

The Judge's voice ^{seemed to} rise a trifle. "You ~~are~~ Denied.
Please proceed, Mr. Bugler."

"Now the ^{primary} purpose of ^{this portion of your} examination on the ~~narrower~~ subject we are now discussing was to determine whether or not the seminal fluid of the deceased contained sperm?"

"Correct." Q "And it had nothing to do with determining the cause of death?" Q "None whatever."

"And you made this examination solely because you were asked to ^{do so} by the prosecuting officers?"

"I did."

"Now, Doctor, if a question ever arose as to whether a man had had intercourse with a woman who claimed that he had, and her smear for sperm ^{showed} ~~was~~ negative and ^{tests of} that man were positive, that ^{might} ~~would~~ be some evidence that he had not, ^{would it not?}"

"Objection," the Dancer thundered.

"Overruled," the Judge said.

"Yes," the witness answered.

"Now, Doctor, were you asked to make an examination to determine whether the deceased had recently had intercourse and reached a ^{sexual} climax?"

"I was not." Q "Did you make such an examination?" Q "I did not." Q "Could you have ^{done so?}"

Q "I could have." Q "Would it have disclosed the answer?" Q "It would." Q "But you were not asked ^{to} and you did not."

"Correct."

"Were you asked to ^{speci-}ally ^{observe} the physical and bodily development of the deceased?" Q "I was not." Q "Did you ^{do so?}"

"Well, ^{to} not especially, but I did ^{do} - I couldn't help it."

"Was it in any respect unusual?"

"The deceased was one of the most perfectly ^{developed} specimens of manhood I have ever seen."

"Alive or dead?" Q "Alive or dead."

I stole a look at the jury. Some of ^{the jurors} were looking at each other and my Finnish ex-^{soldier} ~~veteran~~ was looking ^{straight} at me. Did I detect a half-smile upon his face?

"Now, Doctor, one ^{or two} more questions, and I think will ^{be} done. Did you make any examination ^{to determine} the alcoholic content of ^{the} blood of the deceased."

"I did not." "Were you asked to?" "No."

"Could you have made such a determination if requested?" "I could have."

"That's all, Doctor. Thank you," I said, and ^{I went} took back to my seat. "Nice going," the L. whispered. "We ^{at least} got ~~the~~ our foot in the door," I whispered back.

"Any ~~re~~ re-direct, Mr. Prosecutor?" the judge inquired.

"No further questions," Mitchell said, half rising.

The judge turned to Dr. Raschid. "You may go, Doctor. That is all." As the doctor ^{sped} ~~left~~ on his way the judge looked at the clock, and ^{then} glanced at me. I ^{quickly} raised my hand to my tie.

"We will take a fifteen-minute recess," the judge said ^{gravely}. "All right, Mr. Sheriff."

Max ^{hammered} ~~hammered~~ the courtroom to its feet. "Hear ye, hear ye, hear ye -- this honorable court is recessed for fifteen minutes."

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CORRECTED RECOPY

case, but I resented his thinking he could fool me. But maybe, I thought--
maybe he didn't give a damn about fooling me ^{so easily} after all, I didn't have a
vote on the jury. I was suffering ^{I saw,} the first vague pangs of blossoming
love.

"Mr. Biegler," the Judge said. "Do you wish to make your statement
now?"

"If Your Honor please," I said, rising, ~~to my feet,~~ "the defense
would like to reserve."

"Very well," he said, looking at Mitch's table. "Call your first
witness."

"The People will call Dr. Homer Raschid," ^{Mitch announced.}

Dr. Raschid, the pathologist at St. Francis' hospital in Iron Bay,
came forward and Clovis Pidgeon, ^{who, poised tympanist} like a performer in a hundred-piece ^{orchestra}
~~symphony~~ who has ^{I saw,} waited patiently for an hour to hit a ^{tiny} triangle a single ^{blow,}
~~note,~~ arose dramatically to swear him in. 'Clovis the Oath-giver,' I
thought.

"You do solemnly swear that you will tell the truth, the whole truth,
and nothing but the truth, so help you God," ^{Clovis quavered in that lousy} "How could any man possibly
lie after such a solemn ^{and moving} injunction? ^{It was remarkable how many could...}

"I do," Dr. Raschid said, and took the witness chair. He was a lean,
thin-faced, high-domed, ^{rather} wild-haired sort of individual who looked as
though he would be more a home writing sonnets than carving up cadavers.
I had never read any of his poetry but I knew him as a highly competent
pathologist.

ranging
William Clovis swore a witness he
stayed sworn.

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"A little time, please, Your Honor," I ~~XXXX~~ requested and the Judge nodded his head.

The report consisted of five pages of closely-typed analysis, tracing in vast detail the course of the bullets and ^{the} damage done. It also exhaustingly reported on other undamaged areas of the body. Near the end of the report ^{an interesting} a phrase caught my eye. 'Spermatogenesis was occurring in both testes,' it said. ^{Had that finding been necessary to determine the cause of death?} I read the report to the end and carried it ^{back up} to Mitch, who stood by the witness. "The defense ^{has} raises no objection," I said.

"The People offer in evidence People's Exhibit 1 for identification as People's Exhibit 1," Mitch said, ^{handing the report to the reporter.}

"It may be so received and marked," Judge Weaver said.

"You may examine," Mitch said, and he went back ^{to} and sat at his table.

"Doctor, ^{did} it appear to you that Barney Quill had been shot five times with bullets from a gun?" I ~~said~~ ^{asked}.

"It did."

"And each shot had ploughed through him and ^{came} out on the other side?"

"That is correct." ^Q "A layman might say he was well ~~being~~ ventilated?"

"Ha. Presumably."

"Then I take it you did not find any bullets?"

"No. I mention that in my report."
"Yes, I ^{noted} ~~saw~~ that. But your conclusion that the wounds were caused by bullets was more or less of a surmise, was it not?"

"Well, ^{in a sense} yes."

"Based ^{to some extent} largely upon the history of the case and the information given you by the men who ^{and were present at} requested the autopsy?"

I was wrong; the doctor's oral summary had been a form of slanging combat to this.

-- as a layman might say --

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"Yes."

"You understood when you performed this autopsy, then, that the subject had been shot by the defendant in a barroom?"

"Yes."

"And this and certain other information had been supplied you by the officers?"

"Well, yes. ^{from them} That and from reading the newspaper, ^{of course.}"

"But the officers gave you certain ^{background} information before you did your post?"

"That is correct."

Someone was walking ~~softly~~ softly behind me and I turned around, and ~~it~~ was Claude Dancer, of all things. I turned back to the witness. "So that to some extent your explorations were suggested by information you had received from them?"

"Yes. But my primary purpose was to determine the cause of death. And I did determine it. I didn't need any information from anybody to do that?"

"Of course not, Doctor," I said. ^{very plain} "You have made it perfectly clear that the deceased was well ventilated." ^{wanted to make it perfectly clear that the defense was} "I was not trying to cast any doubt on the fact that the Lieutenant had plugged Barney; ^{my design} our strategy in fact lay quite the other way. ^{plainty} I was now gunning for bigger game--and the clever Claude Dancer was smelling a rat. ^{But right now} "Tell us then," ^{different if not} "Then how come," Doctor," I said slowly, "how come you checked to determine whether spermatogenesis was occurring in the subject's testes?"

"I object!" a deep booming voice exploded in my ears, and Claude Dancer had finally flung off the mask.

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old notebook and, ^{finding the place,} ~~letting out a squeal,~~ lit out a squeal of horror and

predecessor's notes were nothing but a mass of ~~sulphurous~~ profanities and

^{smoking} obscenities, the chief burden of which was that ^{the law in general and} all judges and lawyers ^{in particular}

^{endlessly} stank. During recess when the new reporter went in to ^{the court stenographers} his office to put

his wraps away in ^{his predecessor's} the closet, he opened the door and was almost

buried in an avalanche of ^{clanking} ~~empty~~ gin bottles. ^{and empty} ~~The moral of this all~~ ^{Providentially Grover Gleason chose to escape}

~~this has somehow escaped me. Reality with crossword puzzles. At least they didn't~~ ^{clank.}

¶ ^{The reporter had found the place and cleared his throat.}

"How come, Doctor, you checked to determine whether spermatogenesis was occurring in the subject's testes," ^{he} ~~Grover Gleason~~ read back in the

^{and sing-song} bored monotone that all court reporters seem to ^{compelled} cultivate.

"You may answer now, Doctor," I said. ^{venture to} "The coast is clear."

"Because they asked me to," the Doctor replied.

"Who asked you ^{to?}"

"The officers present."

^{I see, I said.}

"Now did you know when you made that examination that another doctor had taken a vaginal smear from the defendant's wife ^{and} that ^{it} had been reported negative for spermatozoa?"

"I did."

"Objection," ~~Claude~~ ^{Claude} Dancer boomed. "Based on hearsay, irrelevant, ^{and} Report of other doctor best evidence."

"You're a little late, Mr. Dancer," the judge said ^{meekly}. "The question ^{seems to have} had been answered."

"Then I move that the answer be stricken and the jury instructed to disregard both the question and answer."

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~~Next~~

The Judge's voice seemed to rise a trifle. "Denied. Please proceed, Mr. Biegler."

"Now the primary purpose of this portion of your examination was to determine whether or not the seminal fluid of the deceased contained sperm?"

"Correct."

"And it had nothing to do with determining the cause of death?"

"~~Nothing~~
None whatever."

"You would ~~not~~ ordinarily ^{never} make such an examination ^{on body} for ^{that} a ^{criminal} ^{test} ^{detected} ^{from} ^{quarant} ^{wounds}?"

"And you made this examination solely because you were asked to do ^{particular} so by the prosecuting officers?"

"I did."

"Now, Doctor, if a question ever arose as to whether a man had had intercourse with a woman who claimed that he had, and her smear ~~from~~ for sperm showed negative and ^{the} tests of that ^{on the} man were positive, ^{all} that might be some evidence that he had not ^{had intercourse} ^{might} ~~would~~ it not?"

"Objection," ^{Claude} the Dancer thundered ^{behind me}.

"Overruled," the Judge said.

"Yes," the witness answered.

→ ^{Direct A} "Now, Doctor, were you asked to make an examination to determine

whether the deceased had recently had intercourse and reached a sexual climax?"

"I was not."

"Did you make ^{any} such ~~an~~ examination?"

"I did not."

"Could you have done so?"

on body
criminal test detected from quarant wounds
"never"

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"I could have."

"Would it have disclosed the answer?"

"It ~~would~~ *should have.*"

"But you were not asked to and you did not?"

"Correct." *Q "And you did not hear the subject disoriented?"* *A "I did not."*

"Were you asked to specially observe the physical and bodily development of the deceased?"

"I was not."

"Did you do so?"

"Well, not especially, but I did--I couldn't help it."

"Was it in any respect unusual?"

"The deceased was ^{physically} one of the most perfectly developed specimens of manhood I have ever seen," *the Doctor said. He shook his head. "A magnificent body."*

Q "Whether alive or dead?"

"Live or dead."

Q I stole a look at the jury. Some of the jurors were looking at each other and my Finnish ex-soldier was looking straight at me. Did I ^{seem to sort of} detect a half-smile on his face?

"Now, Doctor, one or two more questions and I think we'll ~~be~~ about *be* done. Did you make any examination to determine the alcoholic content of the blood of the deceased."

"I did not."

"Were you asked to?"

"No."

"Could you have made such a determination if requested?"

"I ~~could have.~~ *"Very easily."*

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"That's all, Doctor. Thank you," I said, and I went back to my table. ~~the~~

"Nice going," the Lieutenant whispered. ~~At least I got out~~
~~foot in the door~~

"We've at least got out foot in the door," I whispered back.

"Any re-direct, Mr. Prosecutor?" the Judge inquired.

¶ Mitch and his helper conferred.

"No further questions," Mitch said, half rising.

The Judge turned to Dr. Raschid. "You may go, Doctor. That is all." As the doctor ~~went~~ ^{sped} on his way ^{to his perpetual dental appointment} the Judge looked at the clock and then glanced at me. I quickly raised my hand to my tie. "We will take a fifteen-minute recess," the Judge said gravely. "All right, Mr. Sheriff."

Max hammered the ^{crowded} courtroom to its feet. "Hear ye, hear ye, hear ye, this honorable court is recessed for fifteen minutes." ^{There was a collective} ~~The crowded courtroom~~ ^{like a} ~~collective~~ ^{answering} ~~sigh~~ ^{like a} ~~like a~~ ^{set of steam,} ~~and~~ ^{the crowd scraped and} ~~shuffled~~ ^{shuffled for the exit.}

1st.
2/17/56

Chapter 7.

Parnell had disappeared and was nowhere to be found. I hoped that he had not developed a sudden an overpowering ^{thrust,} search, and I ^{hurriedly} rejoined the Mamons in the conference room and went over some things I had marked in my notebook. ^{I also} explained to them the possible significance of some of the ^{testimony that} things ^{had} been developed from the good Dr. Raschid, which I was pleased to see they had already grasped. Perhaps if they saw it ^{that way,} the jury also ^{might} be ^{worried.} Anyway, I could take care of all that later in my argument. I scribbled a ^{quick reminder} memorandum in my notebook.

But most of all I sought to calm and reassure the Mamons; that was the important thing now; most of our work together had been done; ^{in a sense} the trial itself was ^{going} ^{smoothly} like a well-rehearsed play that ^{was} played but one time; in another sense, it wasn't like a play ^{well-rehearsed at all;} inevitably ^{someone} would forget his lines or, worse yet, ^{might} someone would ^{sneak} in some ^{surprise} new dialogue that could change the whole ^{course} sense of the play. I had ^{an attendant at} to be ⁱⁿ a hand ^{at} courtroom ^{first night's} not to be aware of that ^{ever-gnawing} probability. Like poor old Smokey Madegian and his June bride, it was not whether but when....

"I don't like that Claude Dancer," Laura said, crushing out ^{her} cigarette. "He's -- he's so cocky and self-^{assured} like him, too."
"Confidentially, Laura," I said, "I ^{was sitting} ^{on} a cold radiator over by the window reading about his approaching trial in an old Gazette. ^{He} ^{looked} ^{up} ^{and} ^{stole.} When the Judge overruled him this morning, when ^{he} ^{was} ^{sitting} ^{on} the radiator, one of the jurors almost laughed out loud."

"Was it that young fellow ^{sitting} in the first row, on the ^{extreme} left end?" I asked.

"That's the fellow. ^{He} ^{seems} ^{to} ^{be} ^a ^{fan} ^{of} ^{yours.}"

I thoughtfully lit a cigar and stared out at the lake. Maybe I had better ^{pretty well} try my case for this ^{one} juror. I remembered that ^{in the past} I had ^{almost} unconsciously done so during my long trials ^{in the past}; One seemed to gain -- at least I

some sign came along, some tiny, mute recognition that you were talking the same language.

Any fan of mine was by hypothesis highly intelligent....

He acts like he knows.

seemed to gain -- had -- upon which to concentrate, a target at
did -- a greater sense of immediacy and impact that
way, a goal upon which one could concentrate aim,
whatever arts of ^{conviction and} persuasion one possessed. "Um..." I
said, absently holding out my lights for Laura.

"Thanks, Polly," she said, removing her glasses.

Yes, my work was pretty well done with the
Maminis. If they ^{hadn't learned their parts, if they} didn't know the pitch now, it was
^{goddamn} too late... I remembered the time, years before, when I
had taken my bar exams in Lansing, and had gone
there several days ^{early, perhaps hoping} before, ^{draw wisdom and} ^{inspiration} out of ^{thin} the air. I had called on crept up to the supreme
court and called on the ^{amiable} clerk, little Jay Metzner. He had
stopped me at the door. "Halt," ^{he commanded. Young man!} "Not another step, you're
dare to take the bar, he said. 'You've called on little ol'
Jay to somehow give you an open sesame.' He had
come over and put ^{both} his hands on my shoulders. 'Well, I'll
give it to you, ^{son,} go out and have a few drinks. Pick
yourself up a ^{willin'} girl if you can. ^{Then} forget about the goddamn
examinations. If you don't know ^{your stuff} it now, my God, son,
you never will.

Max Batterfore popped his head in the door.
"Five ^{more} minutes, ~~more~~, Polly," he said. "The judge
wants to see you." ^{getting on my great point now, I'm adjusting my wing.}

"Thanks. Right away, Max," I said, ^{stopping my cigar}

The judge and Mitch and Claude Dames were
in chambers, along with the ^{young} photographer from the Gazette.

"This young man wants ^{badly} to take our pictures," ^{the} the
judge ^{smilingly} said. "I thought you might like to join us."
I ^{had known} ^{know} this would ^{be} ^{combin'} ^{some time soon} and I was ready for it. "I'm sorry, Judge," I ^{led softly} said, ^{the}

"Right ^{now} up to my ears with my clients. Perhaps later on."
"Very well." ^{Bye off medium get back to your people,} he said.

As I turned away I thought I detected a gleam
in the judge's eyes. Was he aware of my strategy to
build up the all-powerful, much-publicized State ^{undying and} ^{over here, gentlemen,} ^{heard the} ^{shouting} ^{part}
against the lone, unphotographed defense. It occurred to

(Tricks are never fast kept in
memory on TV, when reality must
be seen & explained
yield to the sponsor's notations.
Greater reality of the
peddling

me that I ^{actually} did have ^{some} pressing business with my clients. I
hurried back and told them ^{that} under no circumstances should
they permit their pictures to be taken. There would be time
enough for that, ^{all} possibly, later on. We



"Hear ye, hear ye, hear ye...."

The rest of the afternoon session slipped by with
comparative speed. The first witness ^{after the coroner} was Coroner Leipart, a
rather shy ^{appearing} little man ^{whose} chief ^{distinguishing} qualifications for the office
he held was his ^{rather} ^{gentle} ^{restrained} ^{sublimated} lust ^{was} to
get ^{any} ^{dead} ^{bodies} ^{he encountered on} ^{to} the embalming slab in his undertaking
parlors as fast as he could. Under Mitch's questioning --
Claude Daniel ^{seemed to have slipped} ^{body on} ^{had replaced his marks} -- he told of finding
Darnley's ^{riddled} body lying face down behind the bar in a pool
of blood. It was lying on its right side near ^{the} ^{the} middle
of the bar. Yes, the man was quite dead. The bartender had
let them in when he had arrived with the state police
around 2:00. ~~Yes, he was alone.~~ What had he done then?
Well, he'd put body in the basket and fetched it ⁱⁿ to Iron
Bay and held it for the autopsy on Sunday, which he had
attended. Then he had fetched the body back ^{he} to his place and
embalmed it and shipped it ^{As the testified I thought the coroner might} to Wisconsin. ^{He might, I thought,}
have been talking ^{the adventures of} ^{off} about a roll of linoleum.

