an impression,"
Prof. Jabbywack had said.

By now they had learned their lesson...

It was the third day of the trial. The sheriff arose and ^{glared and} struck his gavel ^{three times}. Everyone in the crowded courtroom ^{scrambled to his feet} hastily ^{stood up} arose. "Hear ye, hear ye, hear ye," the sheriff ^{sturdently} bawled, "this honorable court is adjourned until tomorrow morning at ^{of} nine A. M."

Judge Wanless ^{slowly} arose and ^{opened} descended from ^{the bench} and ^{disappeared} behind ^{the} heavy mahogany door marked "Chambers." The jurors ^{straggled} out another door led by a ^{twelve} bailiff. The ^{crowd} of spectators ^{pushed and} surged ^{out} the other two doors ^{and} a ^{young} prosecutor district attorney, Paul Bigler, sat at the People's table ^{stashing} papers in his ^{battered old} briefcase. ^{Someone} ^{leaned} over the railing behind him and said, "Nice going, Polly. Give 'em hell." Paul ^{half} turned around and ^{smiled}. ^{He} could not see who ^{had} spoken.

"They said" were the one to ^{ask} you sign my subpoena?" a ^{new voice} ^{someone} said, and Paul turned ^{to} the speaker. It was Fred Arrenault, one of the People's witnesses, an eye-witness to the fatal shooting.

From my Paul thought ^{these witnesses} ^{Paul} ^{said} "These are the instructions printed on the subpoena." ^{With an effort} Paul kept smiling his professional campaign smile though he felt like shaking this grinning dolt. Here a whole string of witnesses ^{had} spent three days telling the jury that Lieutenant Pearson had ^{emptied} his pistol into Steve Rolfe --- and ^{this} learning but had just testified that he had heard but two shots fired.

"Take this to the clerk's office and get your money," Paul said, signing the subpoena and sliding it across to the witness.

"Do I have to come back?" the witness said.

vertical text on the right margin: "the door knocker... still high like a jet of rock... steam... well, what?"

— had ^{possessed} the bold stare
and curiously reasonable expression
^{frequently} possessed by
that [^] certain types of morons,
^{possessed}

Michall Parnell Joseph
McCarthy

His talk was ^{largely} a sort of
torrential stammer. "Wa-wa-
where you gonna get them?"

ramshackle Christiani spent
dishevelled morality,

voraciously courtiers.

bizarre (sp.)

reeking demagogue

alfalfa-fed

the ^{curious} bold stare of certain ^{types of} morons
that ^{sometimes} ~~occasionally~~ [^] masquerades as intelligence

The appearance of justice is very
often as important as the substance
of justice. (79)

richety institutions

larval resentment

its ^{proper} place in their pantheon

drenched in make-believe

slaver

fatuous sincerity

swept by hurricanes of force
and fatuity --

knaved into an instrument
of power, etc

the trick of an illusionist

sluicing

turning out whole battalions
of bachelors of law who had
scarcely the wit to read their
diplomas

nor do I wish to see, whether
on earth, in heaven, or
in the waters under the earth.

Anti Monarchy (McCurdy)

I move, he said. I move
that this volume go on
record as being unalterable
opposed to McCartyism and
all that it stands for.

And that a copy be sent
to the and Congress

You know if your best interests
should try a jurisdiction
case if your time depended
on it

The only thing you will
fight is changes

If your your profession
is an exclusive club, where
all must be gentlemen, all
must hold their liquor -
and no man must
raise his voice, in
protest or objection, etc.
You can't hurt me;
I'm too goddam busy
hunting myself.

If you Bob Taft is the
greatest man since
Alexander Hamilton, well,
at least Taft had the
guts to stand up and
be counted on.

I may be wrong, but it now
~~It~~ appears likely, that a
Democrat ~~is to~~ ^{may be} elected to Congress
this fall, ^{if so, the voters} you have a choice
between Frank Hoop and me.
If you want my ^{opinion} ^{much}
I would, rather see John Bennett
in Congress than Hoop.)

