

During recess Paul found old Mike McCarthy ^{alone} sitting at the ^{beattered long} table in the Attorneys Room, trying to read one of the American Law Reports, alternately wheezing and coughing, trumpeting and groaning, ^{and what Paul swiftly discerned was} fighting a hang-over of appalling proportions, ^{old Mike.} even for him. Mike regarded Paul through tear-reddened eyes and shook his head sadly. At the moment Paul thought he bore a startling resemblance to the late W. C. Fields.

"Sick, sick," he muttered, and Paul noticed, as he ^{had noticed} ~~often~~ had before, how much more pronounced Mike's Irish brogue grew ~~sharp~~ when he was excited or hung over. "I'm ^{just} after sittin' up awl night with a dying friend--my bottle. But I want to talk with you, ^{eye.} ~~boy.~~" He always called Paul "boy." "Sittin' there in court jist now a little idea come to me. Jist wan little idea ^{what} come to me sudden like. It's about this rape business..."

Just then Mitch came in, ^{clicking his heels,} and went over and stood in front of the shelves devoted to Corpus Juris, rocking on his heels, whistling and absently stroking his crew cut. ^{He and Berry are} Loading the guns for me, Paul thought. "Look, Mike, I got some errands down in the clerk's office." He glanced ^{quickly} over at Mitch.

"I'll stop ⁱⁿ on my way back. I want to see you."

"Sick, sick," Mike groaned, winking ^{dolefully} and wagging his head.

As Paul went about his chores in the clerk's office he couldn't get old Mike McCarthy out of his thoughts. ^{He was concerned with} It was not what Mike wanted to tell him, whatever it was, but ^{about} Mike himself. Well, what was ^{there} about old Mike himself?

Mike was what most of the lawyers referred to--when they weren't calling him an old soak--as the dean of the Iron Cliffs county bar. That meant merely that he was the oldest living lawyer, a distinction of some dubiety, Paul conceded. ^{Yet} ^{he was also,} Mike was more than an old lawyer; ^{but} as Paul ruefully knew, he was also a damn good one. Even Judge Maitland ^{conceded} ~~said~~ that. "There isn't a better all-around lawyer in this part of the state," he had told Paul only recently. "He can try a case and write a rattling good brief. If I were in bad trouble he'd be my man. His main trouble is booze ^{that} and too big a heart."

Paul had never been intimate with old Mike but he had always admired the gruff old man. There was something like able about the way Mike operated; if he had anything on his chest he got it off--fast--and in a legal scrap he fought hard, yes, but always clean. Old Mike, as the saying ^{went,} ~~goes,~~ was his own worst enemy. Surely Paul Biegler wasn't, he told himself, and musing, he ^{recalled} ~~thought~~ of the lawyers' meeting he and old Mike had attended just a few before. *What a meeting it had been.*

Paul had found himself reluctantly attending a ^{hurdle} ~~meeting~~ of lawyers from his own and several of the surrounding counties. These district meetings were sponsored by the state bar association and it always mildly amused Paul that, considering the ostensible purpose and presumably high intellectual content of these meetings, they were almost always held at the plushiest and most expensive summer resort areas. This one had been held at the ^{sprawling} ~~and north-wooded Norway Pines, which, for a price, thoughtfully provided golf, tennis, swimming, boating, trout fishing, riding, and ^{and bars} ~~and~~ ^{a number of} related things calculated to ease the awful ~~cerrebrations~~ of the legal mind at work.~~

^{Paul found that} Quite a few of the wheels from the state bar associations were there, not to mention an ^{impressive} assortment of downstate experts in various esoteric legal fields. Paul had not wanted to go to this meeting--he usually avoided ^{all of} them, especially during fishing season--but he had been trapped into attending because he had had to give a brief report on some aimless ^{legal} ~~gimmick~~ or other. God, what had it been about? Oh, yes. The incidence and grounds of divorce in Iron Cliffs county since the end of World War II

Paul had given his report during the first afternoon session. It had been politely received and placed on file where, he was certain, it would molder till Judgment Day. Following the meeting he had planned to change his clothes and dig out his fishing tackle and take in the evening rise. ^{He knew of} ~~There was a~~

certain beaver dam... Then he would sneak offhome. Instead he had run into old Mike McCarthy dean of the Iron Cliffs county bar. It was the first time Paul had ever seen old Mike at a meeting of lawyers outside of court. *The circumstance could not pass without comment.*

"Who--what in heaven's name ever brought you here, Mike?" Paul said, *shaking* wagging his head in wonderment. Paul merely *sought to* avoided lawyers' meetings, if he could; Mike ~~had~~ always shunned them like poison.

"Tis both curious and contrite I am," Mike said in his harsh gravel voice. "Anyway the Martinis here is goddam good. Let's go take some aboard." *The man on duty is an artist.*

The Martinis had been good and, after a spell, Paul and Mike had enjoyed a good dinner together. Paul *laughed* laughing frequently over old Mike's shrewd, caustic, and occasionally devastating comments on the ways of men and lawyers. Mike had gone to the bar right after dinner but Paul thought he would drive out to this *distant* beaver dam and watch for the rise. *inviting Paul to join him, rather*

Paul did not sneak home that night. *even he might* He decided to remain for the entire three-day session. After all, he was only being reasonably bored; there were compensations in all things. At least the food was good, the bartenders knew their business, and, he felt, he was by way of establishing a common bond of understanding with an attractive ~~married~~ lady called Estelle.