"Your witness," Mitch said.

On cross-examination I brought out that the bartender was alone when he
had admitted the coroner and the state police; that this was over
an hour from the time of the killing; that he had turned the
clothing of the deceased over to the state police, who had presumably
shipped it to ^{least} Lansing to be tested in the crime laboratory....

"For what purpose?" I asked.

"For evidence of ^{sperm or} seminal stain," the coroner answered.

I half looked around, waiting for the organ to thunder,
but all was silence. "Do you know the results of these tests, if
any?" "I do not. The state police would."

"Were you present during the autopsy when the state police officer asked ~~the~~ Dr. Raschid to determine the spermatic capacities of the deceased?"

"I was there at all times."

"Go on."

"Yes, I was there then."

"And was that ^{done} for the purpose of refuting any possible later claim that the deceased might not have possessed those capacities?"

"That was my understanding, yes."

"Was there any discussion among the officers about ^{asking} whether to ask the doctor to determine whether the deceased had recently ejaculated?" (I wondered how the comely virginial ~~for~~ juror, the heavily virginial Doris Flounders, was weathering all this.) I sneaked a small look and she was bearing ^{remarkably} up well, sitting forward in her seat,

"There was some ^{discussion}, yes." ¶ "In the presence of the ^{doctor}?" ¶ "No." ¶ "And no such examination was made."

"I'm not sure ^{there} it could have been."

"Oh?" "Were you here when Dr. Raschid testified ^{earlier}?"

"No, I just got here. I got two cabs waiting for me now." ¶ "Two ^{more} murdered people? I hadn't heard." ¶ "No, two ^{bodies}."

¶ "In your role as coroner or ^{as} embalmer?"

"Waiting to be embalmed."

¶ "Congratulations, Mrs. Coroner, but will you please answer my previous question?"

"What question?"

"I asked you whether in fact Dr. Raschid ~~has~~ made any examination to find out whether the deceased had ^{regretfully} idiom tugged mightily, but ^{regretfully} idiom lost -- "had recently reached a sexual climax"?"

"He did not." ¶ "Or any test for alcohol?"

¶ "He did not." ¶ "Was ^{that} discussed by the officers?"

"I don't know." ^{waiting}

"That's all, Mr. Coroner; I think now you can get back to your ^{now} customers." ¶ Smiling: "They never ^{complain}."

Mitch had no re-dress and ^{he} next called a commercial photographer who, ^{by stipulation,} quickly identified a flock of ^{4 x 10 glossy} photographs he had taken for the prosecution, which were, ^{by stipulation,} admitted ^{swiftly} for evidence. Barney might have liked them, I thought, because they were all of him: ^{various views of} Barney lying crumpled behind the bar; Barney lying ^{offered} on the slab, full face, left and right profile, Barney on his back, the ventilation marks showing up splendidly. And showing, too, that beautifully superb and wilful body which had been destroyed all because of one ^{dark} and tangled impulse....

"To the defense," Mitch said.

I was ready to pass cross-examination when Laura Mamoi leaned over and whispered to me excitedly. "That man! He took some pictures of me, I--I just ~~remembered~~ remembered...."

"Good girl," I whispered, and I left my table and walked thoughtfully up toward the witness. Well, here was the first switch in the dialogue, I thought; ^{this time} perhaps fortunately for our side. But there would ^{that would hurt,} be others, there always were....

"Mr. Burke," I said ^{indicating the exhibits} pleasantly, "were these all of the pictures you took in connection with ^{for} this case?"

He shot a look at Mitch's table. "No, there were others."

"Perhaps they didn't turn out?" I said.

"No, they all turned out." A note of ^{professional} pride crept into his voice. "Most of my pictures turn out."

"Of course, Mr. Burke, and these you have produced here are splendid examples of your craftsmanship." I panned. "~~The~~ others were needless duplicates, ^{perhaps}?"

"Oh," I said, ^{surprised}, "I glanced at the jury and saw that ^{there was} ~~any~~"

"Perhaps you forgot to bring them?" "There were no answers and I did not press." "Perhaps the

growing ^{contagion in me} surprise ^{growing slowly} was ~~contagious~~. "Perhaps they had nothing to do with the case at all? -- ^{they were merely} perhaps, some artistic little side shots? ^{grated you couldn't resist?} A stump, a tree, perchance even ~~off~~ a woman?"

¶ The witness was not happy. "They were ^{photographs} of the Lieutenant's wife."

I paused and looked around at the clock.

The heads of Mitch and his assistant were ^{close} in a huddle. I glanced at the jurors who were glancing ^{quickly} at each other. My young Finnish juror was looking at me and ^{-- was it possible? --} seemed almost to nod. I turned back to the ~~the~~ witness.

"And ^{these pictures of Mrs. Laura Mamion --} they turned out well, you say?" I asked.

"Excellent." ¶ "When did you take them?"

"That very night."

"Then they would show just how Mrs. Mamion looked right after the shooting?"

Grundy: "They certainly would." ¶ "How many did you take?"

Again ^{I heard} the short, ^{restless} padding footsteps behind me; Mr. Dancer was ^{again} stalking my rear.

"Would you mind showing them to me?"

"I don't have them -- they're back at my studio."

¶ "And I believe you ^{didn't answer when I asked if you} ~~forgot~~ ^{you didn't} forget them, -- how come you didn't bring them ^{to} along for the ride?"

"I was requested not to."

"Hm... By someone connected with this case."

"Yes, sir."

"Come, Mr. Burke, tell us who."

"Objection!" thundered in my ears.

"Overruled," said the Judge, as I drilled my ear with my little finger -- the ear on the juror side.

"The witness may answer you."

¶ "Mr. Burke, ^{softly} I said, "Could ~~it~~ ^{not to bring them} have been ^{told by} anybody ^{present} standing within three ^{city} blocks of me?"

"He's standing right behind you. It was Mr. Dunstan, ^{these} he ^{simply} said ^{it would not be necessary to bring} the pictures of Mrs. Mamion to court."

"Dancer!" Claude Dancer, ^{grated} ~~and~~ in my ear. "The

name is ^{Mr.} Dancer."

"The name is Mister Dancer," I reproved the witness. "The clan Danstang ^{might not} ~~would not~~ like ~~that~~ any confusion, ^{if} you know ^{they might know Mr. Dancer.}"

"I'm sorry," ^{the witness said.} "Mr. Dancer told me not to."

"Well, if you don't have the pictures you can't very well show them," I said. "But perhaps you can describe ^{for us} the picture ^{of Mrs. Manion} you saw with your ^{own} eyes."

"Objection," Mr. Dancer said, more softly this time. "Clearly irrelevant and matter of defense, if ~~admissible~~ ^{admissible} then, which I doubt."

"I withdraw the question," I said, ^{quietly,} before the Judge could ^{make his} ruling. ^{little} If Mr. Dancer thought he was helping his case by ^{off} blocking this word to the jury, which I ^{must be} guessed ~~was~~ ^{was} consumed with curiosity ^{about} ~~by~~ now, ~~well~~ ^{disappointment and} he could block away, the ^{frustration} ~~would be~~ ^{would be}

^{at his door} laid ~~off~~ ^{to} ~~him.~~ "The witness is back to you," I said, ^{and returning} bowing ~~away~~ to my table.

"No further questions," Mr. Dancer said.

I looked around for Parnell, ^{to back in his approval,} but could not ^{locate} find him. "Hell," I thought, ^{mist} when I have a fair round the old boys ^{would be} ~~in~~ ⁱⁿ the locker room. Well, I hoped he wasn't out there drinking.

III old

Chapter 7

Parnell had disappeared and was nowhere to be found. I hoped that ^{fleetingly} he had not developed a sudden and overpowering thirst, and I hurriedly joined the Manions in the conference room ^{with Max hovering unimportantly outside the door, and} ~~and went over some things I had marked in my notebook.~~ I also explained to them the possible significance of some of the testimony that had been developed from the good Dr. Raschid, which I was pleased to see they had already grasped. ^{suppressing all mention of} Perhaps if they saw it that way, the jury also might, ^{Yes, the prosecution seemed bent on hiding the rape, they steadily saw.} Anyway, I could take care of all that later in my argument. I scribbled a quick reminder in my notebook, ^{trustworthy} without which a trial lawyer would ^{fly} straight ^{out into} ~~space.~~ ^{real} But most of all I sought to calm and reassure the Manions; that ^{right} was the important thing now; most of our work together had been done. ^{an often and a play} In a sense the trial itself was like a well-rehearsed play that was to be played but one night, ^{but and then carted off to storage. But} then again, in another sense, it wasn't like a well-rehearsed play at all: inevitably ^{some} a character would forget his lines or, worse yet, someone might sneak in some surprise new dialogue that ^{might} ~~could~~ change the whole course of the ^{drama.} play. I was too old an attendant at courtroom 'first nights' not to be aware of that ever-glowing probability. Like poor old Smoky Madigan and his June bride, it was ^{expectant} a question of ^{of} not whether but when....

"I don't like that Claude Dancer," Laura said, crushing out her cigarette. // "He's--he's so cocky and self-assured. ^{And} He acts like he hates us."

"Confidentially, Laura," I said, ^{rapidly} "I'm fast learning not to like him, ^{myself.} ^{I thought, but did not say.} For one thing, ^{his too dangerous.} he was ^{far} too smart ^{and too goddam dangerous.}

III
C.7

The Lieutenant was sitting on a cold radiator over by the window reading about his approaching trial in an ^{Mining} old Gazette. He looked up and spoke. "When the Judge overruled him this morning, when you were questioning the doctor, one of the jurors almost laughed out loud."

"Was it that young fellow sitting in the first row, on ^{our} the extreme left end?" I asked.

"That's the ^{young} fellow. He seems to be a fan of yours. ^{He watches you like a cat. I thought, maybe}

I thoughtfully lit a cigar and stared out at the lake. Maybe I had better pretty well try my case for this intelligent young juror. ^(Any Diegler's, of course, nudging the portals of genius.) fan of mine was by hypothesis highly intelligent.... I remembered that in the past I had almost unconsciously ^{played to a lone juror or} done so during my long trials. ^{usually} Some small sign came along, some tiny ^{tacit} mute recognition that you were talking the same language. ^{And that way} One seemed to gain--at least I seemed to gain--a greater sense of immediacy and impact ^{during my efforts; that way there was} that way, a sort of goal upon which to concentrate, a target at which ^{discernible} one could aim, whatever arts of conviction and persuasion one ^{possessed.} possessed. "Hm....," I said, absently holding out my lighter for Laura.

"Thanks, ^{Paul,} Polly," she said, removing her glasses. ^{with these damn damn things. Can't you also have me knitting bootsis.?"} "I can't see across the room. Yes, my work was pretty well done with the Manions. If they hadn't learned their parts ^{by now,} if they didn't know the pitch ^{far} now, it was too goddam late.... I remembered the time, ^{when,} years before, ^{when} I had taken my bar exams in Lansing, and had gone there several days early, perhaps hoping to draw wisdom and inspiration out of thin air. I had crept up to the ⁱⁿ ^{by propriety alone.} ^{nervously} ^{a measure of}

"Scarcely, my dear," I said. "Scarcely."

III
7

supreme court and called on the clerk, amiable little Jay Metzner, He had stopped me at the door.

who was also clerk for the bar examination.

"Halt!" he commanded. "Not another step, young man! You're here to take the bar. You've called on little ol' Jay to somehow give you an open sesame." He had come over and put both hands on my shoulders.

From your ghastly look I can see you are here and you want me to

"Well, I'll give it to you, son. Go out and have yourself a few drinks. Not too many. Pick yourself up a willing girl if you can. Then forget all about the goddam examinations. If you don't know your stuff now, by God, son, you never will."

here's your open sesame, of course. And pick your bar after three years of study. This place is heaven with them. Little Jay was right, bless his soul.

Max Battisfore popped his head in the door. "Five more minutes, Polly," he said. "The judge wants to see you."

"Thanks. Right away, Max." I said. "I'm getting on my grease paint now."

back on. The show must go on.

The Judge and Mitch and Claude Dancer were in chambers, along with the young photographer from the Gazette.

pardoned

sat chatting

"This young man wants badly to take our pictures--out of the courtroom, that is," the Judge smilingly said. "I thought you might like to join us."

scrap his public wants him

defence counsel

"Thank you, Judge," I said.

I had known this would come up, sooner or later, and I was ready for it. "I'm sorry, Judge," I lied softly. "Right now I'm up to my ears with my clients. Perhaps later on."

But

the Judge quibbles said.

"Very well, "By all means get back to your people," he said.

an appreciation

As I turned away I thought I detected a gleam in the Judge's eyes. Was he aware of my strategy to build up the all-powerful, much-publicized

III
7

State against the lone, ^{unsung} and unphotographed defense. 'Over here ^{away from the} windows, gentlemen,' I heard the photographer say. ^{ing and it} It occurred to me that I actually did have some pressing business with my clients. I hurried back and told them that under no circumstances should they permit their pictures to be taken. ^{Possibly} There would be time enough for all that, ^{even} possibly later on. ^{I did not try to explain; they had quite enough} on their minds.

"Hear ye, hear ye, hear ye...."

The rest of the afternoon session slipped by with comparative speed.

Trials are never fast except on TV, where reality must ever yield ^{more pressing} graciously to the greater reality of peddling the sponsor's nostrums.

^{By stipulation the charts were introduced in evidence and set up before the jury.}
 The first witness was Coroner Leipart, a rather shy-appearing little man ^{who led} a double life ^{as coroner and undertaker} and whose chief discernible qualification for the office he held was his rather ^{stingy} genteely ^{spirit} restrained lust to get ^{public} any dead bodies he encountered ^{and all} as coroner on to the embalming slab in his undertaking parlors as fast as he could.

Under Mitch's questioning--Claude Dancer seemed to have slipped ^{his mask} back on his ^{Barney} mask--he told of finding/Quill's riddled body ^{lying} face down behind the bar in a pool of blood. It was ^{lay} lying on its right side near the middle of the bar. ^{and, yes,} Yes, the man was quite dead. The bartender had let them in when he had arrived with the state police around 2:00. What had he done then? Well, ^{after the measurements and pics had been taken} he'd put the body in the basket and fetched it in ^{in cold storage} to Iron Bay and held it for the autopsy on Sunday, which he had attended. Then he had fetched the body back to his place and embalmed it and shipped it off to Wisconsin. As the coroner ^{quietly} testified I thought he might have been talking about the ^{slipping mis} adventures of a roll of linoleum.

"Your witness," Mitch said.

On cross-examination I brought out that the bartender was alone when he had admitted the coroner and the state police; that this was over an hour from the time of the killing; that he had turned the clothing of the

3/2 ^{the coroner}

1st
Feb. 21, '56

the first of a ^{long} procession of eye-witnesses.

Chapter 8

"I was having a quiet beer up at the bar," Carl Yates ^{the game warden} was testifying, "I had been ^{earlier} out patrolling for headlighters. ^{I respected} Some of these soldiers ^{stationed at Thunders Bay were} went out and shined ^{out} at night with their jeeps... Well, I'm standing there having my beer, like I said, and suddenly I hear a series of shots, and I turn toward the sound and there's a man standing up on the bar rail leaning over the bar clicking an empty gun at something down ^{there} below the inside the bar."

I purposely made no attempt to inquire what movements, if any, the deceased Barney may or may not have made just prior to the shooting, feeling that the chances were good that the average eye-witness, including this one, had not seen anything because he was not paying attention, and that for me to have such witnesses deny seeing any would be to build up the belief that more occurred.

"What did you do?" Mitch asked, glancing swiftly at the witness who wheeled toward the Judge -- "I got to hell -- ~~you~~ I got out of there fast." "Did you know the man ^{who was} doing the shooting?" "Not by name -- but I would recognize him." "Do you see him in the courtroom now?" Mitch asked quickly.

the L. to his feet. "Yes, he's sitting -- no, standing -- next to Lawyer Biegler there at that ^{old} table -- the man with the first lieutenant's uniform, wearing a mustache." "You are referring to the defendant in this case, Frederic Mamin?" "Yes I am" "Your witness."

My questions were brief to the point of being noncommittal. I made no attempt to cast any doubt on the fact that the L. had fired the fatal ^{shots}, in fact my questions assumed quite the contrary. ^{old brother had the hard hood to} ~~And~~ ^{he did it.} ~~did not~~ deny a shooting in one breath and in the next insist that his ^{chint was} ~~chint~~ ^{was} ~~was~~ ^{mine} ~~mine~~ ^{when it took place.}

Yake
Insert
A

"Mr. Yates," I said, "when the lieutenant shot Barney Duill and you were having your well-earned ^{night} beer at the bar -- had the deceased ^{greated} bought you to your drink?" "Yes. I had put my money on the bar, but Barney had waved it away." "On the house, Carl," he said. "I see. And was the bar crowded?" "Yes, practically the whole length. It seemed to me the L. had got ^{himself} in the only place that was left."

A

"Mr. Yates", I said, ^{comprising up a pretty picture,} "when Lt. Lieutenant Mammion shot Barney Dull and the latter ^{slumped and} fell, and the Lt. then stood up on the bar rail and leaned over the bar ^{and emptied} his gun into the fallen man" -- I paused -- "did the Lt. say 'Take that you s.o.b.' or words to that effect?"

"Not that I heard. My recollection is that at no ~~at~~ time did the Lt. utter a sound. He came in like a mailman delivering the mail; he delivered his mail and turned around and walked out.

"Were there any signs of anger on his part?"

"None that I saw. Of course, I did not ^{get a good look or} stop long after the shooting."

"What time was it?" "About 12:40 or 12:45."

"Now, Mr. Yates, this well-earned night-cap of beer you were having -- had the deceased treated you to that?"

"And had Barney bought the whole bar a round of drinks?"

"Yes, all of us. I heard tell later it wasn't the first round."

"Was ~~that~~ ^{buying house drinks} his usual practice? -- if you know?"

"It was the first time I'd seen it since I was stationed at Thunder Bay. That'll be three years come May month."

"And you were a fairly regular customer -- for your ^{occasional} nightly pint of beer, I mean?" "I did not want to put this hard-working game warden on the spot, and make him out a bar fly; ^{for my part} any man that protected our deer and fish -- especially the ^{for Bigler} trout -- was entitled to all the ~~free~~ beer he could hold, ^{whether free or not.} yes,

He smiled appreciatively. "Fairly regular," he said.