I therefore urge all voters
of either party who ^{share my opinion} do not
want to see Hoop returned to
Congress to vote for me in

primary on Aug. 3rd.
You ^{traditionally}
Republican voters can still
^{usually} vote for ^{your man} John Bennett in
November; but let us not
risk sending Hoop to Congress.

Dickert
Gerald Lapsley

Coral-atoll

this Bedrowsed judge

✓
T.N. ~~go the world~~
The mass of men ^{to the world}
People show [^] but little coral-atolls
of themselves above the unknown depths of
their personality; the rest is enigma.

Catafalque (?) LOOK UP.

"Profound humors and keen intelligences are too
seldom blent in the same persons for a word to
have been coined describing that rare combination."

Crago
Dave Crago

Andy Dunstan
DUNSTAN

Veran u

Verne D

One afternoon

Last summer our daughter Gracie
came home from the playground with the
dirtiest and most forlorn looking beagle we
have ever seen. It cringed if one ^{barely} looked
at it, etc.

Playhouse

House

Lounge

Beds

My chair.

Steaks = (Salmon loaf)

Insanity - Good (P. 3 & 4)

Paul had seen early in his practice that ^{most} men liked to shroud their motives and actions in make believe; ~~and~~ ^{and} that the more "practical" a man was the more ^{obscure} ~~secret~~ ^{was his} ~~he~~ ^{desires} ~~was~~ to make believe. It was so, it was so.

There was the ^{initial} make believe, indulged by all, that jurors decided their cases solely on the law and evidence given them in open court. Yet the fact was, Paul ^{now} suspected to the point of conviction, that there were frequently their ^{detachment was a myth;} last concern. The vast majority ^{of jurors} listened with their heads but decided with their

hearts. And who was wise enough
to say they are wrong?

The law, ~~the life~~ like
concern and
every other department of life,
was riddled and shot ^{through} with
make believe ^{the} presumptions
of impudence, reasonable doubt,
whimsical
the doctrine that ^{because} jurors ~~must~~
~~should~~ ^{must} not ~~find~~ ^{that they are to} them ~~to~~
infer guilt from the failure
of the defendant to take the
stand ^{on his own behalf;} ~~and~~ those and dozens of
others, mannaed for centuries
by the high priests of the law,
the judges, were all a part
of the vast make believe of
the law.

And the ^{whole} ~~business~~ ^{creaking} of
insanity as a defence to crime
was one of the drollest
exhibits in this ^{littered and} ~~groaning~~
antique shop ^{legal} ~~of~~ ^{make believe.}
God. All but a handful
of states still ~~made~~ ^{stoutly}
maintain~~ed~~ that to ~~be~~ ^{constitute} ~~an~~
excuse for crime the insanity,
^{when it existed,}
must have prevented the
defendant from knowing the
difference between right and
wrong; this despite the fact
that ^{serious and dedicated} ~~the~~ ^{psychiatrists} had
known for years that some
of the most ^{grievous and terrible} ~~numbing~~ ^{forms}
of mental ^{sickness} ~~are~~ ^{made}
of mental ^{and} ~~are~~ ^{all the more}
^{and harrowing precisely} ~~grievous~~ ^{because} their victims

do know that difference, and ^{still} are
helpless before it. The ^{grand} net
result, therefore, was for the
law ^{with} its ^{medieval} make believe
to ^{virtually} force mentally sick people
charged with crime to
perjure themselves, ^{and} ^{virtually} to force
quackery and shysterism
upon ^{otherwise} reputable doctors and
lawyers. The law ^{would} not
change, so those who ^{collided} ~~ran~~
^{with} ^{purpose} ~~it~~ had to accommodate
rouge and powder and ^{disguise} and
rearrange their symptoms ^{to} or perish.

Draft

Used

The ^{Superior} COURTHOUSE was a looming pile of masonry that stood on a glacial sidehill overlooking Lake Superior. It had been ~~was~~ ^{offensive} even by the ^{modest} 1890 standards ^{prevailing} when it was built. ~~It~~ ^{The} ~~place~~ ^{place} had always struck Paul as a monument to fumbling and bad taste. ~~and~~ ^{and} this morning, in the glittering sun, it looked like a ^{huge} vast rambling architectural slum. Some of its busiest and most important offices were conducted out of ^{ornate} cubbyholes. Yet one could play football up and down the wide high empty marble corridors.