Paul had found long-legged Estelle alone out at the beaver dam, trying inexpertly to cast a fly over good rising trout. Paul stood smoking and watching her, squinting one eye, reflecting that it was a shame that a woman who contrived to look so good in fishing clothes couldn't fish worth a ~~damn~~ damn. One could evolve a theorem about woman fishermen, he thought: the better the fisherman the *grimmer - worse* -looking the woman. He *should* would call it *just then* Biegler's Law of Diminishing Attractions of Lady Piscators... *up* The lady fisherman hung her back cast in a tag alder.

"Damn!" she said, and ^{Paul found ^{that} her} voice was charming.

"I'll get it," Paul offered gallantly.

During the following conversation Paul decided, tentatively, that ^{for once} he liked going to meetings of lawyers. Any woman that could keep him from fishing over a rising trout was worth looking into. ^{The rising trout was forgotten and} it was quite late when they got back to the main lodge. Estelle had been lonely, with her husband so far away there in St. Louis. They had talked about many things, and Paul had ^{soon} discovered that Estelle loved her husband. Dearly. She didn't want any misunderstanding on that score.

"But doesn't there seem to be such a"—Estelle groped for the word—"such a sense of frustration and emptiness in modern living, Mr. Biegler?"

Paul had agreed that there was, and he and Estelle found their sense of agreement growing so agreeable they agreed to continue their conversation over a drink in Estelle's living room, later that evening. They did and hence Paul found himself attending the next morning's session of the bar meeting, sitting next to Mike. "Sick, sick," muttered old Mike, ^{wagging his head.}

This had gone on until the afternoon of the last day of the meeting. The chairman, an eminent downstate attorney, was complimenting everybody: ^{distinguished} his fellow lawyers, the local lawyers, the ^{speakers} on the panel, the management. Paul sat with his eyes closed. The chairman would now entertain a motion to adjourn.

"Just a minute," someone said, and Paul felt old Mike brush against him as he ^{rose} and took the floor. "Mike Chairman," Old Mike said in his gravel voice, "there's a few remarks and observations I'd like to make before we adjourn." H. "The chair recognizes the speaker," ^{the chairman said.}

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Mike said,

" For three days, now, I have been hanging around this delightful establishment listening to you men ^{professionals} discussing such profound matters as legal ethics, improved public relations, ^{of the bar, improve} better judicial selection and tenure, unauthorized practice of law, and a dozen other ^{as in a dream that} related matters ^{subjects} as near and dear to your hearts. Now not for a moment would I suggest that these subjects are not without importance. ^{But it came round} ~~And~~ what have you done about any of them? Not a goddam thing! ^{what are you ever going to do about any of them} " There ^{until your voices} were a

" For three days now have I listened to ^{you} droning on like surfeited bumblebees, lighting here, pausing there--but never ~~once~~ ^{coming} have you been within a million light years of coming to grips with ^{ob} a single live contraversial issue. ~~and~~ anything you have discussed that anyone has questioned in the slightest, you have quickly ^{degree} embalmed and buried in committee. It is ^{the committee} your old trick. But why do you ^{as old as the Indian rape trials} act this way? I think I can tell you ^{and should} why! ^{are afraid, that's what you are. you} "

" You present day lawyers ^{men} have grown gutless, you're afraid of a fight, you're afraid to face a real live issue, you're afraid to stand up and be counted. You men, who pride yourselves so on being members of a historic profession have forgotten--if you ever knew--the lawyers traditional role as ^{a leader} and ^{fighter} for truth and justice! You have forgotten you are men! ^{Alert and talkative} "

" I'll tell you the kind of lawyers you have become. ^{Alert and talkative} Office boy lawyers, ^{alert} and ^{Talkative glorified} errand boys for big business. You doubt it? Hm... "I'll wager ^{He swept one fat} drinks for the house. ^{that} Not one ^{out of ten} of you elegant bastards could properly try a justice court case if your lives depended on it. Not one of you would feel anything but dismay if you were called upon to defend a forlorn unpopular cause, or person-- ^{outside of} unless it was one of your own well-heeled clients. ^{you'll go to hell for them.} And not one of you could do a workmanlike job if you were trapped into such an unhappy situation. "

" Instead you so-called lawyers conceive of yourselves as belonging to an exclusive club. ^{you have installed yourselves as herd bulls of the bar.} In your club you accept and promote only the safe ^{men} among you who can be

There were a meeting and manner, and Paul mixed an intake to muddled Mike. Hand across the shoulder, as though

handing all present.

hold meetings like this one, ^{to} and continue to
depended upon to continue to meet and gabble harmlessly about safe things, ^{yet} all the
^{you} while systematically ^{ignore} ignoring, for one thing, the tragic erosions of traditional
freedom and due process of law that are going on about you, all the time, here,
now, in this state and in this grand country of ours.

Old McCarthy brushed roughly past Paul and stalked to the door. He turned and
faced the assemblage. "Hell, I for one am sick ^{and tired of it} of it, ^{fed up} that I am. If I
stayed here another ~~xx~~ minute ^{I'm afraid} I'd up and vomit. But before I go I'll give you a
little chore. Hell, it's dead simple, boys, easy in fact. ^{very} All it takes is guts.