"I see. And who were where ^{at the bar} were you standing and by whom?"

"At the far end, nearest the street, talking to the ^{Mungoose} Loonfoot twins." (The ^{Mungoose} Loonfoot boys were two ex-service men, ^{and} Parnell's and my ^{pre-trial} investigation ^{of such witnesses as we encountered} had shown ^{indicated} that any game warden could afford to relax ^{a bit} if he could only ^{keep them under his eye.})

I purposely did not get into the ^{antipathetic} ^{controversial} subject of Barney's ^{firearms and} prowess with pistols, though this witness would undoubtedly have known. I wanted to get the stage clearly set for the quiz in other directions, and not have it distorted or forgotten in a flurry of objections from ^{the poisoning} Mr. Darnitan -- I mean, Mr. Dancer. "The pistols could come later."

"Where was the bartender during all the shooting?" I asked. "Standing over near ^{I believe, at least} the door, I spoke to him ^{there} when I came in."

"Was it the usual practice ^{if you know} for Barney to work alone behind the bar?"

"No, it wasn't. In fact I remarked about it to the ^{Mungoose} Loonfoot boys. He often stood at the end or behind the bar, but rarely waited on the trade. His bartender or the barmaid ^{usually} attended to that."

"And was it equally unusual for the bartender

to be out on the floor -- standing by the door?"

"Well, now that you speak of it, it was."

A few more pieces were ^{slipping quietly} falling into the grouting mosaic; I glanced around and ^{as I had suspected} sure enough Mr. Dancer was again stalking me; the little man ^{seemed to have} had sensed it too. Well, he'd taken all that trouble to stalk me, and ^{wasn't it} it would be shame to ^{standing there so?} keep him ^{quite} mute, I'd have to ask something that would exercise that voice.

"Now, Mr. Yates," I went on, ^{just before the shooting} "how did the deceased appear?"

"How do you mean?"

"Did he seem like a man who was nervous or fidgety and expecting something bad to happen" -- I paused -- "or ^{instead} ~~like~~ cheerful and calm and at ease?"

The question ^{I knew} was objectionable on several counts, ~~and~~ ^{in turn} I knew it, but I gambled that my Mr. Dancer was gambler enough and curious enough to want to learn the answer, ^{It looked like he'd won --} was silence behind me. "He appeared ^{perfectly} calm and at ease," Carl Yates answered. I could almost hear Claude Dancer purring with contentment behind me, ^{daughter} thinking of what a ^{massive} blow our rape story had ^{just} taken. How could a man who had just perpetrated such a brutal assault and rape, ^{as we claimed} appear so calm and at ease. ^{I figured to let this reputation sink in and} ~~It~~ was time to shatter his dreams....

I spoke swiftly. → "So that if you were ^{not} here today testifying in the murder case of People versus Frederick Mammon, Mr. Yates, you could still ^{honestly} say the same thing ~~if~~ -- that Barney Duill was calm and ease -- if the case ^{being tried} were instead the ~~rape~~ trial of People versus Barney Duill for rape?"

"Yes."

The witness's ^{unmistakable} 'yes' and Claude Dancer's booming objection ^{in my ears} exploded at the same time.

"The question is clearly objectionable," the Judge ruled sternly, "and both it and the answer will be stricken and the jury asked to ^{totally} disregard them." He ^{propped down} ~~then~~ looked at me. "Surely, Mr. Bigler, you must

In any case
have known how improper your question was. I must
warn you against a repetition."

"I'm sorry, Your Honor," I said, ^{apologized} contritely. "Please
put it down to the zeal of battle. I'll try to mend my
ways." I turned to ^{Claude} Mr. Dancer, whose ^{little tufted} military bushes of
^{on either side of his head} tufted hair seemed to be standing out straight ^{at the sides}.
"The ^{People's} witness is back to your ^{Assistant's} Mr. Chief Prosecutor," I said.

"No questions," Mr. Dancer snapped, ^{and} all
question ^{or pretence} of who was assisting whom, ^{had} now flown to the four ^{winds}.

As I sat down I saw Parnell was back in his
place, ^{mercifully} sober and grinning from ear to ear. We had argued
for weeks over the ^{bold} strategy of that ^{Parnell's} objectionable question, I
glanced at my favorite juror and ^{last} found him looking at me.
His eyes lit up and I glanced quickly away; it looked like
old Parnell had ^{maybe} won again. ^{on my cast} And the rope now ^{clearly} had its foot
in the door. And equally clear was the People's determination
to ^{delodge it and} ^{to} ^{kick it out}.

The next eight or ten witnesses, ^{all men,} had all been
standing at the bar, ^{and,} with varying degrees aside from
the minor discrepancies which appear inevitable when different
people try to describe the same ^{dramatic} event, all pretty much agreed that
the Lieutenant had walked up to the bar and wordlessly
emptied his gun into Barney, standing ^{up} on the bar rail after
Barney had fallen, and then as wordlessly ^{turned and left} leaving the place.
From various of these witnesses, ^{including the inevitable moonshine tinner,} I developed on cross-examination that
Barney had bought as high as five rounds of drinks that night;
that this was, ^{but} a noteworthy departure from his previous ^{barroom} practice
(the husband of one of the waitresses disagreed with this); that the
bartender was out on the floor, also a fairly unusual procedure;
that Barney seemed to be in good spirits and calm and at ease;
and, from two of them, that they had spoken to the Lieutenant as
he ~~came up~~ ^{had} approached the bar, just before the shooting, but that
he had not returned their greeting or looked at them. These same
two witnesses thought they heard Barney Quill say 'Good evening,
Lieutenant' as ^{the defendant had} ~~he~~ approached the bar.

Mitch conducted the examination of all ^{of} these witnesses, as he did the two waitresses who followed, and I concluded that the Dancer was ~~save~~ saving himself either trying to

recreate the ^{somewhat tarnished} impression that Mitch was ^{still} running the prosecution or ^{else was} saving himself for ^{the} more important witnesses ^{ahead,} probably both.

Neither ~~witness~~ waitresses added much to ^{the} story of the shooting, except that one ^{of them also} told me that she had known the

L. and ^{had failed to return his greeting as he had entered.} greeted him by the door as he ~~to~~ entered but that he had not dropped or made any sign that he ^{had} heard her. The other waitress, an amiable plump girl, ^{remble of laughter} drew a laugh when she told Mitch that after the first shot

she ^{had galloped} ~~ran~~ for the ladies' restroom, which in turn drew an admonitory bang of ^{from} the gavel and a scowl from Judge Tolson.

By then it was ^{going on for} ~~nearing~~ five o'clock, and in answer to Mitch's query whether to call any ^{new} ~~more~~ witnesses, the Judge had

nodded for him to go ahead, ^{and} Mitch had looked at me and shrugged ^{in resignation} and called Dittloff Pedersen. We not only had a judge who ran his court with an iron hand but ^{one} who firmly

believed in the full working day for jurors, lawyers and witnesses alike. ^{And my heart went out to Max Battisore for being so long} Dittloff ^{away from patrol. Law enforcement was double}

Dittloff Pederson (I loved the name; it rolled on one's tongue like a lozenge) was the man who ~~we~~ had sat at the table near ^{outside} the door, with ~~the~~ his wife and sister-in-law.

It was near this table that the ~~resting~~ bartender, Alphone Paquette, had stood 'resting' after Barney had taken over the bar. Under

Mitch's questioning, Mr. Pedersen, a tall blond plasterer ^{from} Iron (Bing) ^{trade,} told how he and his party had stopped ^{off} at the bar ^{to have} a drink and to pick up some beer on their way to camp for the

weekend; how they had chatted for some time with the bartender, who stood by their table; and of how they had suddenly

heard a series of shots - - 'they sounded like firecrackers' and had ^{then} seen Lt. Peterson leaving the place, followed by the bartender.

"Your witness," Mitch said.

"Did the bartender return or stay outside?"

"He came ^{right} back." "Did he say anything to you?"

Admonitory

going to put

"Yes, he said it was Lt. Manning."

"Anything else?" # "No, he hurried over toward the bar." # "Are you sure he said nothing else."

"Quite positive. We left shortly after. My wife was quite nervous -- she's expecting, you know."

"I hadn't known, Mr. Pederson, but congratulations. Now how long had the bartender stood by your table?"

"Quite a while -- nearly an hour, I believe, ^{Perhaps more.}"

"Did he sit down and talk with you?"

"He talked but didn't sit down, though we asked him to several times."

"You asked him to ~~to~~ sit down?" I said. This was better than I had hoped for -- the tired, resting bartender wouldn't even sit down when invited to.

"Yes, but he said he was expecting a friend from out of town and wanted to keep an eye out for him. He kept looking out the window."

I glanced around to the rows of waiting People's witnesses and found the bartender, Alphonse Paquette, sitting with folded arms and staring straight ahead. Mary Pilant was not to be seen and neither Parnell nor I had seen her in the courtroom.

"Did the bartender talk to you and your party?"

"Occasionally. Just small talk -- the weather, the fishing, the tourists, the soldiers ^{out} at the firing point, how Barney had just won another pistol shoot, stuff like that."

I could have gone up and kissed the man, but such ^a demonstration might have been misunderstood so I planted another question on him. Softly: "So the bartender told you ~~how~~ ^{that} Barney had won another pistol shoot?"

"Yes. We didn't pay much attention. Barney was always winning another pistol shoot -- he was one of the best in the business."

I paused and thought, ^{Trial,} Lawyers who sought to ^{only} polish perfection frequently clouded it instead. "Your witness," I said. _(over)

"No question," Mitch humbly said.

"Mr. Sherris," the judge said.

"Hear ye, hear ye" the Sherris said.

III
8

feeling that the chances were good to excellent that ^{most of} the average eye-witnesses, including this one, ^{had} and not seen any movements ^{because} he was not paying attention, and that for me to have each witness deny seeing any would be to ^{gratuitously} build up the ^{jury's} belief that none ^{had} occurred. I likewise made no attempt to case any doubt on the fact that the Lieutenant had fired the fatal shots, in fact my questions assumed quite the contrary. ^{Parnell's favorite lawyer,} Only old Amos Crocker, ^{possessed the bland} had the hardihood to deny a shooting in one breath and in the next insist that his client was insane when he did it.

"Mr. Yates," I said, conjuring up a pretty picture, "when Lieutenant Manion shot Barney Quill and the later ^{slumped} and fell, and the Lieutenant then stood up on the bar rail and leaned over the bar and emptied his gun into the fallen man"--I paused--"did the Lieutenant say 'Take that you s.o.b.' or ^{any} words to that effect?"

"Not that I heard. My recollection is that at no time did the Lieutenant utter a sound. He came in ^{quietly} like a mailman delivering ^{the} mail; he delivered his mail and turned around and walked out.

One of the fascinations of trying cases, I thought, was the unexpectedly
 "Were there any signs of anger on his part?" *I pressed on.*

"None that I saw. Of course, I did not get a good look or stop long after the shooting. *I wheeled it.*"

"What time was it?" *The shooting, I mean?*

"About 12:40 or 12:45, *as I recall. It was 1:01 A.M. when I got home.*"

"Now, Mr. Yates, this well-earned night-cap of beer you were having-- had the deceased treated you to that?"

"Yes, I had put my money on the bar, but Barney had waved it away.

'On the house, Carl,' he said."

*word picture
 witness could speak without
 even half trying. the
 fact it was when they tried
 that they failed.*

III
8

"I'm sorry, Your Honor," I apologized contritely. "Please put it down to the zeal of battle, ^{epicure} "I'll try to mend my ways." I turned to Claude Dancer, ^{"I murmured."} whose ^{and the} little ^{bristling} tufted military brushes of hair on either side of his head seemed to be standing out straight.

"The People's witness is back to your assistant, Mr. Chief Prosecutor, ^{Dancer,}" I said.

"No questions," Mr. Dancer snapped, ^{at last any} and ^{all} question or pretence of who was assisting whom had ~~not~~ flown to the four winds.

As I sat down I saw Parnell was back in his place, mercifully sober and grinning from ear to ear. We had argued for weeks over the ~~held~~ strategy of that last objectionable question, Parnell being for it.

I glanced at my favorite juror and found him looking at me. His eyes lit up and I glanced quickly away; it looked like old Parnell had maybe won again. In any case the rape now clearly had its foot in the door. And ^{to the jury, I hoped,} equally clear was the People's determination to dislodge it and keep it out.

The next eight or ten witnesses, all men, had all been standing at the bar and, aside from the minor discrepancies which appear inevitable when different people try to describe the same ~~dramatic~~ event, all pretty much agreed that the Lieutenant had walked up to the bar and wordlessly emptied his gun into Barney, standing up on the bar rail after Barney had

fallen, and then as wordlessly turned and left the place. From various of these witnesses, including the inscrutable Mongoose twins, I developed on cross-examination that Barney had bought as high as five rounds of

drinks that night; ^{that he himself had taken whiskey each time; that all} that this was a noteworthy departure from his previous

barroom philanthropy
sudden

and dramatically
The only thing he could do
away on cross-examination
narrowly
it was done, sort of
Barney was doing
actually
back, right towards
the change of
rape.

III/8

"Quite a while--nearly an hour, I believe. Perhaps more. ^{even} We were in no hurry--a nice moonlit night and all." "Yes, of course, Mr. Pederson, ^{bartender} Did he sit down and talk with you?"

"He talked but didn't sit down, though we asked him to several times."

"You asked him to sit down?" I said. This was better than I had hoped for--the tired, resting ^{-- and watchful --} bartender wouldn't even sit down when invited to.

"Yes, but he said he was expecting a friend from out of town and wanted to keep an eye out for him. He kept looking out the window."

I glanced around to the rows of waiting People's witnesses and found the bartender, Alphonse Paquette, sitting with folded arms and staring straight ahead. Mary Pilant was not to be seen and neither Parnell nor I had ^{observed around} seen her ^{the courthouse} since ^{the court term} the trial had started. ^{opened.}

"Did the bartender talk to you and your party?"

"Occasionally. Just small talk--the weather, fishing, the tourists, the soldiers out at the firing point, how Barney had just won another pistol shoot, ^{casual} stuff like that."

I could have gone up and kissed the man, but such a demonstration ^{of camaraderie} might have been misunderstood so I ^{instead} planted another question on him. ^{'Casual stuff' indeed.}

^{I spoke softly,} "So the bartender told you that Barney had won another pistol shoot?"

"Yes. We didn't pay much attention. Barney was ^{forever} always winning another pistol shoot--he was one of the best in the business."

I paused ^{thoughtfully.} and thought. Trial lawyers who sought to polish perfection frequently only clouded it instead. ^{managed to} "Your witness," I said.

^Q Mitch glanced at Claude Danvers as I watched the ping. ^{shake of the head.} "No questions," Mitch hurriedly said.

"Mr. Sheriff," the Judge said.

"Hear ye, hear ye...." the Sheriff said.

Turned around toward Mitch, ignoring Claude Danvers, who was again looking behind me.

2/22/56.

My impulse was to let out
an exultant whoop.

Chapter 9.

nodded at me and then
Parnell got up and left for the car.
I sat out our table and
I chatted with Laura and the lieutenant for a spell
while Max stood alertly at attention at a respectable distance. When the
crowd of people had finally disappeared, I had presumably ^{found} ^{my} way back
to the damp caves where they slept dozed between murder
trials, Max nodded at me and then ^{perked his head in the direction of} hurried
his way. That Max would ^{leave at this point} leave the lieutenant unattended
I took as the best omen ^{so far} of the trial. A lawyer ^{in the midst of his} trying a case
is like a deceived husband; he is frequently the last
person to suspect the true state of affairs. By his
willingness to let the Lt. find his way back to the jail
unattended, Max was telling me that, in his opinion at least,
my man was ^{still} not in too great danger. And I had developed
a wholesome respect for the opinion of Maxwell Battersfore on
the psychology and temper of the crowd. After all, the man
spent his waking hours studying it. I said nothing of this to the Manini.

"I've got bad news for you, Counsellor," the Lt. said.

"Good news, bad news, news around the town," I sang.

"What now, Herr Lt.?"

"Laura picked up the mail today and then forgot
to give me a letter from the Army."

"Don't tell me they've sent our psychiatrist to
Formoso to re-leash his ~~knives~~?"

"No, not quite that bad. The Army just wrote me
~~that~~ they are holding up my pay until this case is over. I'm
sorry, I'd figured on making another payment on ^{your} ~~our~~ fee."

A lawyer in the midst of trying his case is also
like a ^{amiable} spendthrift running amuck at Las Vegas: money is the
farthest thing from his thoughts. "Don't worry about it,
Lieutenant," I said airily. "How did you like that job
I took at our little friend Dancer?"

Laura reached over and impulsively touched my
arm. "Win or lose, Paul, will never forget you."

The talk was veering a little on the moist side
and I gave the Manini some last minute thoughts that
had occurred to me during the days take, and we separated,

Laura accompanying her husband out through the main courtroom door toward the jail, and I taking my usual route through the judge's chambers.

Judge Weaver was sitting alone at his desk, reading a Michigan ^{law} report, with a stack of opened and unopened reports lying around him. He looked up. "Well, another day, another dollar," he said pleasantly.

"You're a real bearcat for work, Judge," I said.

"Oh, I don't know. I guess I'm as lazy as the next man. But when counsel load me up with such brain-cracking instructions as you have, a man can't help but work. You didn't throw these together over night."

"No, Judge," I said, feeling like a monstrous heel that I couldn't tell him that most of the work was Parnell's. "I hope you're finding food for thought."

The Judge lay both of his ^{big} hands palms down in front of him on his desk. He ^{turned and glanced} ~~looked~~ thoughtfully out the window. "In no sense am I passing on the ^{draft} instructions you've ^{ultimately} given me. They may or may not ^{ultimately} be given, in whole or in part." He looked at me. "But you've obviously worked ^{and thought} so hard over these instructions that it is only a plain act of Christian charity to tell you ^{that} so far they are checking out beautifully. Your authorities sustain what you cite them for, no more and no less. They are in fact among the best instructions I've ever seen." He smiled. "Now let's talk about something else. Sit down and ^{ignite} ~~light~~ one of those Roman candles -- they can't all be duds."

"Thank you, Judge," I murmured embarrassedly, doubly embarrassed because I could not give good old Parnell his ~~share~~ due. "That is pretty generous of you -- a man gets pretty lonely ^{and uncertain} during a trial like this. ^{It's} ~~It's~~ like nightmare and ecstasy combined."