The Great Doric columns which ~~could~~ stood before the tall front doors could have supported ^{Instead they supported generation of pigeons and their guano.} mountains. From this ~~row~~ ^{row} of ~~87~~ ¹⁸⁷ ~~columns~~ ^{columns} ~~ran abruptly~~ ^{ran abruptly} ~~down~~ ^{down} to Church street. Paul had counted them. Only ^{drunks and} hardy tourists ^{ever climbed these stairs.} and occasionally ^{some lawyer who wanted to be alone} foreclosed of chattel mortgages ^{by the weather -} ~~at~~ ^{just outside} the front doors; otherwise ^{the front doors} they might have been ^{locked and forever} sealed and the keys thrown ~~away~~. The pigeons ^{reptiles and} into ^{heaving} Lake Superior. The three side ^{entrances,} doors, the ones the people really used, were about as ~~rusty~~ ^{rusty} cluttered and confined ^{the doors of} as a bus ^{during} at rush hour.

"Good morning, ~~Paul~~ ^{Paul}," someone said.
"Bright Pally," someone said.

~~NEW PAGE~~

All these architectural goodies were surmounted by a great dome of stained glass -- stained by the pigeons, that is -- and from a distance one suspected that the structure was the unfortunate result of the a collision of ^{whirling} astral bodies. ~~this was the case~~
 No, rather ~~it was~~ architectural merengination. ~~No, this were the parents.~~ ~~Yes, that was~~ more like it. A wandering observer had pounced upon and ^{seduced} an unsuspecting beauty. Caught, they had been frozen together in a perpetual embrace of unnatural love. Paul granted.

Directly under this rapacious glass ^{of glass --} dome, -- stained glass, ~~don't~~ don't forget -- was the courtroom itself. ^{The builder} They must have mislaid the plans that day, Paul thought, for by some curious happenstance the courtroom was a simple, commodious and dignified chamber; stranger yet, the acoustics of the place were superb; one could ^{hear} hear a pin drop, and frequently did, Paul reflected, ^{writes} when the term pack of chronic ladies stormed the place in full cry.

Mademoiselle
Harper's Bazaar
Vague

Summers -
Dorance

Morell Hearing on
March 19th

Clark Quantrell

Geo Tensing

Valentine

Decca

L 3218

As Time Goes By

Dorothy Weston

40006A

JOHN D. VOELKER
PROSECUTING ATTORNEY
MARQUETTE COUNTY
ISHPEMING, MICHIGAN

Methodology of "The Just and the Unjust."

(This book ^{of 434 pages} consists of but 8 long chaps (averaging over 50 pages each), in turn broken by frequent "white spaces" indicating change in time (back or forward) place or subject matter. The early 2 or 3 chapters are short, & the last few very very long.)

1.

1# Opens with a blunt statement that a murder case was pending against Howell & Basso, and in first #. tells who & introduces Abner & Bunting.

2# Abner's worry over crowds & how he practiced before mirror.

3: Describes courthouse

4. Further " "

5 " " courtroom & lack of ^{good} acoustics

6 But acoustics didn't matter

7 "Art would not take all day, Monday to get a jury" etc. Introd. defense attorneys fumbling with lists.

8: Abner finishes statement which we do not hear, and is complimented by Bunting.

~~8a~~

Give one to show despairing hope of spectators
But they all knew Abner.

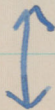
Pictures of Judges.

Show's Abner's "judicial" background.

Describes Bunting.

" "foreigner."

In more detail - - widow, etc.



Bunting calls first witness.

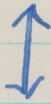
Sworn.

Describes Steno.

W. goes to stand. Reporter.

Whispering. Judge Bagoli out.

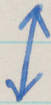
Examination: We are taken back to dragging



Back to examination

Objections.

Next witness



William Zollinger: Introd. three Abner's eyes.

Exam

Zollinger is disappointed