"Mr. Chairman, I move that this splendid conclave of lawyers go on record as
being unalterably opposed to McCarthyism and all that it stands for. I further
move that copies of ^{such} this resolution, when passed, be forwarded to the President
of the United States and both houses of Congress!" ^{He locked both hands over}

With that old McCarthy stamped out the door, slamming it. The white-faced
chairman arose, ^{gulped,} ^{she and the others} and sipped a glass of tepid water. Paul was at once
-- ^{after all, these were hosts of these downstate lunks--} stunned and mortified, and yet strangely exultant and exhilarated. "I second the
motion," he heard someone say. ^{suddenly} Suddenly he grew horrified; it was his own voice ^{he had}
^{heard:} it was he who had spoken.

"Mr. Chairman," someone behind him said. "I arise to a point of order. I suggest
that the motion be tabled for the obvious reason that the mover, having voluntarily
absented himself, has, as a matter of elementary parliamentary procedure, forfeited
any right to serious consideration of his motion."

The chairman ~~glared~~ shot a wan glance of gratitude at his resourceful colleague.
"It is so ordered," he murmured in a flat voice. He cleared his throat and con-
sulted his notes. "The ^{concluding} ~~next~~ order of business is a discussion of certain pending
~~the~~ tax legislation by Orville Taggart." His voice grew stronger. "Orville Taggart
needs no introduction to this group. As all of us well know, Orv Taggart is..."

~~The day had been saved. Old Mike Taggart had only
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"I'll tickle me belly to learn how you wangle out of this one. But wangle you will, wangle you will."

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1953 or 54 start

CHAPTER I

It was raining hard as Paul Biegler drove up to the side of the tall brownstone courthouse ~~and then proceeded to drive entirely around it,~~ looking for a place to park. There was none and Paul's annoyance increased with the rain hammering on the car roof as he ^{circled the courthouse block. The very} ~~thought that the least the sheriff could~~ have done was to provide parking spaces for the defense attorney and the other ^{he thought,} poor devils who had to toil here during the trial, and not leave all the parking room for the hordes of morbid and ^{lived under damp planks and} anonymous people who ^{emerge to} seemed to have nothing better to do in life than attend criminal trials. For a moment Paul was sore tempted to park illegally and defy the cops to give him a ticket, ^{but then} he concluded ~~wisely~~ that the arrest of the defense attorney on the first day of the trial ^{was perhaps not} ~~would not~~ be the most auspicious way to commence the defense of a ~~difficult~~ murder case.

Paul finally squeezed into a narrow parking place three ~~long~~ ^{dripping} blocks from the courthouse, where he had to slide sideways to get out the car door, cursing inaudibly as his bulging leather briefcase--the big ^{block} ~~old~~ battered one he always used for trials--caught in the devilishly swinging door, and which he had to wrench free. Standing in the narrow space between the cars he wrestled himself into the wrinkled old plastic fishing raincoat he had fortunately left in the car, bowed his head against the pelting rain, and hurried up the hill toward the looming courthouse.

Describe Courthouse

The courthouse clock was striking nine as Paul entered the side door, ruefully shook out his dripping and expensive felt hat and replaced it, and then clattered rapidly on down the high marble hall. It was a funny thing, Paul thought, how melodiously sweet and peaceful that clock sounded from afar ^{not very} like the distant tolling of bells from a dreaming cathedral at eventide ^{and what} ~~and~~ a dissonant and ominous noise it made closeup, as though a crew of men were right up on the

courthouse roof hurling steel rails and assorted scrap iron off to the sidewalk below. "Boom!" shuddered the clock, as the last rail tumbled and clanged to rest. Paul turned ^{to his} left and hurried up the ornate marble staircase leading to the courtroom on the second floor, taking the steps two at a time, turned down a long narrow corridor and stopped before a tall oaken door bearing a brass nameplate that read "Judge's Chambers," paused ^{ing} a moment, ^{panicking,} craning his neck and wiggling the knot on his tie, ^{he} and then turned the knob and entered.

Yes, as Paul knew they would, they were all there accusingly awaiting him: Mitchell Lodwick, the ^{squarish} handsome young prosecuting attorney; a lean, thin-faced, ^{ravaged-looking} man seated at Judge Maitland's old leather-topped desk, whom Paul assumed was Judge Walter Holbrook, the relief judge from lower Michigan come to sit in place of Judge Maitland during his illness; the ^{dandruff} court reporter, Carl Ederle, working as usual on one of his inevitable crossword puzzles; the smiling ^{big} sheriff, Gearhart "Butch" Slaughter (the fleeting thought came to Paul that Butch must surely sleep with that smile); and a stranger, a short, slight, youngish-looking, balding man whom Paul had never seen before.

"Good morning," Paul said.

"Morning, morning, Polly," Butch Slaughter said. "We were beginning to think maybe you'd gone fishing instead." Butch laughed and clapped Paul on the back.

"Good morning, Paul," Mitchell Lodwick said.

"What's a five-letter word meaning prostitute?" Carl Ederle said, without looking up.

"Whore," Paul said, turning to the judge. "I'm sorry if I'm a little late, sir." ^{he said.} "I thought I would arrive in good time, but I had to park my car quite a ways from the building--in fact nearly down to the lake. I'm very sorry, sir."