The Judge pushed his book away and stuffed his bear pipe. I sat with one leg over the arm of my chair and stared out at the lovely lake.

"I have a confession to make to you, young man,"

the Judge went on, his pipe lit. "I am a fan of murder trials, just as bad in my way as those poor painted women out there who are jamming our court. I am endlessly fascinated by the drama of a murder trial, of the defendant fighting ^{so magnificently} for his freedom -- his is the drama of understatement, of the opposing counsel flamboyantly fighting for victory, for reputation, for more clients, for political advancement, for God knows what, of the jury swaying this way and that, ^{yes} of the judge himself trying to procure a measure of decorum."

"Yes, Judge," I agreed, ^{sobriety.} "No play in the world is quite like it. In this kind ^{of drama} the actors may be figuratively shot if they fail."

"I've ~~been~~ ^{murder} presided at ~~the~~ trials of ~~murder~~ ^{murder} cases now all over the state. I look for the assignments. Downstate the other judges call me 'First Degree' Weaver." The Judge paused. "And for all my concern over and reverence for the law, I sometimes suspect that the average murder jury decides its cases regardless of the law." He smiled and shrugged. "That's quite an admission from an old book-worm like me. But I can't help but ~~obviously~~ suspecting that you're a student of the same theory yourself."

"Pretty much, Judge," I said. ^{and} "I guess that men will never devise a perfect system of determining their ^{for all its imperfections} clashes with each other and society. At least ours is a sort of rough democracy in action -- the result is not preordained as in Russia."

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

"That's very beautiful, Judge," I said. "You said that beautifully."

The Judge laughed and knocked out his pipe. "I may

have said it beautifully, young man, but Hazlitt wrote it. You better read him if you haven't; he was afflicted terribly with brains.

There was a clatter at the outside mahogany door, which opened and introduced a mop handle and a steaming pail of water, and finally, ~~was~~ Smoky Madigan.

"Sorry, gentlemen," Smoky apologized, backing out. "I figgered the coast was clear." The ^{heavy} door clicked closed.

and nodded at the closed door. "He feris me, in fact. I arose and crushed out my cigar. "Judge," I said slowly. "I like your man Hazlitt's sentiments." I

paused. *If I were still prosecutor of this county I'd have ^{dropped that breaking and entering case and} charged that poor bastard with simple larceny and ^{recommended} given him a short rest cure over with the Sheriff's crew

the alley,

where he'd be happy and do some good, not ^{feasting} down at the branch prison among a lot of pros. If that man is a criminal, ^{then} my name is ~~Henry~~ ^{Henry} Hazlitt."

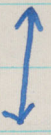
"The Judge smiled. "The court is always sensitive to ^{the} ~~to~~ views of ^{the} counsel, who are after all officers of the court. We will see, young man, we will see."

"Thank you, Judge, and goodnight. It was pleasant to chat with you. And happy law-looking."

The Judge looked up from his book, to which he had already returned, and smiled absently. "Very pleasant, Mr. Beglar, very pleasant."

I clattered down the acres of marble stairs feeling ^{expansive and very} very virtuous, like a boy scout who had ^{just} thrown a rope to a drowning Smoky Madigan. Or had ~~Smoky~~ Hazlitt ~~flung~~ it from the rope, ^{instead} been flung from the distant grave of a thoughtful Englishman, ^{who had written} called Henry Hazlitt? "Man is the only animal that laughs and weeps."?

1st.
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Parrell was not in the car nor anywhere ^{around.} in the vicinity. I looked in the car to see if he had left his briefcase. There was no briefcase but ^{I found a handwritten} scribbled note on my seat. "Dear Polly," it read. "I can't wait any longer. The old rabbit hound is off on a fresh scent. Don't worry. I'll see you sometime ^{late,} tomorrow if I'm lucky. And how do I ~~not~~ get around, young man, I've ^{paroled myself and} got me a driver's license and rented a car. You're going beautifully as I know you would. Watch out for ^{now don't worry.} Dander. Parn."

"Oh, Lord," I said, and I dashed into the jail and ^{this} into the empty sheriff's office and phoned Maida at her apartment.

"Maida," I said, "where ^{cryptic} in hell is Parrell? What is he up to?" ^{I read her the note and} explained his disappearance during the day and again now. Maida had not the foggiest notion where he was, honest cross her heart she ^{didn't}.

"Look ^{now}, young lady," I said. "You're lying by ^{your} grammar school clock. I can tell when you're lying. What're you two up to? What's this ^{slly} mysterious work he's been giving you?" "Come on -- talk damn it."

Maida got her 'dandruff' up, as Sven Kellstrom ^{would put} Sulo Kangas ^{might} ~~would~~ put it. "I won't tell ^{you, she snapped.}," I prompted not to. ~~He~~ He doesn't want you to ^{know or} worry. So don't ^{help} ~~act~~ me."

"But I am worried," I wailed. "He's a rich ^{a hundred-year-old mafioso who} overworked old man ^{that} hasn't driven a car in nearly ten years. And that was ^{all you did on the line?} Talk, damn it, or I'll fire you." ^{back by the rich heritage from Michigan}

"Fire me?" Maida cooed. "First, Buster, you'll have to pay me ^{or} I'll have Mitch on your neck."

That did it. ^{then} I swore ^{and then} Maida swore ^{then} and someone hung ^{up}.

"You O.K., Polly?" Sulo inquired anxiously as I emerged from Maida's office. "I'm dandy, Sulo," I said, smiling wanly. "I'm first perfectly dandy. Thanks for the use of the phone."

So I did the only sensible thing a ^{worried} man could do -- I stopped off at the Halfway Home for one tall drink, just one. ~~Get another~~

I'm in the phone

Insert

By midnight, I ^{hanging} had brought my way into
the combo, ~~where~~ that old hepcat Polley
Beagle was making crazy with the
drummers. "Lissin to dat ma-a-n...."

The Judge reached for a book. "Listen to this, I
~~read~~^{found} it the other day ~~out of~~ⁱⁿ Callaghan's ^{work on} Michigan
Procedure and practice. The editor who wrote it must
be part philosopher." ~~He~~ He flipped the pages ^{stopped} and
murmured 'd-d-d-d-d' till he found ^{exact} the place.
"Here it is. He ^{is} talking about ^{jury} criminal trials." The
Judge paused and cleared his throat and began
reading: Take A to A, paragraphing at X.

T
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111
9

Chapter 9

Parnell nodded at me and then got up and left for the car. I sat at our table and chatted with Laura and the Lieutenant for a spell while Max stood ^{in a 'they-shall-not-pass' attitude} alertly at attention at a respectable distance. When the crowd ^{of other attendees} of people had finally disappeared, ^{and} presumably ^{within} found their way back ^{to their beauty parlors and} the damp caves where they dozed between murder trials, Max nodded at me and then jerked his head in the direction of the jail and hurried on his way. ^{The show was over.... My} impulse was to let out an exultant whoop. That Max would ~~at~~ at this point leave the Lieutenant unattended I took as the best omen so far of the trial. ^{setting to appraise his case} A lawyer in the midst of ~~trying his case is~~ like a deceived husband: he is frequently the last person to suspect the true state of affairs. ^{By Max's} By his willingness to let the Lieutenant find his way back to the jail unattended, ^{he eloquently} Max was telling me that, in his opinion at least, my man was still not in too great danger. And I had developed a wholesome respect for the opinions of Maxwell Battisfore ^{matter of mob} on the psychology and temper of the crowd. ^{He was Mr. Demos itself.} After all, the man spent ^{all} all his waking hours studying it. I said nothing of this to the Manions.

"I've got bad news for you, Counsellor," the Lieutenant said.

"Good news, bad news, news around the town," I sang. ^{"How} "How Herr Lieutenant?" ^{What} "What now, Vas'is da noose, ya?"

"Laura picked up the mail ^{earlier} today and then forgot to give me a letter from the Army."

III
a

"Curses! Don't tell me they've ~~sent~~ ^{flown} our psychiatrist to Formosa to re-lease his nibbles?" ^{out} "our far-Eastern president?"

"No, not quite that bad. The Army just wrote me they are holding up my pay until this case is over. I'm sorry, I'd figured on making another payment on your fee."

A lawyer in the midst of trying his case is also ^{apt to be} like ~~a~~ ^{visiting} ~~amiable~~ ^{oilman} ~~spendthrift~~ ^{daft and} running amuck at Las Vegas: money is the farthest thing from this thoughts. "Don't worry about it, Lieutenant," I said airily. "How did you like that job I took at our little friend Dancer?"

"Yum," ^{the lieutenant said, and vaguely, and} Laura reached over and impulsively touched my arm. "Win or lose, Paul, we'll never forget you. ^{You're wonderful.}"

The talk was veering a little on the moist side and I gave the Manions some ^{suggestions} ~~last minute~~ thoughts that had occurred to me during the days take, and we separated, Laura accompanying her husband out through the main courtroom door toward the jail, and I taking my usual route through the Judge's chambers, ^{at} ^{half} ~~an~~ ^{unconscious} hangover from my days as D.C.

Judge Weaver was sitting alone at his desk, reading a Michigan law report, with a ^{thick wedge of requested} stack of opened and unopened reports lying around him. ^{The} ^{manila} ~~folder~~ ^{contained all instructions lay at his elbow.} He looked up. "Well, another day, another dollar," he said pleasantly.

"You're a real bearcat for work, Judge," I said. "When do you eat?" ^{The Judge smiled.}

"Oh, I don't know. I guess I'm as lazy as the next man. But when counsel load me up with such brain-cracking instructions as ^{you've given me, a} you have, a man can't help but work. ^{It looks like I'll be burning the} ^{midnight oil.} You didn't throw these together over night."

"No, Judge," I said, feeling like a monstrous heel that I couldn't tell him that most of the work was Parnell's. "I hope you're finding ^{some} food for thought."

"He put the manila folder."

III
9

At that moment

hunchedly

about to deliver ^{one of his} ~~any~~ after-dinner lectures on the beauties of moderation and helping early hours. The Judge

The Judge lay both of his big hands palms down in front of him on his desk. ^{he reminded me of my father, Oliver,} He turned and glanced thoughtfully out the window. "In no sense am I passing on the draft instructions you have given me. They may or may not ultimately be given, in whole or in part." He looked at me. "But you've obviously worked and thought so hard over the st instructions that it is only ^{an} act of ^{plain} Christian charity to tell you that so far they are checking out beautifully. Your authorities ^{do what they should: they} sustain what you cite them for, no more and no less. ^{so far} They are ~~in fact~~ among the best instructions I've ever seen." He smiled. "Now let's talk about something else. Sit down and ^{light} ~~ignite~~ one of ^{your} ~~those~~ Roman candles--they can't all be duds."

"Thank you, Judge," I murmured embarrassedly, doubly embarrassed because I could not give good old Parnell his due. "That is generous of you--a man gets pretty lonely and uncertain during a trial like this. It--it's like nightmare and ecstasy ^{stirred up together} combined."

The Judge pushed his book away and stuffed his briar pipe. I sat with one leg over the arm of my chair and stared out at the lovely lake ^{empty} and longed ^{to be there, floating along with a plane and case of beer.}

"I have a confession to make to you, young man," the Judge went on, his pipe lit. "I am a fan of murder trials, just as bad in my way as those ^{hordes of} poor painted women out there who are jamming our ^{scissors.} court. I am endlessly fascinated by the drama of a murder trial, of the defendant fighting so inarticulately for his freedom--his is the drama of understatement-- of the opposing counsel ^{flamboyantly} fighting for victory, for reputation, for more clients, for political advancement, for God knows what ^{of the} jury swaying this way and that, yes, of the judge himself trying to ^{guess right and} preserve a measure of decorum."

III
9

¶ The Judge closed his book and pushed it away.

"Yes, Judge," I agreed soberly. "No play in the world is quite like it. In this kind of drama the actors may be figuratively shot if they fail."

→ Take Insert A

"I've presided at murder trials now all over the state," I look for the assignments. Downstate the other judges call me 'First Degree' Weaver. ^{Most judges duck 'em. near my bailiwick} "I look for ^{the judge went on.} ^{he} ^{actually} ^{dedicated}

¶ The Judge paused. "And for all my concern ~~over~~ and reverence for the law, I sometimes ^{carefully} suspect that the average murder jury ^{really} decides its cases regardless of the law." He smiled and shrugged. "That's quite an admission from ^a ^{sombre} ^{dedicated} old

bookworm like me. But I can't help but suspect that you're a student of the same theory yourself ^{and also of} ^{the psychology of the jury.}

"Pretty much, Judge," I said. ^{"I've never stopped to figure it out, I guess. But} "And I guess that men will never

devise a perfect system of determining their clashes with each other and society. At least ours, ^{system, (absolutism and) achieves} for all its imperfections, ^{at least} a sort of rough

democracy in action--the result is not preordained as in Russia. ^{some places.}

¶ "Ah, yes," the Judge said. "Yet we grope for perfection." ¶ "like a dog bawling at the moon," I said.

¶ "Man is the only animal that laughs and weeps," the Judge said, "for

he is the only animal that is struck by the difference between what ~~they~~ ^{things} are and what they ought to be."

"That's ^{a powerful observation.} ^{very} beautiful, Judge," I said. "You said that beautifully."

¶ The Judge laughed and knocked out his pipe. "I may have said it

beautifully, young man, but Hazlitt ^{happens to have written it.} wrote it. You better read him if you

haven't; he was afflicted terribly with brains. ^{character and two I've observed} ^{the run of men} ^{are in not notable.} ^{Commodities for which} ^{humanity}

There was a clatter at the outside mahogany door, which opened to introducing ^{large} a mop handle and a steaming pail of water, and finally, Smoky Madigan.

III
9

bowing and noisily

"Sorry, gennemen," Smoky apologized, backing out. "I figgered the coast was clear." The heavy door clicked closed.

I arose and crushed out my cigar. "Judge," I said slowly. "I like your man Hazlitt's sentiments." I paused and nodded at the closed door. "He ~~fires me~~, in fact. ~~I~~ I were still prosecutor of this county I'd have dismissed that breaking and entering case ~~and charged that poor bastard with simple larceny and recommended a short rest cure over with the Sheriff across the alley, where he'd be happy and do some good, not festering down at the branch prison among a lot of pros. If that man is a criminal then my name is Henry Hazlitt."~~ *and instead charged him against that poor*

I hurried to tell Parnell the complaint the judge had paid his instructions.

The Judge smiled. "The court is always sensitive to the views of counsel, who are after all officers of the court. We will see, young man, we will see."

"Thank you, Judge, and goodnight. It was pleasant to chat with you. And happy law-looking."

The Judge looked up from his book to which he had already returned, and ~~smiled~~ *smiling* absently. "Most pleasant, Mr. Biegler, ~~most~~ *most* pleasant." *Good day, sir.* "I clattered down the acres of ~~marble~~ *soiled* stairs ~~feeling~~ *I felt* very expansive and virtuous, like a boy scout who had just thrown a rope to a drowning Smoky Madigan. Or had the rope instead been flung from the distant grave of a thoughtful Englishman who had once written 'Man is the only animal that laughs and weeps.'?"



1st
Feb 23, '56

Chapter 10.

Court commenced and I observed that something had been added to Mitch's table — a tall, ^{dark,} slight, spare man with a drooping old-fashioned black mustache that made him look like ^a sketch ^{I had seen} of Robert Louis Stevenson. When the jury had ^{the jury} been brought in and ^{that frequent pre-union} ~~quit~~ had fallen ^{upon the compromise,} and the judge was just ready to ^{would} ~~send~~ ^{to} Mitch ^{to} ~~express~~ ^{to} ~~his~~ ^{to} ~~hostilities,~~ I arose and addressed the court.

"Your Honor," I said, "we observe" the defense observes that a third person had been added to the prosecution table, and we wonder if the court shares with us our ^{mild} curiosity over his identity and purpose."

The four ~~blue~~ pairs of eyes of the equally curious jurists bored into the new arrival, who sat back returned their stare with an aloof, faintly disdainful and sort of nostrilly T. S. Eliot ~~foot~~ look. The judge nodded at ^{the} ~~table~~.

"Your Honor," ^{Claude Danen} ~~Mitch~~ said, rising, "the gentleman at our table is Dr. W. Cudlip Gregory, the People's psychiatrist in this case. We were about to identify him and ask the court's permission that he sit at the ~~the~~ ^{prosecution's} table for ~~better~~ observation as an observer when defense counsel felt obliged to jump the gun. We now make the identification and request."

"Mr. Bugler?" the judge said, with a ^{sort of} heavy here-we-go-again sigh.

"The defense regrets boundlessly its bad taste and peasant curiosity in wondering ~~who~~ this gentlemen might be, but nevertheless inquires what it is the People want him to observe."

"Mr. Danen?"

"The defendant, of course," ^{snapped.} Claude Danen ^{snapped.} ~~snapped.~~
twearily: "Mr. Bugler?"

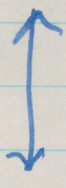
"In that event, Your Honor, the defense has no objection. In fact I shall move my chair back so that the doctor can get a good look. And we express our relief that the new recruit is not additional legal reinforcements."

Donna: (Join onto previous) ^{gazed} "The ^{People's} request is granted," the Judge said drily. He ~~looked~~ ^{gazed} out over the ^{heads of the} hushed crowd at the ^{far} courtroom door.

"Now that you gentlemen have had your ^{break} morning sitting-up exercises, may we ^{dare} ~~push~~ ^{get on} with the trial?"

¶ Mitch and I ^{peeped} to our feet. → "The People are ready," Mitch said.

→ "The defense is ready," I said, echoed.



¶ Or would you prefer the court to give you a verbal rub-down?"

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P.M.

Mitch called Ditlef Pederson's wife and her pretty blond sister, and their testimony was substantially the same as that of Ditlef Pederson. When I had done cross-examining ^{them} Mitch ~~rose~~ got up and spoke to the court.

"Your Honor, there are seven other eye-witnesses endorsed on the information, ~~who~~ subpoenas for ^{which} ~~whom~~ have been issued and placed in the hands ^{of the Sheriff} for service. The Sheriff has informed me that he is unable to obtain service ^{on any of them} for the reason that the witnesses are beyond the confines of the state. For defense counsel's information I may add that three of them were soldiers temporarily stationed near Thunder Bay and ^{permanently} now stationed in Georgia, and the other four are tourists who live out of the state. Mitch then called out the names of the seven missing witnesses.

"Mr. Bigler, the Judge said, what do you say?"

"The defense inquires ^{of the People whether these witnesses were} interviewed ^{before they left} and, if so, whether their testimony would be largely cumulative?" I said.

"All seven witnesses ^{we represent on the record that} they were interviewed and their testimony would be largely cumulative," Mitch said.

^{I knew} I knew that Iri that went ^{that the court could} and doubtless would expense the People ^{from the necessity of producing these about} for ^{that} ^{ever} ^{done.} ^{now} ^{named} ^{seven} that in any case all the prosecution had to do was to make an honest effort to get ^{the witnesses} ^{them}, which they apparently had. A little graciousness appeared to be in order. "In that case, Your Honor," I said, "The defense waives the production of these ^{named} ^{seven} seven witnesses and further waives any cross-examination of them. We do this because of our confidence that the prosecuting attorney would not misstate me ^{these were being heard long, been} further because it must ^{be} evident to all concerned ^{here} ^{not now nor has} ^{whatsoever} that there is ^{indeed} no dispute that the defendant, Frederic Manson, did ^{indeed} cause the death of Barney Quill by shooting ^{him with a pistol.}"

"Very well, gentlemen," the Judge said. "Call your next witness, Mr. Prosecutor."

Claude D

Mitch ~~rose~~ "The People will call Alphonse Paquette," Mitch said, and Clove Pederson ^{argued and administered} gave the witness his truth

"I rushed out the door after him."

"Were you able to identify him outside?"

"I was. He turned and faced me and ^I recognized him from the lights ^{coming} from the lower bar."

"Who was the man who faced you?"

"Lieutenant Mamin."

Mitch turned ^{around} and looked at Claude Dancer and again I saw the little tit-tle nod. "Your witness, Mr. Deigler," Mitch said.

I sat there stunned for a moment. Here was ~~the~~ one of the few ^{People's} witnesses who possessed ^{vital} information -- 'Do you want some, too, Buster?' -- ~~that would~~ ^{to} help ^{the prosecution} ^{down} our ^{victim's} defense. They ^{had} led this witness up to the portal of that damaging information and then quit and turned him over to me. What in hell was cooking?

"Reviewing my notes," I ^{hid} ^{gently} murmured to the Judge, who nodded that I could have ^{more} time. I stared sightlessly at my notes.

If Mitch had ^{been} ~~gone~~ ^{been} trying the case alone I would not have smelled so strong a rat, but with little ^{wouldn't} Dancer in there.... But what was the rat? ^{Wig!} Ah, I had ^{it} ^{now}.... Dancer was ^{not} ^{boiling} to catch me with my pants down. If they let me blunder ahead with this witness ^{then} I, the defense, would ^{doubtless myself} bring out the damaging word, ~~then~~ that way I would not only look like ~~a blundering~~ ^{more important} ^{insist} fool, but it would ^{lead} the bartender's testimony ^{with} more weight. ~~This was~~ ^{is} ~~not~~ ^{is} a witness, the jury could say, who was boiling ~~over~~ ^{ready} and anxious to spice anything ^{he knew} that might hurt the Lieutenant; ^{see} the defense itself had to drag it out of him. And then if I still ^{escaped} ^{the trap} failed to ask the magic question, the People could still bring it out on re-direct.

I arose and walked toward the witness. "Did you speak to the Lieutenant when you 'rushed out the door after him,' as you have ^{just} described it?"

"Yes, I saw 'Lieutenant Mamin.'"

"I see, and this was the ^{same} man you just testified you weren't sure you recognized?" "Well, yes."

Barney's hair that I suspected had been plastered with goose grease, and plastered hair, said 'I do' and took the witness chair stand.

"You may sit down," the judge said.

"Thank you, Your Honor," the witness said.

"State your name, please," Mitch said.

"Alphonse Paquette" ¶ "Where do you live?"

¶ "Thunder Bay, Mich." ¶ "Where do you work?" ¶ "At the Thunder Bay Inn." ¶ "In what capacity?" ¶ "Bartender in the ^{Lake Superior} cocktail lounge and bar." ¶ "Were you on duty the night of Friday, August 15th and Saturday the early hours of Saturday, August 16th this year?" ¶ "I was." ¶ "Did you know ^{the friend} Barney Quill during his lifetime?" ¶ "I did." ¶ "How long?" ¶ "About a year and a half -- he was my boss, I worked for him that long."

Did you know the defendant Frederic Mammie prior to that night? I did. ¶ How long? ¶ Approximately two weeks; he was an occasional patron at our bar. ¶ Can you identify, in this courtroom the man you know as Lt. Mammie? ¶ ^{again} I prodded the Lt., who ^{shot up} stood straight as a ramrod. ¶ I can ¶ Will you do so?

¶ That gentleman in the Army uniform standing next to his lawyer, Paul Bejden.

"Were you in the bar when the shooting occurred?"

"I was."

"Whereabouts?" ¶ "I was standing near the table of the the Pedlerins who just testified here."

"Did you see the actual shooting?" ¶ "No." ¶ Did you hear it? ¶ "Yes, sir -- I heard six ^{shots} ~~shots~~ fired. After about the second I looked over and saw a man in an Army fatigue jacket bending down over the bar. ¶ Then what. ¶ Well, then this man raised up and turned and walked out the door near where I stood. ¶ Did you recognize him, then? ¶ "I wasn't sure." This was, I felt, arrant hogwash; a dozen casual patrons had recognized the Lt. but the 'wopout' hadn't, the lying bastard.

"What did you do then?" ¶ ^{interrupted} (Here comes the 'Do you want some, too, Buster?' part, I thought.)

A little plug was always gone.

"The ~~barroom~~ ^{from the barroom} lights weren't helping you when you called him by name, were they?"

"Well, I guessed it was him." ^{My question was:} "Were the lights helping you?"

"I see. ^{How} A dozen - odd casual patrons in the bar clearly recognized the Lt. ^{but} you, who had been standing by the door when he entered ^{when he} and left, had to guess his identity?"

"That's right."

'The lying bastard,' I thought. "What if anything, did the Lt. do when you spoke his name?"

"He whirled around." "And then you were able to confirm your guess as to who he was?" "Yes, sir."

"Did the Lt. say anything?" "Yes."

I glanced over at Claude Dancer, who was staring up at the ceiling, doubtless with gloo-crossed-fingers. "Will you ^{please} tell Mr. Paquette, tell me what he said?"

"He said, 'Do you want some, too, Buster?'"

"Ah, and was he pointing his gun at you?"

"I believe he was."

I glanced around and Mitch and his assistants had their heads together in long consultation. "Now Mr. Paquette," I said. "I assume you have told your story of the incidents of that night to the police, have you not?"

"Yes." "And Prosecutor Lodwick?" "Yes."

"And his helper, Claude Dancer?" "Yes."

"And you told all of them, did you not, what you have just told me, namely, that the Lt. whirled around and said, 'Do you want some, too, Buster?'"

"Objection!" the Dancer rolled out. "The defense is trying to infer that the prosecution is trying to conceal something. The reason we did not want to bring it out was that it might ^{create} error, being ^{possible} evidence of ^{the commission} another criminal offense by the defendant."

I turned and stared at Claude Dancer.

"The defendant is touched by your solicitude for his welfare," ^{Mr. Dancer,} I said. "This little mess would have moved

mountains to have brought it out if I hadn't."

"Tut, tut, gentlemen," the judge reproved us. "I will take the answer."

"Yes, I told all of them."

"And when ^{did} you tell Mr. Dancer?"

"Last night and again this morning."

"And did he or anyone ever warn you not to tell about this Buster business because it might be error or ^{hurt} ~~offend~~ the Lieutenant's ^{best} interests?"

"No, that was not mentioned."

I glanced at my juror and noted that he was following the ball. "Now, Mr. Paquette," I said, "you knew the deceased quite intimately, did you not?"

"Yes." ¶ "And did you consider yourself to some extent his confidante?" ¶ "Well, yes."

"Would it be fair to say that you were as intimate with him as any of his male acquaintances?"

Thoughtfully: "Well, yes."

"And were you able to tell when he was drinking heavily or not?"

"I object," Claude Dancer said. "There is nothing in this case involving drinking, and ^{had} ~~if~~ the deceased ~~had~~ been dead drunk it ^{still} would be no defense to this charge. I see no connection, Your Honor."

"You will, Mr. Dancer, you will," I said.

"I think ^{possibly} the objection may be well taken," the judge said, "but I will let the witness answer the question."

¶ I nodded at the witness. "I do not believe he was drinking heavily that night," the witness answered.

"I did not ask you if he was drinking heavily that night, Mr. Paquette," I said. "I asked you whether you were able to tell when he was drinking heavily."

"Yes."

It had to be faced:

"And was he ^{drinking heavily} that night?"

"No."

"Or that day?" & "No."

"And how much did he drink when he was drinking heavily?"

"Oh, possibly eight or ten double shots a day."

"And how much is a double shot?"

& "Two ounces." "So that on a day when Barney was in form he was drinking from ~~the~~ sixteen to twenty ounces of whiskey a day?"

"Oh yes. Eight double shots was not heavy drinking for Barney."

"And how many ounces are there in a fifth?"

"About twenty - nine."

"And on a good day could he drink that and not to noticeably show it -- to the world I mean?"

"I object. The witness has said flatly that the deceased was not drinking heavily that day, which is the day that concerns us, and anyway, I don't see any relevancy or connection."

"Well, you're pushing this pretty far, Mr. Biegler, but we're in ~~it~~ it so I'll take the answer."

"Yes."

"So that Barney could stand quite a charge of drinks?" & "Correct."

"And the average person, not well acquainted with Barney, might not realize the cargo of whiskey he was carrying?"

"Yes."

"By 'yes' do you mean that the average person would not realize?"

"Yes, the average person would not."

"But you would?"

"Yes."

"Now I ask you whether from your intimacies with the deceased you know whether he was an expert pistol shot?"

"Objection. There is no self-defense in this case. All the evidence points to the fact that the defendant was unquestionably the aggressor. It is immaterial and irrelevant."

"Mr. Bieler?" the judge said.

~~"We believe it is material and relevant, and there is already evidence in this case, that the deceased was an expert pistol shot. We will make a connection."~~

to get
I was in a dilemma. I certainly knew why I wanted in the ^{expert} pistol business, ^{Heaven knows} and, since the judge had ^{all my} instructions, he certainly knew. And the Dancer was shriveled enough to sense that I was up to no good, so he was objecting and, in all ^{conscience} ^{honesty}, I had to admit to myself that it was probably good. I would have asked the judge to recess the jury and ^{have} argued out ^{all} my ^{pet} theories in front of God and the world, but I was not ^{ready} to ^{show} my hand to the Dancer, ^{and then give him a map of my strategy.} Also ^{my} ^{conny} sense of drama ^{rebelled} at ^{such} ^{an} ^{open} reaction. I rebelled at throwing my best curves at this time. ^{But I couldn't have my cake and eat it, too.} I would have to be patient, and being patient with Mr. Dancer ^{was} ^{an} ^{exercise} in self-discipline I did not relish.

Moving Dayette,

"We believe it may be material, Your Honor," and the several of the People's witnesses have already indicated -- the Pedersons, I believe -- that the deceased was such an expert. We believe it has ^a connection with certain important issues in this case. However, we will ^{of course} abide by the court's ruling. "It was a ^{reluctant} retreat from a bad situation."

"I believe that I must sustain the objection," the judge said slowly. "Until proper ^{issues} are raised, I don't think I can permit this line of questions. ^{When} ^{whatever} ^{issues} you ^{may} have in mind should ^{be} properly raised here I will allow both sides to go sled length. That is ^{the court's} ruling."

The judge ^{in the meantime} and approval of Claude Dancer beamed his satisfaction ^{with} such an erudite judge. ^{Good} Paul Bieler had face to save. "Your Honor," ^{I said,} "may it be understood, then, that the defense can resume cross-examination ^{of this witness} until these proper

issues should be raised?"

"It may be ^{so} understood, and I so rule. This witness ^{indeed} and all witnesses are under subpoena. I will not excuse them and they may not leave the jurisdiction of this court. If and when the proper issues are raised here to ~~see~~ warrant these and similar questions, both sides may have at them to their hearts' content."

"Very well, Your Honor. With that understanding we have no further questions ^{at this time.} Well, the blow had fallen

"Any redirect?" the Court judge inquired.

¶ Claude Dancer thought ^{himself}. "No, Your Honor," Claude Dancer ^{he} said. "No further questions." ~~And~~

¶ "There is one more thing, Your Honor," I said. (There was a ^{morning} little ^{speech} something I had been ^{morning} saving ^{spring} for such an occasion as this.) "I think the time has come for the defense to object to the objections and ^{objectional} examining tactics ^{People's} ~~forfeitures~~ of the People. For example, this ^{People's} witness started out being examined by the ~~the~~ prosecuting attorney, Mr. Ludwig. Then I take over and Mr. Ludwig ^{hastily} returns ^{to the showen} and Mr.

^{first} Assistant Dancer ^{rolls} moves up his artillery of objections. Then, when it comes to re-direct, ^{the} Mr. Dancer ^{zealous} forgets ^{that} my pretense that this was over Mr. Ludwig's witness, ^{and he allows} he has no questions. ^{Mr. Ludwig's} Now I am quite willing to take on these two ^{legal grants} attorneys, any time, any place, but I think ⁱⁿ common fairness it should be ^{but} one ^{their} at a time. I don't want both of them ^{hurdle} pitching spots-balls at me ^{at the same time}.

¶ In its forlorn ^{underdog} path ^{it} was quite a ^{morning} little jury speech, and I was relieved to see that my ^{juror} ^{had} ^{spring} ^{was} ^{emerged} from his slump.

"Your objection is certainly well taken, Mr. Begley," the Judge said. "I have been waiting for you to raise it. In any case I will lay down a rule on that. Only one counsel will ^{be} ^{permitted} to ^{examine} one ^{again} witness. And in view of the number of witnesses in this case I will further rule that ~~only~~ that same counsel shall raise any objections to any questions asked that witness, until he is ~~blown~~. If ~~associate~~ I tugged at my necktie. "Mr. Sheriff, take ten minutes."

Mr. Dancer looks like the lawyer Mr. Dancer looks like the lawyer Mr. Dancer looks like the lawyer

2/27/56

Insert A

I paused. ~~Perhaps~~ and thought of what these ^{expression of} divisions
character had told Laura and the L. about Barney, about ^{his sympathy and} the
'wolf' business and all. Perhaps I had better get in to it ^{now,}
^{I thought,} but I would have to do so ablegitly; if I ^{came at him cold and} asked him straight
out he would ^{probably} simply deny it.

"Mr. Paquette, as a bartender what do you call
your cheaper brands of whiskey?"

Surprised: "Oh, pilem or cooking whiskey or rat
poison -- it's just a name."

"And your bonded bourbon?"

"Well, bonded bourbon or white - neck stuff."

He apparently still did not see the drift. "I see," said.

"Now what do you call a man who has an insatiable
pendant for women -- any and all women?"

"What's 'pendant', sir?"

"Desire, appetite, passion, hunger, my friend!"

His eyes flickered and I saw he'd got the
drift now. Carefully: "Why, a lady's man," I quere. He
glanced at the Judge. "Or maybe a damned fool." The
courtroom tittered and the Judge glared.

"Anything else?"

The Dancer was on his feet. "We don't see the drift of all this, Your Honor. I --"

"You mean, Mr. Dancer, you do see the drift," I broke in.

"Proceed, gentlemen, proceed," the Judge said sharply.

"Anything else, Mr. Paquette?" I said.

"Woman chaser," he ventured.

"Hum ... Pretty medieval. Pleasantry again."

"Masher."

"Come, now, Mr. Paquette -- mashers went out with corsets and hair nets, but you're getting warmer. Anything else?"

Studiously, thoughtfully. "No, sir, I guess I've run out of terms. I haven't had the educational advantages of you. The clever ^{little} bastard, I thought. "How about the expression 'wolf'?" Or perhaps you've led too sheltered a life to have heard that?"

"Naturally. It slipped my mind."

"Naturally, it would, Clanking around with all those rusty old mashers it would. Do you ever use the expression yourself?"

"Nat --" he began, but caught himself. "Of course I have. Everybody does."

"~~How~~ "What does it mean?"

"Well, I guess just about what you said."

"Have you used it lately?"

"I couldn't remember that any more than you could."

"Maybe I can refresh your recollection," I said. "Do you remember driving Mrs. Manson to Iron Day the Sunday after the shooting?" The witness craned around to look at Mr. Dancer. "You needn't look at Mr. Dancer," I said. "I don't believe he was hunting in the U. P. at that time."

Dancer leapt to his feet. "Let the witness answer," he shouted hotly. "Don't try to pretend he's ^{being} evasive."

"I wouldn't need to half try," I said.

The Judge, wearily: "I suggest both of you gentlemen invoke silence and let the witness answer."

"Yes, I remember."

Paquette X

What do you call your cheaper
brands of whiskey? (I could not come at
Linn's cold; hid out, deny it; I had to

Apprentice in Chicago

Surprised: Pileum or cooking w. It's
just a name.

And your ^{banded} bourbon?

"White-rest stuff."

"I see. Now what do you call a man
who has an uncontrollable penchant for
~~clams~~ ^{any and} women - all women."

"What's 'penchant'?"

"Here,
"Passion, hunger, my friend."

He was aware now; he'd got the drift.

"Why, I guess a lady's man." He glanced at
the judge. "Or ^{else} a damn fool." The courtroom tittered
the judge glared.
"Anything else?"

Dancer was on his feet. "I don't see
the drift ^{at all} of this, Your Honor. I --"

"You will, you will."

"Proud." (over)

"Anything else?" I repeated.
"Woman chaser." Anything else.

"Masher," the actress mentioned,

corsets and
"That went out with hair-nets, but
you're getting warmer. Anything else?"

He grew ^{student's} thoughtful. "No, I guess not," ^{Mr. B.}

"I see," I said. "How about woffi?"

Did you ever hear that expression before?"

"Naturally. It'd slipped my mind."

"Naturally, ^{it was in} amongst all the ^{se rusty} old
mashers, it would. Do you ever use the
expression to describe yourself?"

"Nat-- Of course, I do. Everybody does."

"What does it mean?" "I" Will, about what you
said."

Have used it lately?"

"I couldn't remember ^{that} any more than
you could."

"Maybe I can help," I said. "Do
you remember driving I. M. to San Bay, etc."

2/26/56.

Insurance Doctor

"Dr. Malcolm Brown," I said.