Judge Holbrook turned and looked silently out the window at gray Lake Superior, barely discernible now in the slanting rain.

Mitch Lodwick cleared his throat. "Judge Holbrook," he said, "I'd like to introduce Paul Biegler of our Superior county bar. He's representing Lieutenant Manion in the defense of this case."

Judge Holbrook swung his chair away from the window, took Paul's extended hand, pumped it briefly, quickly withdrew his own hand, and said, "How do you do."

"How do you do, your Honor," Paul said.

"Polly," Mitch went on, turning to the little man whom Paul didn't know. "I'd like you to meet Claude Dancer of the attorney general's department. He's come up from ~~Lansing~~ ^{the capitol} to be associated with me on the trial of this case."

"Glad to meet you," Claude Dancer said, smiling broadly and extending his hand. He had white, even, beautiful teeth. "I've heard quite a little about you, Biegler--especially during the days when you used to be D. A. yourself."

"Glad to meet you," Paul said, recalling but not saying that he had heard quite a little about Claude Dancer, too. Yes, quite a little. Claude Dancer was in fact reputed to be one of the ablest criminal trial men on the attorney general's staff; besides that he'd helped crack ^a ~~the~~ notorious ^{criminal gang} Purple Gang and had recently figured prominently in a sensational grand jury investigation of administrative graft in the capitol ~~at Lansing~~. "Looks like we might have a fairly spirited session," Paul said.

"Oh," Claude Dancer said, shrugging and laughing modestly, the nice teeth showing, "the boss just sent me up to sort of sit in with Mitch. Young prosecutor trying his first murder case, you know. Doubtless Mitch'll show me a thing or two instead. Guess I'm just along for the ride."

"I'd like to make book on that," Paul said, grown suddenly aware that he was about to find himself in the midst of a great big slambang legal slugging match. He had felt all along that this murder case would be no pushover; but this was different, something new had been added.

"It'll be a pleasure to work with you," Claude Dancer said.

"Thank you, Paul said, thinking but again not saying that the real reason the Attorney General had probably sent the able little Mr. Dancer up to help Mitch was that they were all members of the same political party; that it was not yet publicly known whether Paul himself would run against Mitch for D. A. on the opposing ticket; and that in any case if Mitch won this murder case it would naturally help him immeasurably in the election just a few months off, and if by any chance he lost it--well, he'd have done his damndest, see, with the best of help, see, so the blame if any ^{could be laid on} ~~was~~ squarely ^{on} the attorney general's ^{broad} ~~shoulders~~.
Paul had no intention of ever ^{again} running for his old job as D. A. but he was keeping that strictly to himself.

"Mr. Sheriff," Paul heard Judge Holbrook saying, ⁱⁿ that curiously flat dead-pan voice of his, "I suggest that before the noon recess is over you mark out and post signs for four private parking places near the main entrance of the courthouse, these spaces to be used solely by the two prosecution attorneys, the defense attorney and myself during the course of this trial. ^{When you have done} Please ~~do~~ ^{so please} ~~that~~ and report back to me."

"Yes, your Honor," Butch said, suddenly reddening. "But people rarely use the main entrance," he went on. "It's too da--it's too far from the street. Mostly they use the south side entrance, your Honor."

"The south side entrance it is, then," Judge Holbrook said, still unsmiling as he adjusted his glasses. "And now Mr. Sheriff and Mr. Reporter, if you two gentlemen will excuse us I'd like to confer privately with counsel before we convene court for the trial of this case."

As Butch and Carl Ederle hastily retreated before this suave judicial bum's rush, Paul found himself reflecting that while there were doubtless as many kinds of judges as there were men, they mostly fell into four general classes:

judges who possessed neither heart nor head; judges who possessed heart but no head; judges with head but no heart; and judges with both. The last kind were the best kind, of course, and while Paul was beginning to suspect that Judge Walter Holbrook possessed the head, all right, and a good one, he wasn't quite so sure about the heart. In any case he'd damn well soon find out.

"Gentlemen," Judge Holbrook said, "it now appears that the trial of this case will be ^{fairly} prolonged. Has either side given any thought to having a statutory fourteen-man jury hear the testimony, purely as a safety factor, two to be discharged by lot before deliberations, of course?" It was not precisely a question; it was plain as day that whatever they thought Judge Holbrook was going to order a fourteen-man jury.

"I was going to so move the court," Paul said truthfully.

"So was I, your Honor," Mitch said.

"Very well, the court will order the impanelling of a fourteen man jury on its own motion," Judge Holbrook said, rising and glancing at his wrist watch. Paul was struck with the man's unusual height. "Let's get to work," his Honor said quietly, leading the procession into the crowded and expectant courtroom. *Paul felt like a participant in some ancient religious ritual*

~~Because of the rain,~~ ^{and rain-soaked} ~~By~~ the time the jury was finally chosen the packed courtroom had taken on the steamy, ammonial air of an untidy and crowded locker room. In this atmosphere Judge Holbrook, normally a man of austere and ascetic appearance at best, had assumed the disdainful nostrilly expression of T. S. Eliot caught on a slumming tour. He leaned forward now, looking over the tops of his rimless glasses, glancing aloofly from the defense to the prosecution table.

"Does either side have any further peremptory challenges?" he said.

Paul Biegler half rose from the defense table. "No, your Honor," he said, and sank back. Across from him Mitch leaned over in a quick whispered huddle with Claude Dancer. Both glanced at their jury list, studied the jury itself, and then whispered some more.