Dr. Brown, a country doctor of the ^{disappearing} old school, hurried up to the stand in a ^{impatient} hurry of a ^{sidewise} lope. He was a large, ^{sandy} craggy cliff of a man, ^{appearing} almost defiantly antichly, ~~looking~~ and a stethoscope protruded ^{ominously} from his ^{wrinkled} coat pocket as though he were bent upon ^{probing} ~~thumping~~ the judge. ^{the two giants} I reflected that ^{it would have made a good} ^{match}

"I certainly do, young man," ^{the doctor} boomed in answer to Clovis' oath, ^{he} ^{sat} ^{down} ^{and} ^{quarrel} ^{and} ^{face} ^{gone}. I briefly qualified him ⁱⁿ ^{the} ^{county}. ^{Doc} ^{or} ^{Red} Brown, ^{the} ^{town} ^{of} ^{harness} ^{racing}, Scotch whiskey and ^{quite} newy-born babies (though I am not ^{sure} of the order).

"Doctor," I said, "did ^{the} ^{letter} ^{part} ^{of} you have occasion during July of this year to give a physical examination to Barney Quill in connection with his application for ^a ^{policy} ^{of} ^{life} ^{insurance}?"

"I did," the doctor boomed, and I could feel the ^{lance} ^{panting} ^{on} ^{my} ^{neck}. "July 28th. in my office."

"And did you do so on behalf of ~~the~~ Mr. Quill or the insurance company?"

"The latter, young man, ^{and} ^{they} ^{paid} ^{me}, ^{too}."

"And what kind of a physical specimen did you find Mr. Quill to be?"

Results of
"Objections. Examination privileged, ^{the Dancer called the judge.} too remote. No showing
physical condition continued ^{unchanged} up to murder."

"Mr. Brugler?" the judge said.

"The privilege would be personal to the deceased or his ^{the investigation} fiduciary," ^{I said,} "and I am not aware that Mr. Dancer has ~~also~~
now ^{also} moved in on ^{the} estate," ^{Mr. Dancer's} "Furthermore, this examination was
made for the insurance company -- he was not ^{acting as} Barney's doctor."

As for remoteness, ^{and possible charge} that would be a question of fact for the jury;
also possible a proper ^{and} matter for rebuttal by the People. If Mr. Dancer wants

to show that ~~Barney~~ Barney Dault went into a ungenial decline
^{Dr. Raschid and the others}

since July 28th he can call ^{those who attended the autopsy to prove it --}
that, and by suppressing ^{all} the ^{People's exhibits of excellent} photographs showing ^{him on}
the slat. "I held up ^{and wanted so that the jury could see} the pictures of ^{Barney,}
the body beautiful even in death.

The judge

"The objection is overruled," the judge said, ^{unsuccessfully}
a smile. ^{rather} ^{suppressing} ^{but} ^{forward}

During this ^{exchange} ^{traverse} Dr. Brown has impatiently
drummed his fingers on the ^{margin} railing of the witness box. His
^{disappointed} look declared eloquently that of this ^{kind} ^{of} ^{traverse} ^{was} ^{nothing}
ⁱⁿ ^{fact} ^{was} ^{nothing} ^{but} ^{an} ^{act} ^{of} ^{impudence} ^{and} ^{disrespect}
constituted practicing law, ^{he} ^{gladly} sticks to his stethoscope ^{and} ^{stethoscope}

"You may answer me, Doctor," I said.

"Incredible," he murmured.

"Well, young man, I am a doctor of medicine ^{and}
and not of divinity. Whatever this man Dault's ^{they were} ^{lodged}
morals may or may not have been, ^{he} ^{possessed}
(over)

Following Mr. Dancer.

in the body of a ^{veritable} Greek god. ^{He was magnificent animal -- like a blooded stallion.} My further question?

It was ^{also} a good question. "No"

Thank you, Doctor. Your witness, Mr. Damon.

"No question," Claude Damon ^{glancing up sharply} rose from his table and glowering at Dr. Brown as he loped ^{past him, almost} as though it came to me in a dream, ^{as though he} didn't like ^{the} ^{good} man.

It was more of a challenge than a question.

Chapter 10

^{when} Court convened, ^{and} I observed that something had been added to Mitch's

table--a tall, dark, slight, spare man with a drooping old-fashioned ~~black~~ black mustache that made ^{me think of a concert pianist that had visited our town when I was a child. My mother Belle had thought he} ~~him look like a sketch I had once seen of Robert Louis Stevenson.~~ When the jury had been brought in and that pregnant pre-
^{hush} session ~~quiet~~ had fallen upon the courtroom--the time when the Judge would nod to Mitch to reopen hostilities--I arose ^{and} ~~addressed~~ ^{brushed my coated tongue} and addressed the court.

"Your Honor, " I said, "the defense observes ^{that} a third person has been added to the prosecution table, and we wonder if the court shares with us our ~~curiosity~~ ^{function.} curiosity over his identity and purpose."

The fourteen pairs of eyes of the equally curious jurors ^{looked} bored into the new arrival, who returned their stare with ^{the languid} an aloof, faintly disdainful ^{look of a} sort of ~~neutrally~~ ^{neutrally} T. S. Eliot ~~look.~~ The Judge nodded at Mitch's table.

"Your Honor, " Claude Dancer said, rising, "the gentleman at our table is Dr. ^{W.} Cudlip Gregory, the People's psychiatrist in this case. We were about to identify him and ask the court's permission that he sit at the prosecution's ^{be permitted to} table as an observer when defense counsel felt obliged to jump the gun. We now ^{respectfully} make the identification and request."

"Mr. Biegler?" the Judge said, with a sort of heavy here-we-go-again sigh.

"The defense regrets boundlessly its bad taste and peasant curiosity in wondering who ^{the} this gentleman might be," ^{I said with suave cantabulousness,} but nevertheless inquires what it is the People want him to observe ^{perhaps the view from Pompeii's Head?}

"Mr. Dancer?" ^{the Judge bit his lip to banish his smile.} "The defendant, of course," Claude Dancer snapped, ^{very} "as counsel ^{well} knows."

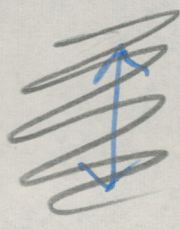
*tall willowy
bored handsome beyond words. All his 'handsome' men
looked like character drawn by Charles James Hinton...*

Wearily: ^{"Mister} ~~Mr.~~ ^{Diegler?} ~~the ball is back to you.~~ ^{generous}

"In that event, Your Honor, the defense has no objection. In fact I

shall move my chair back so that the doctor can get a good look. And we thank Mr. Dancer for his expression of confidence in our ~~clairvoyance~~ ^{clairvoyance}. We also express our relief that the new recruit is not additional legal reinforce-

for the People." Claude Dancer looked at me. ^{I wish not, as we feared, speculated,} ^{about} ^{had been} ^{wasted;} ^{I was} ^{would have made me a dead pigeon.} His look, alas, ^{was} ^{wasted;} I already felt like one. 'Lusin to dat ma-a-n....'



When having been incensed I had
thought that a mistake had
been made among psychiatrists.

III/0

¶ Of this little man ^{feels} ^{any yearning} ^{I thought,} ^{out} ^{he'd} ^{picked} ^{the} ^{wrong} ^{day.}

"The defense regrets boundlessly its bad taste and peasant curiosity in wondering who the gentleman might be," I said with suave cantankerousness, "but nevertheless inquires what it is the People want him to observe-- perhaps the view from Pompey's ~~st~~ head?"

The Judge ^{frowned and} bit his lip to banish his smile. "Mr. Dancer?"

"To observe the defendant, of course," Claude Dancer snapped, "as ^{is} ^{grand-standing} counsel very well knows."

¶ ^{Patients:} "Mr. ~~Mister~~ Biegler, ^{the} ball is back to you. ^{or should I say stiletto?"}

"In that event, Your Honor, the defense has no objection. In fact I shall move my chair back so that the doctor can get a good look. And we thank Mr. Dancer for his generous ^{but misguided} expression of confidence in our clairvoyance. We ^{must} also express our relief that the new recruit is not, as we ^{hastily} ^{rushed in from Lansing} ^{wretchedly} ^{speculated,} additional legal reinforcements for the People."

Claude Dancer looked at me. If looks could have killed I was a dead pigeon. His look, alas, had been wasted; I already felt like ^{whole} ^a ^{cote} ^{of} ^{iron.} ^{one.} 'Lissen to dat ma-a-n....'

"The People's request is granted," ^{sufficiently} the Judge said drily. He gazed out over the heads of the hushed crowd at the far courtroom clock. "Now that you gentlemen have had your morning setting-up exercises, may we dare get on with the ^{and stirred up your bile,} trial? Or would you prefer the court to administer a verbal rub-down?"

Mitch and I popped to our feet. ^{hostility} "The People are ready," Mitch said. "The defense is ready," I echoed, ^{of combat} and another day ^{was} underway.

* * *

III
10

"He whirled around."

"And then you were able to confirm your ^{shrewd} guess as to who he was?"

"Yes, sir." ^{svi.}

The stage was now set. I pressed on.
^ "Did the Lieutenant say anything?"

"Yes."

I glanced over at Claude Dancer, who was staring up at the ceiling, doubtless with glee-crossed-fingers. "Will you please, Mr. Paquette, tell us what he said?"

"He said, 'Do you want some, too, Buster?'"

"Ah, and was he pointing his gun at you?"

"I believe he was."

"His empty gun?" # "I wouldn't know."

I glanced around and Mitch and his assistant had their heads together ^{smiling and} is busy consultation. "Now Mr. Paquette," I said. "I assume ^{of course} you have told your story of the incidents of that night to the police, have you not?"

"Yes."

"And ^{to} Prosecutor Lodwick?"

"Yes."

"And ^{to} his helper, Claude Dancer?"

"Yes."

"And you told all of them, did you not, what you have just told me, namely, that the Lieutenant wheeled around and said, 'Do you want some, too, Buster?'"

"Objection!" the Dancer rolled out. "The defense is trying to infer that the prosecution is trying to conceal something. The reason we did not

"You had all the People's witnesses who testified that the f. kept checking his empty gun at Barney, didn't you."
"Well yes, but I didn't know then that it wasn't

Lodwick. "Oh, the clever lying bastard."

III
10

INSERT A

I glanced at my juror and noted that he was following this intricate waltz.

I paused and thought of what this devious character had told Laura and the Lieutenant about Barney, about his expression of sympathy and the 'wolf' business and all. Perhaps I had better get in to ~~it~~ ^{that} now, I thought, but I would have to do so obliquely; if I came at him cold and asked him straight out he would probably simply deny ~~it~~ ^{the whole thing.}

"Mr. Paquette, as a bartender what do you call your cheaper brands of whiskey?"

Surprised: "Oh, pilerun or cooking ~~wisax~~ whiskey or rat poison-- it's just a name."

"And your bonded bourbon?"

"Well, bonded bourbon or white-vest stuff."

He apparently still did not see the drift. "I see," I said. "Now what do you call a man who has a insatiable penchant for women--any and all women?"

"What's 'penchant', sir?"

"Desire, appetite, passion, ^{taste,} hunger, my friend."

His eyes flickered and I ^{now} saw he'd got the drift, ^{now.} Carefully: "Why, a lady's man," I guess. He glanced at the Judge. "Or maybe a damned fool." The courtroom tittered and the Judge glared.

"Anything else?"

The Dancer was on his feet. "We don't see the drift of all this, Your Honer. I--"

"You mean, Mr. Dancer, you do see the drift, " I broke in.

"Proceed, gentlemen, proceed," the Judge said sharply.

"Anything else, Mr. Paquette?" I said.

"Woman chaser," he ventured.

(More Insert follows)

111
10

"Hm.... Pretty medieval. Please try again."

"Masher."

"Come, now, Mr. Paquette--mashers went out with corsets and hair nets, but you're getting warmer. Anything else?"

Studiously, thoughtfully. "No, sir, I guess I've run out of terms. I haven't had the educational advantages of you." The clever little bastard, I thought, "How about the expression 'wolf'?" I said. "Or perhaps you've led ^{or} too sheltered a life to have heard ^{of} that?"

"Naturally, ^{we heard it.} It slipped my mind."

"Naturally it would. Clanking around with all these rusty old mashers it would. Do you ever use the expression yourself."

"Nat---" he began, but caught himself. "Of course I have. Everybody does."

"What does it mean?"

"Well, I guess just about what you said."

"Have you used ^{the expression} it lately?"

"I couldn't remember that any more than you could."

"Maybe I can refresh your recollection," I said. "Do you remember driving Mrs. Manion to Iron Bay the Sunday after the shooting?" The witness craned around to look at ^{Claude} Mr. Dancer. "You needn't look at Mr. Dancer," I said "I don't believe he was hunting in the U.P. at that time."

Dancer leapt to his feet. "Let the witness answer," he shouted hotly.

"Don't try to pretend he's being evasive."

"I wouldn't need to half try," I said.

The Judge, ^{spoke} wearily, ^{we were warning him down.} "I suggest both of you gentlemen invoke ^{a little} silence and let the witness answer. ^{Proceed.}"

"Yes, I remember," ^{the witness answered.}

I decided suddenly to run away from all this and let the witness sizzle a little; a slow broil was sometimes good for the memory. Damn (Now, no I, and pick up, "Now, Mr. P., etc, you know the demand, etc")

III
10

want to bring it out was that it might create error ^{or a mistrial,} being possible evidence of the commission of another criminal offense by the defendant."

I turned and stared at Claude Dancer. "The defendant is touched by your solicitude for his welfare, Mr. Dancer," I said. This little man would have moved mountains to have brought it out if I hadn't.

"Tut, tut, gentlemen," the Judge reproved us. "I will take the answer."

"Yes, I told all of them ^{about it.}"

"And when did you tell Mr. Dancer?"

"Last night and again this morning."

"And did he or anyone ever warn you not to tell about this Buster business because it might be error or hurt the Lieutenant's best interest?"

^{I don't believe}
"No, that was ~~not~~ mentioned."

~~I glanced at my juror and noted that he was following the ball.~~ ^{TAKE INSERT A this intricate matter.} "Now

^{Q "now} Mr. Paquette," I said, "you knew the deceased quite intimately, did you not?"

"Yes."

"And did you consider yourself to some extent his confidante?"

"Yes."

"Would it be fair to say that you were ^{as} intimate with him as any of his male acquaintances?"

Thoughtfully: "Well, yes."

"And were you able to tell when he was drinking heavily or not?"

"I object," Claude Dancer said. "There is ~~nothing~~ in this case involving drinking, and ~~had the~~ deceased been dead drunk ~~it~~ ^(still would) be no defense to this charge. ~~I see~~ no connection, Your Honor."

^{He had an annoying little habit of phrasing his objections as though he were dictating a cablegram, a prepaid cablegram. He also possessed an annoying habit of coming up with some pretty shrewd objections.}

^{more annoying} ^{look at me and answer me at the presentation table.}

III
10

"You will, Mr. Dancer, you will," I said,

in my travail
recalling the famous Whittier - Willie file.

"I think possibly the objection may be well taken," the Judge said, "but I will let the witness answer the question."

I nodded at the witness. "I do not believe he was drinking heavily that night," the witness answered.

"^{Barnes} I did not ask you if ~~he~~ [^] was drinking heavily that night, Mr. Paquette," I said. "I asked you whether you were able to tell when he was drinking heavily."

"Yes."

It had to be faced: "And was he drinking heavily that night?"

"No." (*The lying bastard, I thought, varying the formula.*)

"Or that day?"

"No."

"And how much did he drink when he was drinking heavily?"

"Oh, possibly eight or ten double shots a day."

"And how much is a double shot?"

"Two ounces."

Q "And was that the standard dose for Barney?" "A" "St. Louis"

"So that ^{on} ~~in~~ a day when Barney was in ^{fair} ~~form~~ he was drinking from sixteen to twenty ounces of whiskey a day?"

"Oh yes. Eight double shots ^{was} ~~were~~ not heavy drinking for Barney."

"And how many ounces are there in a fifth?"

"About twenty-nine."

"and on a good day could he drink that ^{much} and not too noticeably show it--to the world I mean?"

"I object. The witness has said flatly that the deceased was not drinking heavily that day, which ~~is~~ the day that concerns us, and anyway I don't see any relevancy or connection."

omit

III
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"Well, you're pushing this pretty far, Mr. Biegler, ^{"the Judge said,"} but we're in it so I'll take the answer. *But the limit is near.*"

"Yes," *the witness said.*

"So that Barney could stand quite a charge of drinks?"

"Correct."

"And the average person, not well acquainted with Barney, might not realize the cargo of whiskey he was carrying?"

"Yes."

"By 'yes' do you mean that the average person would not so realize?"

"Yes, the average person would not."

"But you would?"

"Yes."

I decided to veer from this before I got slapped down.

"Now I ask you whether from your intimacy with the deceased you knew whether he was an expert pistol shot?"

"Objection. ~~There is~~ *no* self-defense in this case. All ~~the~~ evidence points to the fact that the defendant was unquestionably the aggressor.

~~It is~~ *immaterial* and irrelevant."

"Mr. Biegler?" the Judge said.

I was in a dilemma. I certainly knew why I wanted to get in ~~that~~ *the* expert pistol business, Heaven knows, and, since the Judge had all my *requests for* instructions, he certainly knew. And the Dancer was shrewd enough to sense that I was up to no good, so he was objecting and, in all candor, I had to admit *as of now, to this objection* to myself that, *it* was probably good. I could have asked the Judge to recess the jury and have argued out all my pet theories in

11

111
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front of ~~the~~ God and the Mining Gazette, but I was not ready to show my hand to the Dancer, and thus give him a ^{free} road map of my ^{for his roadblocks.} ~~future~~ strategy. Also my corny sense of drama rebelled at throwing my ^{away} best curves at this time. ^{I wanted to save my surprises for the jury.} But I couldn't have my cake and eat it, too. I would have to ^{learn to} be patient, and being patient with ^{little} Mr. Dancer was an exercise in self-discipline I did not relish.

"We believe it may be material, Your Honor," I said, "and several of the People's witnesses have already indicated--the Pedersens, I believe--that the deceased was such an expert. We believe it has a connection with certain important issues in this case. However, we will of course abide by the court's ruling." It was a lame and reluctant retreat from a bad situation.