"Five yards penalty for delaying the game," Paul thought.

The members of the jury sat waiting, trying to look impassive and unconcerned, like lodge candidates waiting in a hallway to learn whether they were blackballed. Judge Holbrook cleared his throat with studied patience. From his own table Paul Biegler saw the assistant attorney general nudge Mitch, ~~and~~ the young prosecutor quickly arose. "The People are satisfied with the jury," he said.

"Very well," Judge Holbrook said. "Before the jury is sworn I have a few preliminary remarks I should like to make. As most of you know, I am a stranger in your midst, having come here from ^{downstate} ~~Lower Michigan~~ to spell off your estimable ^{judge,} ~~circuit~~/Judge Maitland, during his unfortunate illness. I have no illusions that I can fill his shoes, but I trust that all of you will find the charity in your hearts to overlook my deficiencies."

Paul noted and liked that ^{part} about the heart.

"It now appears likely that the trial of this case will be fairly well protracted," Judge Holbrook went on; "hence my ordering a fourteen man jury. It also appears that this case has attracted considerable public interest. Nor has it escaped the court's attention that quite a number of you intend evidently to be present during its entire course. I had not known there was such a surprising number of students of legal procedure in your locality."

Paul Biegler smiled in appreciation at that one, and he ^{also} noted that the judge saw him ^{do so.} As the judge leaned forward, still talking, his chin sunk against his chest, Paul guessed that this austere, cynical man was wearing bifocal glasses. The effect was faintly bizaare; sitting so high up on the bench he

had to arch his neck and bow his narrow head and rear his thin body like a highly check-reined circus horse in order to bring into focus the body of the crowded courtroom. Paul ~~felt~~^{was} glad that he was still able to fight off the deadly bifocals.

"^{Perhaps} fortunately ^I have no objection to you ladies bringing your knitting," the judge went on, still peering out like the headmaster of a girls's school during chapel. "I will bow to what must be a ^{settled} local tradition on that score. But I must insist that there be no talking or whispering or laughing during the course of this trial. This is a serious and important case, not a public entertainment. People who fail to heed this injunction will be permanently removed." The judge paused and then said quietly to no one in particular, "Swear the jury."

Paul Biegler observed that ~~the clerk of the court,~~ ^I thin nervous Milo Minot ^S had been waiting for this cue and he now arose like a jack-in-the-box and advanced before the jury, his right hand held rigidly high to administer the oath, like some totalitarian cheer leader, ~~while~~^A at the same time he motioned the uncertain jurors to their feet with his cupped left palm. The way ^{gave them their} ~~they got their~~ ^{a prompter} cue reminded Paul of ^{milo} a person holding up an applause card in a broadcasting studio. Milo, Paul knew, was something of a frustrated actor--he had once been quite a figure as an entertainer on one of the Peninsula radio stations--who had turned to politics during the Depression and found himself stuck with it. Milo had come finally to accept if not prefer the uneasy security of public office to the even more uncertain life of a public entertainer. But Milo always made the most of whatever modest roles came his way, in the trial of a criminal case, and Paul, who knew him well and often hunted and fished with him, could not help but admire the unctious and high gusto with which Milo now administered the oath. Given a bigger part, Paul felt, he could easily steal the show. He gave the oath by heart, of course, with all the flair and aplomb

that, on more relaxed occasions, he recited for Paul the interminable *adventures of*
~~"The Bastard King of England."~~ *a bastard king of England.*

"You do solemnly swear," Milo was declaiming in ringing tones, "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 custody, according to the evidence and the laws of this state--so help you God!"

The members of the jury mumbled and sat down, glancing furtively at one another, like visitors exposed to ^{a strange} the ritual of ^{in a} a strange church, and Milo quickly returned and sat at his desk below and in front of the judge's bench, winking covertly at Paul. Judge Holbrook peered wearily down at the prosecutor's table. "The People will proceed with their opening statement," he said.

Frederic Manion, the defendant, leaned over to Paul and whispered tensely, "Is this it?" Paul nodded slowly and continued designing the leaping brook trout that was emerging from his note pad; emerging rather more like a piece of gnarled driftwood, he wryly noticed.

Mitchell Lodwick arose from the prosecutor's table, handsome with his *youthful,* square-jawed, crew-cutted good looks. "May it please the Court and ladies and gentlemen of the jury," Mitch said, bowing slightly to the judge and talking as he walked over in front of the jury with his athlete's easy feline grace of movement. "The People have filed an information in this case charging the defendant, Frederic Manion, with the deliberate and premeditated murder of one Barney Quill." Mitch paused and consulted his notes. "In support of this charge the People propose to show..." At this point Paul tore the surrealist trout off his note pad and leaned forward, pencil poised. Alas, there was work to be done; both Mitch and the trial were away.

HOW RAPE GOT IN THE CASE

(St. Clair has just asked a People's witness how she looked. What did she say?)

Paul leapt to his feet. "I object," he said. Whatever transactions may or may not have taken place between the deceased and the defendant's wife, out of the presence of the defendant, have nothing to do with the case."

Judge Holbrook looked over at the Defense table. "Mr. St. Clair?" he said.

Rex St. Clair rose and stood silent for a moment. "Your Honor," he said, "I should like to answer the People's objection, but I suggest that it be done out of the hearing of the jury."

"Very well. Mr. Bailiff, please retire the jury until they are called."

As the members of the jury straggled out some of them looked at each other and some of them shrugged. "Here we go again," their attitude plainly said as the courtroom door breathed shut behind them.

"Mr. St. Clair?" the Judge said.

"Your Honor, it should not be necessary for the defendant to have to declare and expose every facet of his defense until after the People have put in its case. On the other hand I dislike to sit by and see error inadvertently creep into this record because I have remained silent *when I might have spoken.*"

Paul held his breath over the adroit but unmistakable way Rex had subtly conveyed to the Judge that if he ruled against him it would be error; that he would appeal; and, moreover, that the Judge could damn well be reversed. He listened intently as Rex went on. "I am well aware that normally the question of whether a deceased may have raped the defendant's wife or his mother or sister, for that matter--would have nothing to do with the case, and hence would be

inadmissible. However, like so many legal propositions, cherished by us lawyers and regarded as having been ^{imperishably} carved in granite, this proposition has ^{too} its provisos and exceptions.

Judge Holbrook shifted warily and uneasily. "Could you go a little farther?"

"Gladly. I represent to the court that what the defendant may have reasonably believed the deceased to have done to his wife on the night in question is vitally important. It is important as bearing on the legality and reasonableness of his subsequent actions that night. Therefore all pertinent facts ^{bearing upon and} tending to show the reasonableness or unreasonableness of his belief are ^{not} relevant and material ^{but also} and admissible." ^{only}

Judge Holbrook smiled slightly. (He had been briefed on what a devious character Rex St. Clair was.) "Many things in the law that are relevant and material may be ⁱⁿ admissible," he said softly.

"Yes, your Honor. I know, ^{I know.}"

Paul sensed ^{vaguely} dimly that some sort of ^{legal} duel was going on. ^{He looked back at the clock.} The Judge spoke. "Can't you take me a little farther?"

"I'll say this much and I'm afraid I can't say any more. Perhaps my secretiveness is the result of my ^{own} sense of drama... ^{At some point in this case} Can it not become important ~~at some point in this case~~ to know why Lieutenant Fabreau went to the hotel bar, what his primary purpose and motives were; what he intended to do there, regardless of what actually happened? In short, what it was he believed the defendant to have been guilty of. If so, the reasonableness of that belief is not only a proper but necessary subject for judicial inquiry." He paused and looked at his wristwatch. "If so, the facts ^{and circumstances} upon which that belief ^{may have been} was founded are likewise not only material and relevant--but admissible as well," he concluded wryly.

"I think a small light gleams," Judge Holbrook said. He turned to Paul.
"Do you still wish to press your objection?"

Paul was mystified and a little mad. What was the use of all this degious
legal ^{sparring and} double-talk? Why didn't that old goat St. Clair spit out what he ex-
pected to prove, ~~and why~~ instead of beating around the bush ^{making} with a lot of
~~subtle~~ ^{veiled} threats and hints, like an Oriental match-maker?

"Yes, your Honor," he said, "I renew my objection."

Judge Holbrook compressed his thin ~~xx~~ lips.

"Very well. Your objection is overruled. The witness may answer.
Turning to the Sheiff. "Recall the jury."

Oct. 27, 1953

There had been some ^{of the usual} comedy ^{that always accompanies} in the selection of jurors that had never served before. ~~One~~ of ~~the jury~~, and also some bad moments. One of these bad moments, for the People at least, had come when Paul himself had been examining the first fourteen jurors ^{chosen} on the voir dire.

"Did any of you know the deceased, ~~and~~ Steve Durkin, during his life time?" he had asked.

One of the jurors, an elderly man with a bean in his ear, raised his hand. "I do," he said in a quavery voice. His voice somehow fitted the bean.

"How long did you know him?" Paul asked.

"~~How~~ Ever since he landed in
^{lets see.}

— . Hm... Must of been ten-twelve years now."

"Was there anything in your acquaintance with him that would prevent you from sitting ^{as a juror} on the case, if you are chosen

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trying to read one of the American Law Reports,

^{sitting} alone ^{at the table} in the Attorney's Room, ^{During recess} Paul found old Mike McCarthy, ^{alternately wheezing and coughing,} ^{crumpling and groaning,} fighting

a hangover of appalling proportions ^{for} ^{regarded} ~~looked at~~ Paul through tear-reddened eyes and shook his head ^{sadly}. At the moment Paul thought he bore a startling resemblance to the late W.C. Fields.

"Sick, sick," he ~~staidly~~ ^{staidly} muttered, and Paul noticed, as he ^{often} had before, how much more pronounced ~~the~~ Mike's Irish brogue grew when he was excited or hungry. "I'm after sittin' up awl night with a ^{dying} ~~dead~~ ^{my bottle} friend. But I want to talk with you, ^{for} ^{He always called Paul 'fag.'} ~~we just got a little idea~~ sittin' there in court just now a little idea come to me. Just wan little idea come to me sudden like. It's about this ~~the~~ rape business... ^{rocking on his heels,}

^{and stood in front of} ^{the shelves devoted to} Corpus Juris, ^{whistling loudly, and} ^{absently stroking his crew cut.} Loading the guns for me, Paul thought. "Look, Mike, I got some wrens down in the clerk's office. ~~It looks~~ ^{He glanced} ^{over} at Mike. "I'll stop by ^{on my} way back. I want to see you."