"I believe that I must sustain the objection," the Judge said slowly. "Until proper issues are raised making such question relevant I don't think I can permit this line of questions. ^{But I have yet to detect any ^{with} issues in the evidence so far in this case.} If and when whatever issues you may have in mind should properly be raised here I will allow both sides to go sled length. ^{But not until.} That is the court's ruling." ^{downcast; the only good thing about it was that it now showed beyond doubt that he was.} Claude Dancer ^{I glanced at my juror and he was} beamed his satisfaction and approval of such an ^{was beaming} erudite judge. In the meantime Paul Biegler had ^{long} face to save. "Your Honor," I said, "may it be understood, then, that the defense can reserve ^{further} cross-examination of this witness until these proper issues should be raised?"

"It may be so understood, and I so rule. This witness and indeed all witnesses are under subpoena. I will not excuse them and they may not leave the jurisdiction of this court. If and when the proper issues are raised here to warrant these and similar questions, both sides may have at them to their heart's content ^{the court's} and with ^{my} blessing."

It was that it now showed beyond doubt that he was.

1st
2/24/56.

Chapter 11.

The rest of the morning slipped by on leaden wings. The prosecution seemed bent on channelling up the odds and ends of ^{its remaining} witnesses, leaving the best for the last -- ^{just for it, that is.} Mitch was assigned or had assigned himself to this dreary task and I had trouble remaining awake. A whole string of ^{good-looking young} state police troopers were called who talked ^{indifferently and accurately} about the charts and ^{floods of} measurements: and how far the bar was from the door, the ^{hotel} ~~bar~~ from the trailer, the trailer from the caretaker's cottage, ^{and I wondered how far} ^{old} Parnell had gone and what ^{the old badger} ~~he~~ was up to.

My cross-examination was perfunctory and ^{some} ^{inquiries} ^{passed} ^{by} ^{entirely}. Mitch had to get the stuff in, he couldn't help it, but I could help ^{by not} prolonging the agony. I did not ^{try to} get into Barney's personal life or his habits ^{or his arsenal}, which they probably did not know about anyway, and I steered carefully away from all talk of rape or Laura Manwin and above all, ^{the question of} ^{perjury} from any ^{lie} detector test. I was determined now not to risk getting slapped down again by the court or ^{to} risk tipping off my strategy to the ^{shifty and} ^{counter-punching} ^{court}, Danvers. If they wanted ^{it} that way I would ^{now even} wait until the defense took over to get in my licks, indeed until Christmas. In any case, if they were ^{what I hoped would} going to save their best witnesses for the last, I would ^{also} ^{save} my best ^{curves} ^{questions} for them the last. I longed for a barrel of ^{old} tomato juice.

Court mercifully adjourns a little early for the noon recess and I tottered out to my car and groped my way ^{out} to Parnell's and my drive-in ^{eye} ^{eye} Lake Superior. 'Closed for the ^{winter} season,' a sign read. 'Ev and Al,' well, happy winter in Florida, Ev and Al, I thought -- may all your troubles ^{continue to} be tourist. As ^{for} you, Beigles, suffer damn you, suffer.... I sat and stared numbly ^{at the rhythmic rolling waves} ^{at last} ^{from} ^{the place} out at the lake until I had ^{to} ^{draw} ^{to} ^{keep} from falling ^{gently} ^{hearing} asleep. 'Yesss' I've taken my fun where I found it, and now I must pay for my fun....'

↓ Space

If Claude Dancer, panned, like a good actor, to let these lines sink in.

Parnell's ^{gentle} little old caretaker, Mr. Lemon, ^{wispy man,} ^{a gentle little soul,} was the first People's witness, ^{to take off} after lunch, with the Dancer up in the saddle. With an ^{disparater and} enviable economy of words, he ^{adroitly} led the witness over the jumps, ^{and up} ^{having him} ^{relating} how he was ^{indeed} a deputy sheriff, that he always wore his ^{deputy} badge, ^{and} that he was custodian of the trailer park; that his cottage was about thirty feet from the Manion trailer; that he ^{looked} ^{the} ^{park} gate every night at ^{ten-thirty} ^{and} that this was well known to the guests in the park, as he ^{generally} told all of them (Dancer was ^{here} ^{obliquely} ^{but} ^{not} ^{openly} veering ahead, in anticipation ^{of our defense story}, and I ^{glumly} ^{admired} the little man's ^{crafty} ^{cleverness}); and, ^{finally}, how he was ^{by the defendant} awakened the night of the shooting.

"And who awoke you," Mr. Dancer ^{snarled} ^{contemid.}

"Lieutenant Manion," the witness answered.

"For what purpose?"

"He wanted me to take him into custody," ^{he} ^{contemid.}

"What ^{if anything} did he say?" (Here -- ^{now} ^{it} ^{was} ^{coming.})

"He said, 'You better take me, Mr. Lemon -- he just shot Barney Dill.'" ^{And} "What tone was that?" "Just before you."

"What did you do?" "I told him to go wait in his trailer, that I would go ^{up} ^{town} ^{and} ^{notify} ^{the} ^{state} ^{police.}"

"And did he ^{go} ^{with}?" "Yes, sir." "And the police ^{finally} ^{arried} ^{and} ^{took} ^{over.}" "They did."

Mr. Dancer turned toward me ^{and} ^{smiled}, he ^{actually} ^{smiled}, and ^{concluded} that if I had to take him, I ^{preferred} ^{at} ^{all} ^{to} ^{him} ^{frowning}. He was in a benevolent mood; the day was ^{gunning} ^{nicely}, and ^{somewhere} ^{Drummer} ^{boy} ^{was} ^{flubbing} ^{his} ^{shots}....

Smiles like Barney's

"Your witness, Mr. Bugler," he ^{smiled} ^{sweetly}, and padded ^{limply} back to his assistant boss. I was ready to chew ten-penny nails, washing them down with vats of tomato juice. I heaved myself to my feet, feeling not a day older than the witness I was about to face.

"How old are you, Mr. Lemon?" I said.

"I'll be six - nine in February," he answered.

"^{And} How long have you been ^{custodian} caretaker of the Thunder Bay tourist and trailer park, Mr. Lemon?" ~~he said.~~

"Going on nine years, sir."

~~And how long do~~

"And who do you work for -- who pays your salary?" "The township." "And how long have you been a deputy sheriff?" "Going on three years." "And who pays your salary for that office?" "Surprised: "Why, no one, ^{sir} -- there isn't any salary." "So your sole income -- from work at least -- comes from the Township as ^{custodian} caretaker of the park?"

"Yes, sir." "Now, as deputy sheriff, ^{was it your} ~~do you~~ practice to serve legal papers, patrol highways, chase speeders, punish violators, quell riots, ^{attend strikes} case the lawns on Saturday nights and pay days -- and all the ^{many} things ^{that} our busy sheriff here and his ^{loyal} ~~deputies~~ do ~~constantly~~ day and night?" (This was Ma's pay-off, and I glanced at him, and he was ^{flushed and} all swollen out like a pointer pizoin. ^{the moment} -- for ^{the money} the lieutenant could have ^{blamed} ~~gotten~~ ^{up} and strolled off to Georgia.)

"Oh, no sir," the witness replied, recoiling in horror at the thought. "I only work in the park."

"As a matter of fact, ^{Mr. Lemon,} you've never done any of the things, ^{have you,} Mr. Lemon; your deputyship is purely a convenience in connection with your duties ^{coming in} in the park; you've never made a dime as deputy; and you've ^{you don't wear a uniform} never ^{probably} greeted a man in your life?"

"That is correct, sir." ^{He hesitated and smiled.}

"You -- you see, Mr. Bugler, about three years ago ^{some of our} ~~the~~ town boys were coming around the park ^{late} at night, singing and disturbing the tourists. I -- I ^{got} the thought if I got to be a deputy I might scare them a little?"

"And did they scare, Mr. Lemon?" I said, smiling.

"Not really," he said, ^{timidly} "It was Mrs. Lemon who finally found the solution. ^{she} solved the problem."

~~What was that?~~ "How?"

"Cookies." "Cookies, Mr. Lemon?" "Cookies, Mr."

Brigler. Caroline -- Mrs. Lemon, I mean -- described that the best way to silence the ^{town} boys at night was to ^{bake} ~~make~~ them cookies. "He held out his hands. "We haven't had any trouble since."

home-made

yearning for

What a lovely little man, I thought. I glanced ^{over} at Mr. Dancer, who had ~~had~~ ^{was} sunk in ^{profound} ~~deep~~ thought -- ~~to~~ probably ^{Caroline's} ~~wanted~~ the recipe, I surprised surmised. "Passing now to the locked gate," I said, "I believe you testified that you ^{close and} lock this gate at ^{ten-thirty} ~~seven~~ every night, and that this is well known to the patrons of your park?" "Yes, sir." "And I assume then that it would be even better known to the regular residents of Thunder Bay?" "Oh yes, sir -- everybody knew that. It's been locked at that hour since the park opened -- long before I became caretaker."

"So that if any local resident suggested driving ^{any} a tourist ^{say} into the park after that hour, he ^{would surely} ~~should~~ have known that the gate would be closed and locked?"

the Dancer said.

"Objection," ^{the Dancer said.} "The gate is irrelevant and immaterial," ^{the Judge said.} "Answer" Mr. B.?"

I was feeling ^{a little} benevolent, too. "Your ruling, Your Honor."

"The objection is overruled. The People have opened the gate, so to speak, and within reason, the defense may close it. Take the answer."

"Oh, yes sir," Mr. Lemon said. "Everybody knew that."

After that I had myself a time swinging ^{gaily} on the

creating

gate, showing that while the caretaker had told the L. about the ^{and given him a key} gate he hadn't told Laura; that the few times they had ^{both} stayed out ^{together} past ^{10:30} ~~ten~~ ^{Mr. Lemon's} ~~ten~~ he had left the gate not only unlocked but ^{standing} open for them; that there was ^{in fact} a foot-stile at the side of the gate but that the tourists rarely ^{if ever} used it, that and either drove through the gate or, when walking, used the ^{more northern} short-cut footpath ^{by town} to the ^{northern} ~~northern~~ ^{part of} Mr. Lemon's house cottage. I finally showed that there was no other road into the park except that which passed through the gate.

in case

Closing the gate, now, Mr. Lemon, "I said, "how did ~~the~~ L. M. appear when he told you what you say he told you?" Claude Dancer's failure to get into this ^{on direct} might be a trap, ^{I sensed,} but on the other hand one never knows....

to have trouble speaking, ^{it} seemed like he talked
"He was white as a ghost and stood very straight, very
erect. He -- he seemed ^{to talk} through his teeth, ^{and seemed} like a
man in a dream."

"A little cartaker shall lead them," I thought, ^{planning} to
let this ^{answer} soak in. While it was not ^{entirely} inconsistent with cold
rage, it was ^{even less} inconsistent, I felt, with a man in the grip
of some ^{grave} ^{disruptive} ^{mental} state. I ^{decided} ^{to} ^{rest} the subject there.

"And Mrs. Mamon," I said. "Did you see her?"

"Oh yes. I walked over to the trailer with the L. and
she came to the door ^{and} ^{cried} and said 'look what Barney did to me.'
I ^{half} ^{waited} for the ^{brooming} objection, but the ^{no} ^{Darner}
was too smart to nail the ^{point} ^{home} ^{by} ^{objectioning} -- the thing
had slipped out ^{and} maybe it would ~~go~~ go away.

"And what was her appearance?" I said.

"She -- she ^{was} a mess." The witness closed his eyes as
though to banish a horrible dream.

→ But this was the first sliver of actual evidence of the fact.
(By now I knew that the jury knew that we were now
skating on the very edge of the story of the assault and ~~the~~
rape. And, like the bushed and slack-mouthed women
sitting out in the court, they were ^{also} probably dying to hear about
it.) Everybody in the ^{court rooms and} county knew of course, that Laura
Mamon had claimed that Barney had raped her.

But I was damned if I was going to court getting slapped
down again; on the other hand, I ^{had to} ^{try} to lay the jury's
disappointment at some other door. I ^{was} ^{beginning} ^{to} ^{like} ^{it} ^{this} ^{way}. I looked up at the judge.

"Your Honor," I said, "we seem to be ^{rather} ^{close} to a
keep-off-the-grass ^{subject} ^{sign}. I have no desire to annoy the court
or to circumvent its ^{earlier} ^{ruling}, ~~but~~ and I shall push ahead
on the subject or not, as the court ^{will} ^{please} ^{indicate}." I stood
glancing ^{enough} ^{about} the room as though it was the first
time I had ^{ever} ^{seen} ^{the} ^{place}, as concerned as a ^{tourist} ^{being} ^{shown}
through by Sub. ^{10m}... said the judge, leaning back and
studying the ^{dim} ^{sky} ^{light}. I had passed him a ^{little} ^{prose} and we
both knew it, but he was equal to it -- like a good half-

he ^{promptly} lateralized ^{the ball} off to Claude Dancer. "The People, Mr. Dancer?" he said.

"Absolutely not," the Dancer ^{came & storming} through. "The court has ruled; ^{combat is aware of it;} and there is not a ^{single} scintilla of evidence of any" -- he paused and for once the boy orator was at loss for words.

"Yes, ^{Mr. Dancer?}" I leered at him helpfully.

"-- Of any ^{issue to which this would be} relevant, ~~no~~," he concluded, glaring at me and plumping ^{to} his chair.

"Perhaps, Mr. B," the court suggested, "perhaps, ^{in view of the People's attitude} you had better ~~could~~ push on with something else. You may recall this witness later, of course, as per our ^{understanding} ~~penetration~~ a ["]ballroom."

The entire courtroom ^(a collective sigh) sighed, ^{as though someone had seemed to be} Nearly everybody was glaring at somebody else. Most interesting ^{to me} was that to a man the jury was ^{now} glaring at Claude Dancer. ^{honest} I studied the portraits of the ^{most} judges until everybody ^{thoroughly} ~~got~~ glared out, ^{and then I} cleared my throat.

"Now, Mr. Lemon," I said, coming ^{slowly} to the delicate part, "what time did you retire that night?"

"About 9:45, my regular hour, right after ^{radio} the ^{news}cast."

"And was your rest disturbed between that time and when Lt. M. awoke you?"

"No, though I am a light sleeper."

"And your hearing, Mr. Lemon?" I asked softly.

Proudly: "I hear very well. Mrs. Lemon says I can hear a pin drop."

"And your ^{cottage} trailer was ^{about} how far from the Mann trailer?"

"About thirty feet -- ^{just} as the map there says."

"And from your cottage ^{down} ~~to~~ the ^{main} gate?"

"About 300 feet like it says."

"And nothing disturbed your slumbers -- at least your rest?" ¶ "No, sir." ¶ Slowly: "No boys' sang?"

¶ "No, sir." ¶ "No one screamed?"

"That was down by the gate --"

"Objection, objection!" Claude Dancer ^{was} ^{brother} ^{on} ^{my} ^{neck}. There was an edge in the judge's voice. "Please

let the witness ^{complete his} answer before you object, Mr. Dancer," he said sharply. He turned toward the witness. "Proceed," he said.

"Those were Mrs. Manion's screams that the ~~Ohio~~ ^{tourists} ~~from~~ ^{tourists} ~~business~~ heard down by the gate."

Objections. Hearsay. Tourists' best evidence -- there were some of the objections that Claude Dancer urged ^{in a torrent} upon the court.

"Your Honor," I said ^{acting} on a sudden impulse. "I withdraw the question. The witness is back to you, Mr. Dancer."

"No questions," he snapped.

"Thank you, Mr. Lemon," I said.

"Call a ten minute recess, Mr. Steiff," the judge said.

1st.
Feb. 25, '56.

Chapter 12. ^{wonderful}

It wounded ^{defense} counsel I drove home the back way, ^{rolling} through tunnels and hillsides of fading leaves.

arc around the beguiling Halfway House. The day's ^{hunting had} resulted in a mixed bag, some good, ^{and some} some bad. But

mostly ^{it would have been} bad, I ^{concluded} ^{perhaps} ^{concluded} for not only was the

bartender ^{and prosecution} blocking the defense, but now the

prosecution and the court itself Judge ^{himself} had --

and I had ^{reluctantly} to admit, ^{perhaps} rightly -- contributed to the

entirety. And what assurance had I that the

little bartender would open up and tell at least ^{if only when the} part of the truth, ^{over} since the ^{judge} Judge would let me

really have at him? No, all in all it had not been a

good day, and the prospects ^{were far from} ^{pleasing} did not please. And where, ^{clear} ^{loudly} Lord, where was my wandering Parnell?

After a ^{leisurely} supper

On the outskirts of Chippewa I stopped at a

little store and ^{picked up} got a copy of the Manning Gazette,

which I read ^{in a little restaurant} ^{sitting in the car,} avidly ^{holding} ^{my} ^{copies} ^{of} ^{soft} ^{boiled} the paper propped against a ^{camp} ^{table}.

^{edge} ^{much} as a prizefight fan ^{runs} ^{up} ^{to} a

newsstand after a ^{championship} ^{fight,} ^{to} ^{somehow} ^{and} ^{that} confirm what really happened, ^{that} ^{indeed} ^{there} had been any ^{fight} ^{at} ^{all}.

'Manson murder trial' marked by frequent clashes between ^{laugher}, 'one of the

headlines ^{stated} ^{read}. I read on, ^{held} ⁱⁿ ^a ^{firm's} ^{clutch}.

Was Paul Breger ^{the} ^{trout} ^{fisherman} ^{make} ^{up} ^{and} ^{holly} one of the ^{guys} ⁱⁿ ^{this} ^{mess}? The

young reporter, Bob Birney, was doing a ^{manful} ^{job}; ^{most} ^{of} ^{it} ^{was} ^{there}, the good and the bad; but most of the

nuances were missing; newspapers did not even have

time ^{to} ^{deal} ⁱⁿ ^{nuances}. ^{Yet} ^{nuances} ^{were} ^{the} ^{heart} ^{of} ^{this} ^{case}.

Back at ^{my} the empty office I read my mail --

a letter from my mother Belle, who ^{would} ^{be} ^{home} ⁱⁿ ^{two} ^{weeks} ^{and} ^{hoped} ^{her} ^{Polly} ^{wasn't} ^{working} ^{too} ^{hard} ^{and} ^{was} ^{getting} ^{plenty} ^{of} ^{sleep} (I yawned until

I thought my ^{jaw} ^{was} ^{stuck}) and who ^{hoped} ^I ^{was}

regularly watering her geraniums, ⁽ ^{Good} ^{God} [!] ^I ^{thought} ^{.)}; a note from my daughter, Paula,

who was having a 'divine' time ^{at} ^{the} ^{summer} ^{camp} a freshman ⁱⁿ ^{high} ^{school}, where she was meeting the most 'divine'

which refused to all kinds of people off a hundred and one....

the rest was
hoops; and ~~bills~~, bills, bills, tintinnabulations of fluttering
~~bills~~, bills, bills....