"Sick, sick," Mike groaned, winking and wagging his head.

As Paul went about his chores in

the clerk's office he couldn't get old Mike McCarthy out of his thoughts. It was not what Mike wanted to tell him, whatever it was, but Mike himself. Well, what was it about ^{old} Mike himself? ~~Was it the waste of talent?~~ ^{most of the} -- ^{when they would}

Mike was ^{what} the dean of the Iron Cliff county bar. That meant merely that he was the oldest ~~for~~ living lawyer, a distinction of some dubiety, Paul conceded. But Mike was more than an old lawyer, ^{but, as Paul usually} he was ^{also} a damn good one. ~~He said~~ Even Judge Maitland said that. "There isn't a better all-around lawyer in this part of the state," he had told Paul only recently. "His main trouble is booze, and too big a heart."

Paul had never been intimate with old Mike but he had always admired the gruff old man. There was something likeable about the way Mike operated; ~~to~~ if he had anything on his chest he got it off -- fast -- and in a legal scrap he fought hard, yes, but always clean. Old Mike, as the saying goes, was his own worst enemy. Surely Paul ^{Paul} ^{wasn't} ^{and} ^{he} ^{wasn't} ^{betold} ^{himself}, ^{and} ^{the} ^{meeting} he and old Mike had attended just a few before.

calling him an old lawyer

nothing but a good kind of sense in his head trouble had for my man.

Just the ~~summer before a month or so, ^{before}~~
9 Paul had found himself reluctantly attending a
meeting of lawyers from his own and several
of the surrounding counties. These district meetings
were sponsored by the state bar association and
~~was~~ Paul was ^{it} always mildly amused, ^{Paul} that,
considering ^{the} ^{ostensible purpose and} ^{presumably intellectual purpose}
~~and content,~~ ^{of these meetings, they} ^{high} they were almost always held at
the ~~plushiest~~ ^{plushiest and} ^{summer} most expensive resort areas. This
one had been held at the Norway Pines, which, for
a price, thoughtfully provided golf, tennis, swimming, boating,
trout fishing, riding, and ^{related} ^{calculated} ^{to save the} ~~various~~ things
awful cerebrations of the legal mind at work.

Quite a few of the wheels from the state
bar association were there, not to mention an
^{assortment} assortment of experts in various esoteric legal
fields. Paul had not wanted to go to this meeting --
he usually avoided them, especially during fishing
season -- but he had been trapped into attending
because he had had to give a ^{brief} report on some
aimless legal gimmick or other. God, what had it been
about? Oh, yes. The incidence ^{and grounds} of divorce in
Iron Cliffs county since the end of World War II.

Paul had given his report ^{during} the first afternoon session. It had been politely received and placed on file where, ~~if~~ he was certain, it would molder till judgment day. Following the meeting he had planned to change ^{his} clothes and take ^{off} his ^{outer} jacket and rise. ^{There was a certain beaver dam! Then he would speak off home.} Instead he had run into old Mike McCaitley, dean of the Iron Cliffs county bar. It was the first time Paul had ever seen old Mike at a meeting of ^{what in heaven's name} lawyers outside of court.

"Who -- what in heaven's name, ^{why} brought you here, Mike?" Paul said, wagging his head ^{in wonderment.} ~~Old~~ Paul merely avoided lawyers' meetings: ^{old habits} ^{had always} ^{abhorred} Mike ^{avoided} them like poison.

"^{both curvies and} ^{contrite} I am," Mike said in his harsh gravel voice. "Anyway, the Martini ^{here} is gold on good. Let's go take some aboard."

~~They had~~

The Martini had been good and, after a spell, Paul and Mike had enjoyed a good dinner together, Paul laughing frequently ^{over} ^{at} ^{old} Mike's shrewd, caustic, ^{and occasionally devastating} comments on the ways of men and lawyers. Mike had gone to the bar right after dinner but Paul thought he would drive out to this beaver dam and watch for the rise. ~~There had been no rise for~~

lonely, with her husband so far away, ^{there} in
St. Louis. They had talked about many things,
and Paul had discovered that Estelle loved
her husband, ^{dearly.} She didn't want any misunderstanding
~~about that~~ on that score.

"But doesn't this seem to be such a ^{Estelle groped} ~~what~~ ^{for the word.}
~~short~~ ^{sharp} ~~cut~~ -- "such a sense of frustration and
emptiness in modern living, Mr. Beigler?"

Paul had agreed that there was, and he and
Estelle found their ^{growing} sense of agreement ~~was~~ ^{so agreeable} that
they agreed to continue their ~~talk~~ conversation
over a drink in Estelle's living room, later
that evening. They did and hence Paul
found himself attending the next morning's
session of the bar meeting, sitting next
to Mike. "Sich, sich," muttered old Mike.

1st
11/23/53

It was held at a large tennis
summer resort: golf, tennis,
swimming, riding, fishing...