I tried the television but it was boring, we were
too far away for good television; as Maida, ^{had justfully} said, all ~~we~~ ^{ever} ^{got} ^{on} ^{television} ⁱⁿ ^{the} ^{U.S.} was whiskey stains.
that showed ^{up} ^{good} ^{on} ^{television} ⁱⁿ ^{the} ^{U.S.} was whiskey stains.
I worked for awhile on my jury argument; one had
always to be prepared for that; trials had a nasty habit of
ending abruptly; then one ^{non-committal} ~~deliberately~~ found oneself
^{apropos} ~~standing~~ ^{cut} ~~before~~ ⁱⁿ ^{any} ^{hour} ^{or} ^{so} ^{standing} ^{before} ^a ^{jury}, trying to make
some sense out of a web of chaos. It was true that
the People had to make the opening statement, and that
gave the defense a little time to gather its ^{wife} ^{thoughts}; but I
had no control over how long ^{the opening argument last} ^{would} ^{be}, and ^I ^{couldn't}
very well be planning ^{my own} ^{long} ^{argument} ^{then} ^{and} ^{listening} ^{at} ^{the}
same time; and anyway, ^I ^{knew} ^{from} ^{experience} ^{that}
the shorter, ^{more} ^{perfunctory} ^{was} ^{apt} ^{to}
the opening ^{statement} ^{would} ^{be}, so as to give
the defense little or nothing to fulminate over, something like
the ^{painless} ^{and} ^{inocuous} ^{given}
remarks of welcome ^{by} ^a ^{board} ^{mayer} ^{to} ^a ^{group} ^{of}
visiting ^{foreign} ^{men}. And I ^{had} ^{learned} ^{that} ^{this} ^{prosecution} ^{was} ^{nothing} ^{if} ^{not} ^{smart}.
'Give jury true picture of ^{tense} ^{setup} ⁱⁿ ^{the} ^{bar} ^{that}
might,' I scribbled. 'Stress Barney knew gate was shut and
Lama didn't.' 'Give ^{hell} ^{Dancer} ^{apart}.' 'Show bartender
goddamn liar.' 'Take Dancer the prancer apart....' The
city hall clock struck nine; darkness fell; I scribbled
on and on; the clock struck ten; ^{my} ^{mind} ^{simply} ^{went} ^{tracking};
I yawned and yawned;
my head nodded down to my pad; I must have fallen
asleep....



"Polly", someone was saying softly. "Polly. Polly. Wake up, ^{boy} It's me, ^{boy} -- the old rabbit hound is back..."

Parnell looked like the wrath of God; the ^{twid} pouches under his ^{fatigue-filmed gray} eyes sagged like those of an old rabbit hound; his new suit was ^{soiled and} ~~wrinkled and~~ ^{mess-spattered} and looked like it had been ramid on ~~it~~ and he was smiling ^{smearingly} and cold ^{dropped his} ~~sober~~ ^{eyes} ~~he sagged~~ into the chair across my desk. "I'm not the ^{man} ~~man~~ I used to be, he ~~was~~ ^{and what's more, I never was.}"

"It's home, I thought, thank God, ^{the old man is} ~~his~~ home." "Where you been at, Parn?" I said wearily, still only ^{partly} ~~half~~ ^{awake} ~~awake~~. I hadn't half realized how much I loved this old man, loved and

Depends on him.

Parnell sighed and stretched out like a basking grampus. "Get ^{first fetch} me one of those orange papers, ^{first} Polly boy," he said. "Sometimes I don't believe it myself."

The pop at his elbow, and part of it in him, Parnell rallied a little and leaned forward. "It happened this way, boy..." he began, and he went on with one of the strangest stories ~~of~~ this whole ^{surprise} ~~world~~ ^{spattered} case.

Fix →

Parnell had been ^{quietly} working on the Barney Drill will contest; he and Maida had been working on it for days. He ^{and had become} had briefed the whole subject, including the Wisconsin divorce. ~~Parnell was~~ ^{then} he had gone to Mary Palante lawyer, Martin Melstrand, and laid his cards on the table. He and ^{old} Martin were contemporaries; they had taken their bar exams together; he ~~knows~~ Martin could be trusted...

with the will or divorce.

"But, Parn," I interrupted, "why -- why didn't you tell me? We were partners in this case -- remember?"

"I didn't want you to worry, boy. You had enough on your mind tryin' your case. And if I failed I -- I didn't want..." He ^{plump soiled} ~~passed~~ and held out his hands.

"Go on," I grumbled dubiously. Parnell had ^{gone over his} ~~sold~~ ^{brief} ~~Mary's~~ ^{with} ~~lawyer~~ ^{Martin Melstrand;} that he was right; he had given Martin Melstrand said that Barney had indeed been sober when he made the will; that he had been into town for a physical check-up; that

on the proposition he had sold ^{him} that he

had ^{signed} ~~made~~ the will. Martin Melstrand had humbly drafted the will and handed it to Barney; that ~~they~~ both he and his stenographer and the doctor knew he was ^{then} sober; that he had signed it ^{immediately} upon returning to Thunder Bay that very day.

Parnell had given a copy of his brief ^{to Martin} ^{the grateful} Melstrand; and ^{he} had explained ^{to Martin} why we had to get at the truth in our murder case; Martin, a shrewd ^{if lazy} lawyer, had ^{clearly} understood; Parnell had prevailed on Martin to phone Mary Pilant and reassure her on the will contest and divorce, and to try ^{obliquely (hugging us out of it)} to soften her up. ^{up} Martin had done so in Parnell's presence; but the results had been inconclusive; Mary Pilant had said she was reassured on the will, but she seemed oppressed by the notion Barney's former wife might still upset the divorce and take anything, ^{and} she had been equally stubborn on ^{agreeing to} anything that would blacken Barney's name or tend to show his guilt for the rape.

(I kept sinking down in my chair, as though I were listening in on a ^{of studio or gate-tenders} story-conference for a Hollywood thriller.)

Parnell had then concluded that the only way to ^{remove} ~~convince~~ Mary Pilant ^{is fixation} on the Wisconsin divorce business was for him to go down there. ~~He~~ That's ^{was} when he had rented the car, ^{and taken off} ~~He~~ had ^{had} tire-trouble all the way, and it was daylight when he arrived in Green Bay. ^{He} ~~He~~ ^{had} snatched a few hours sleep with ^{con.} ~~con.~~ He was at the door of the county courthouse ~~when~~ when it opened, and soon ^{was} ~~was~~ hard at the records in the old divorce case. The original summons were ^{from the file's} missing, as he expected; ~~he~~ ^{he} ~~found~~ ^{found} an old personal entry, however, showing personal service on the wife; ~~he~~ ^{he} ~~provided~~ ^{next} in to the sheriff's office -- 'a fine brotha of a man called Sullivan, ^{of and} ~~the sheriff~~ ^{Sullivan and Mc Carthy's} had cooperated wonderfully. Parnell had pored for hours over the sheriff's old records, ^{and had} ~~had~~ finally found where a deputy sheriff called Griffin had handled the summons in the old divorce case; ^{fairly to} the records ~~did~~ ^{did} not ^{disclose} ~~show~~ whether there'd been personal service or not, ^{had them examined by} old

Mike Griffin, the deputy, was retired; yes, he was living in Green Bay and

Sheriff Sullivan would drive Parnell there.

"Green Bay ^{Wisconsin} Convention of the Ancient Order of Hibernians," I murmured. "Erin go bran."

"That it was, boy, that it was," Parnell ^{paroled, and went} ~~came on~~.

Mike Griffin was a towering, ^{alert} red-wristed Irishman of slenderness. Did he remember ^{personally} serving a divorce summons on a Mrs. Barney Dill? ^{was her first name.} Did he remember her? You damn ~~right~~ right he remembered that red-headed dame with ^{died red hair and} the scar on her right cheek who had sworn at him in everything but Arabian, ^{over} which ^{ever} forget such a noisy, foul-mouthed harpidan?? When had served the divorce summons on her.

mouthed

^{Parnell} ^{friend of} The Hibernians had ^{then} proceeded back to the sheriff's office, ^{dictated} ^{first up} the affidavits, which ^{to which the affidavit} Michael Thomas Joseph Griffin had sworn on solemn oath, and the ^{affidavit} had

duplicate

laboriously signed ^{his name}. Then they had descended on a ^{body} ^{theory} upon the lawyer Green Bay lawyer of the ^{Patrick's} ^{ex-wife}, a large, ^{sturdy} red-headed lawyer called ^{of all things} Pat Finklestein - 'Abie's Irish ^{Patrick's} 'Abie's Irish Rose Rose', I thought - and first Parnell had gone over the law and his briefs and those with ^{Parnell had} this lawyer, and then ^{told} him that his client had lied when she had said she had not been served in the Wisconsin Divorce.

"Where's your proof?" ~~the~~ Mr. Finklestein had sensibly ~~said~~ asked.

"Right here," Parnell had said. "The ^{Brown County} deputy who served her, Michael Griffin."

The lawyer and Mike Griffin had cloaked themselves for five minutes; he had then come out and thanked Parnell for his ^{information} ~~troubled~~ and his brief and had notified him he was ^{withdrawing} from the ^{Michigan} ~~case~~ ^{the dyed red hair and} and then had invited them all over to the Elhi Club for ~~some~~ a drink, during which Parnell had consumed four orange pops. "How can I still drink the stuff?"

discussing the Wisconsin proceedings and

and

Then Parnell had phoned Martin Melstrand the latest developments, and asked him to pass the word ~~immediately~~ ^{promptly} to Mary Pilant, which he agreed to do. Then he had parted with his new friends, including the ^{them} Bay lawyer, and had started for home ^{in his rented car.} ~~then~~ ^{he} had got caught in a thunder storm, and more tire trouble had started, and he ^{guessed he} had spent as much time under the car as in it. He had tried to phone me twice but couldn't raise me. ~~His~~ ^{his} last flat was only ^{twenty} miles out ^{of Chippewa} and he'd had to buy a new tire. "I guess I'll have to buy the damned trap ~~car~~ ^{to protect} ~~my~~ ^{me} wrists," he concluded, ~~taking a sip of~~ ^{recent} his ~~coffee~~ showing signs of his ^{Hebrewian} ~~effort~~.

I sat staring at the gallant old man. What were you going to do or say ^{to} ~~with~~ ^a ~~man~~ ^{whole of a} like that? "Thanks, Parn," I said brusquely. "After all the trouble you've gone to, I only hope it works." "It's only the foundations

^{Parnell} he shook his head ~~poorly~~. "It won't work," ^{if} we leave it ^{rest} here," he said. "Only you can really make it work," ~~he~~.

"What ^{here} do you mean, Parn?"

"You've got to go see Mary Pilant and ^{personally} plead your case -- you've got to, boy. Don't you see? I've given you the

"Mary Pilant!" I gasped. ^{Where,} ^{when?}

"Tonight." "Now.... tonight.... We can't waste another moment.... Time is a flectin', boy.... The trial will ^{maybe} be over and done in another day or so.... ^{Grab} the phone." "You mean I should go see Mary Pilant tonight."

The clock was striking one as I telephoned the Thunder Bay Hotel and asked the clerk to connect me with Miss Pilant. I half prayed she wouldn't be in, ^{that - that she} would be out on the beach with some lower boy.... ^{Mr.} I can't explain ^{on the phone.}

"Hello," I said. "Is this Miss Pilant? This is Paul Bigler.... Yes, Lieutenant Manning's lawyer.... I'd like to see you tonight.... Yes, I realize it's late, but tomorrow may be too late.... I can leave at once and be there

Don't sit there like an idiot, grab personally
Announcement -- you've got to do the fighting now

in a hour.... Room 202, you say?.... Thank you. Goodbye."

¶ "Ah, lad, I'll see you," Parnell said, and his head
nodded forward on my desk. I hurriedly ^{bundled} ~~got~~ him into my
bedroom and ^{undressed and} into my bed, told him I'd see him ⁱⁿ court,
and grabbed up my brief case and ^{clattered hollow} ~~fell~~ down the wooden stair.
It was a beautiful ^{with the moon wami full,} starlit night and, ^{on my wild drive I jumped} ~~down~~ a coyote and ^{young old} ~~miss~~
dear ~~— narrowly missing me~~. Parnell had ^{passed} ~~given~~ me the
ammunition, now it was my turn to fight.

III
0.12

Invent A

Ah, there were the ^{photographs} ~~fractures~~ of the Judge and the
handsome Mitch and Claude Dancer -- ^{we alert and well-scrubbed} ~~lager~~ as a ^{well-scrubbed} choir boy;
Yes, there they ^{all} were, bigger than bear-wheat, with ~~the~~ ^{an}
rows upon ^{row} of shelved ^{law books making an} ~~and~~ ^{and} Dancer
^{impressional} backdrop of ~~law books~~ ^{shelved} ~~and~~ ^{and} Dancer
A paper than ^{the} ~~inevitable~~ ^{mysterious} paper to Mitch that
newspaper photographs feel ^{somehow} ~~compelled~~ to trot out --
this one doubtless being, I thought, Mitch's instructions for the
day. There was also a ^{good} shot of the Judge, ^{sitting at his desk} alone, ^{and}
~~then~~ ^{another} of Mitch and his man, ^{alone}, this time Mitch
passing the instructions back. I thought of an apt
title ^{for} the last one: 'Lieutenant Manning's Wrecking Crew.'

III
12

most of the nuances were missing; newspapers ^{rarely} did not ever have ~~the~~ time for the nuances. Yet nuances were the heart of this case. 'See Manion, p. 8' the newspaper said, and I flipped the pages.

Ah, there were the photographs of the Judge and the handsome Mitch and Claude Dancer--^{the Dancer} as alert and eager as a well-scrubbed choir boy; yes, there they all were, bigger than bear-wheat, with rows upon row of shelved law books making an impressive backdrop, and Dancer passing ^{a paper to Mitch,} ~~the inevitable~~ mysterious paper ~~to Mitch~~ that newspaper photographers feel somehow compelled to trot out--this one doubtless being, I thought, Mitch's instructions for the day. There was also a good shot of the Judge sitting alone at his desk, ^{then} ~~and~~ another of Mitch and his man, ^{guidance} this time Mitch passing the instructions back. ~~I thought of~~ ^{occurred to me} an apt title for the last one: 'Lieutenant Manion's Wrecking Crew.'

1/2

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~~most of the nuances were missing; newspapers did not ever have time to deal in nuances. Yet nuances were the heart of this case.~~ ^{for the} ^{See this part in Mammoth p. 8 the newspaper said, and I flipped the pages. (Take Insert A)}

Back at my empty office I read my mail—a letter from my mother ~~sent a wire to our psychiatrist that he must arrive not later than~~ Belle, who would be home in two weeks and hoped her Polly wasn't

working too hard and was getting plenty of sleep (I yawned until I thought my jaw was stuck) and who hoped I was regularly watering her geraniums ('Good God,' I thought); a note from my daughter, Paula, who was having a 'divine' time as a freshman in highschool, where she was meeting the most 'divine' boys, and the rest was bills, bills, bills, ^{colorful, autumn-tinted} tintinabulations of fluttering bills....

I tried the television but it was lousy, ~~were~~ ^{we} were too far away for good television; as Maida had ruefully said, all that ever showed up good on our television sets in the U.P. was whiskey stains... I ^{in a hoarse} ^{we, mercifully} ^{that man, discussing the North Pole and}

worked for awhile on my jury argument; one had always to be prepared for that; trials had a nasty habit of ending abruptly; then one suddenly found oneself cut adrift before a non-committed ^{stony-faced} jury ^{composed} ^{of native Buddhas} trying in an hour or so to ^{carve} ~~make~~ some sense out of a week of chaos.

It was true that the People had to make the opening ^{argument} ~~statement~~, and that gave the defense a little time to gather its wits; but I had not control over how long the opening argument would last, ^{nor could I} ~~and I couldn't~~ very well be planning my own argument ^{to the other} ~~then~~ and listening decently at the same time. ^{and} Anyway, I knew from long experience that the shrewder the prosecution the shorter and more perfunctory its opening argument was apt to be, so as to give the defense little or nothing to fulminate over, something like the painless and innocuous remarks of welcome

Saturday (this was Sunday night) and then I read my mail. There was a letter from

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"You've got to ^{go} see Mary Pilant and personally plead your case--you've got to, boy. Don't you see? I've ^{passed} given you the ammunition--^{now} you've got to ~~do the fighting now.~~ ^{go fight with it.}"

"Mary Pilant!" I gasped. "Where, when?"

"Now....tonight....~~We~~ can't waste another moment....Time's a fleetin', boy.... The trial will maybe be over and done in another day or so.... Don't set there like ^{a leprechaun's} an idiot, grab the phone." ^{with}

The clock was striking one as I telephoned the Thunder Bay Hotel and asked the clerk to connect me with Miss Pilant. I half prayed she wouldn't be in, that--that ^{instead} she would be out on the beach with some lover boy.... ^{playing foxtrot}

"Hello," I said. "Is this Miss Pilant? This is Paul Biegler.... Yes, Lieutenant Manion's lawyer. I'd like to see you tonight....Yes, I realize it's late, but tomorrow may be too late.... No, I can't ^{possibly} explain ^{over} on the phone. I can leave at once and be there in an hour.... Room 202, you say? Thank you. Goodbye."

"Ah, lad, she'll see you," Parnell ^{murmured, and he rolled his eyes} said, and his head nodded forward on my desk. I hurried ^W bundled him into my bedroom and undressed and put him into my bed. ^{and set out his suit for our maid of all work's} I told him I'd see him in court, and

I grabbed up my brief case and clattered hollowly down the wooden stairs. ^{The rain had stopped, the sky had cleared.}

It was a beautiful starlit night, with the moon coming full, and ^{drove like Paul Revere. On} my wild drive I jumped a coyote and nine deer. Good old Parnell had passed me the ammunition, now it was my turn to fight. ^{to storage and power. Show}

1st
April 23, 1956.

Chap 12.

The Judge opened us early that ^{afternoon} day. Due to some providential mixup two out-country lawyers had wandered in with their default divorce clients ^{and witnesses}, thinking ~~they~~ ^{they} ~~could~~ ^{were scheduled to} be heard; and when the Judge ~~heard~~ ^{learned of} their plight during recess he lacked the heart to send them away with their angry and unrepentant clients. I could have kissed all of them. By four o'clock Mitch had taken a couple of routine witnesses over the jumps and ^{at last} I was free. I fairly raced out to my car.