Just the summer before Paul had found himself attending a district meeting of lawyers

from his own and several surrounding counties. Sponsored by the state bar association, the meeting had been quite an affair. Some of the officers

of the state bar association had come all the way from downstate bringing with them quite an interest in various legal fields. Paul had been ~~usually avoided these affairs because~~

had been trapped into attending ^{this one} the meeting ^{because} he had had to make a brief report on ~~something~~

some legal ^{some legal grounds} grounds or other. ~~Once~~ ^{at least} there he found himself being

only reasonably bored: the food was good, the bartenders knew their business, and, ~~however~~, he ^{he was slowly} ~~reacting~~ ^{establishing} a common bond of ~~understanding~~ ^{attraction} with the ^{young} wife of one of the ^{officers}.

It seemed that she loved her husband, and all - ~~but there was such~~ she didn't want to be mistaken

about that - but didn't there seem to be such a - ~~what should one say?~~ - a ^{sense of frustration and emptiness in modern}

humor, Mr. Bieglar? Paul ^{had} agreed ~~with~~ that there was.

Then he would have, but he

~~He is not~~

Alert and thoughtful
Office boy lawyers, grand boys
for big business. You doubt it? ^{Am...}

I'll tell you the kind of lawyer you
have become. ^{properly}
~~Not~~ ^{elegant} Not one of you bastards could try

a justice court case if your lives depended on it.

Not one of you would feel anything but

disgust if you were called upon to defend
forlorn -- unless it was one of your ^{own} well-hatched clients
or unpopular cause or person. And not one

of you could do a workmanlike job if you
were ^{unhappy} trapped into such a situation.

If instead you
so-called lawyers
were ^{concerned} concerned of yourselves

belonging to an exclusive club, ^{on your club} you promote
^{you} only accept and promote only the safe

men among you who can be depended upon
to continue to ^{meet and} gabble ^{harmlessly} about safe things, all

the while systematically ignoring, ^{for one thing,} the

^{tragic} ~~great~~ ^{traditional} loss of freedoms and due

process of law that ^{are going} go on about you,

all the time ^{here, now,} in this state and ^{in this ground} country of ours.

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"Mr. Chairman," someone ^{believed him} said, "I suggest ^{to a point of order} that the motion be tabled for the ^{obvious} reason that the ^{elementary} mover having voluntarily absented himself, ^{as a matter of parliamentary procedure} has forfeited ^{any} ^{right to} consideration of his motion."

The chairman ~~thought~~ shot a warm glance of gratitude at ~~the~~ ^{his} ^{receptive} colleague. "It is so ^{clear} ⁱⁿ ^{his} ^{throat} ^{and} ^{clear} ^{to} ^{me}," he murmured in a flat voice. He ^{consulted} ^{his} ^{notes}. "The next ^{order of business is a decision of} ^{tax} ^{legislation} by ^{Orville Jaggar} ^{and} ^{old} ^{Bill} ^{Jaggar}." The day had been ^{some} ^{of} ^{Mike} ^{Moran's} ⁱⁿ ^{the} ^{dog} ^{house}, ^{had} ^{only} ^{gotten} ^{further} ^{back} ^{professional}

Paul left for home right after the meeting. He got drunk on the way.

This is your personal property. Do not give it to anyone else. Orville Jaggar

No will. He all of your know, Orville Jaggar no...

1st.
Dec. 4,
1953

Chap. 1.

Judge Holbrook ^{still talking,}
As he leaned forward, his chin ^{was} ^{resting} ^{against} his chest.
I saw that Judge Holbrook ^{must be wearing strong} wore bifocal
glasses. ^{He} ^{was} ^{sitting} ^{so} ^{high} ^{up} ^{then} ^{on} ^{the} ^{bench}
he had to ^{arch} ^{and} ^{rear} ^{his} ^{body} ^{grotesquely}
in order to ^{see} ^{what} ^{was} ^{going} ^{on} ⁱⁿ ^{the} ^{body} ^{of} ^{the} ^{courtroom}.

"I have no objection to the Ladies bringing
smoking," he went on, ^{but} ^{still} ^{peering} ^{out} ^{at} ^{them} ^{like} ^{the}
"but I must insist that there be no talking or
whispering or laughing during the course of this trial.
This is a serious ^{case} trial, not a public entertainment.
Still rearing, he peered over at the prosecutor's table ^{etc.}
"The People may proceed with their opening statement," he
said.

Fergie, the
the defendant, Lieutenant ~~Marion~~ Ferguson,
leaned over to me and whispered ^{travely}, "Is this it?" I nodded
and continued ^{designating} ^{the} ^{leaping} ^{trout} ^{that} ^{was} ^{emerging} ^{from} ^{my} ^{note} ^{pad}.
Mitchell "May it please the Court and ladies and
gentlemen of the jury," Mitch said, ^{arising} ^{and} ^{turning} ^{slightly} ^{to} ^{the}
judge ^{as} ^{he} ^{walked} ^{rapidly} ^{over} ^{and} ^{standing} ^{before} ⁱⁿ ^{front} ^{of} ^{the} ^{jury}.
"The People have ^{felt} ^{an} ^{information} ⁱⁿ ^{this} ^{case} ^{changed} the defendant, Lieutenant Marion
Ferguson, with the deliberate and premeditated murder of
~~our~~ Steve Dunham." ~~Mitch~~ Mitch paused and consulted
his notes. "In support of this charge the People propose to
show..." I tore the trout off my note pad and
leaned forward, pencil poised. Both Mitch and the
trial were away.

(Paraphrase Mitch's statement while gathering
up events preceding the trial.)

Washington of a girl named during chapter,