

2. draft

~~to the latter Cook return?~~

One of the ^{most persistent} ~~comforting~~ fallacies ~~people~~
^{man, the ostrich;} with which ^{people} comfort ^{their} way to the grave,
~~is~~ the old one: Murder will out. Since ~~performed~~
college theses continue to get written on ~~such~~ world-rocking
~~problems as the~~ ^{such profound subjects as} on The Origin and Cure of Saddle-sores,
Hangovers, and How to Thwart Them, and other such world-
rocking problems, it occurs to me I suggest that some
ambitious soul tabulate the unsolved murder cases ^{— first} in
~~just~~ one state of this vast union. The results would
stagger the imagination.

^{Over these writers would resolve his cases}
^{These cases would resolve themselves into}
two general categories: Where the fact of the murder is
unquestioned; ~~and where~~ but no murderer has been
found; and where ^{both} the fact of the murdered and the
identity of ^{the} perpetrator ^{remain} in doubt. This last class would
include ~~those deaths~~ the constant ^{multiph} ~~flow~~ of deaths
under ~~vague~~ suspicious circumstances, abrupt
disappearances, "suicides" and "accidental
poisonings."

Naturally the police agencies do not
bill-board the fact, but I doubt if there is a community
of any size in the entire world that doesn't have
its ^{unsolved} contribution ~~to the~~ ^{Great or suspected} murders.
When one contemplates the ^{unknowable} number of completely
successful murders, that is, where there is no
suspicion whatever, the adage murder will
out becomes as empty as a mumbled political
platitude.

Even some of the old ^{unquestioned} murders in a
community become forgotten; police and
prosecutors change, die, ^{succumb completely} ~~move away~~ ^{to trout-fishing or}
another unsolved murder joins its shrouded
company. Judge Belden recalls a number of
unsolved murders that occurred during ^{and before} his time

I never heard of them before I asked him.
as prosecutor. Every prosecutor has them, either
during his own term or inherited from his
predecessors.

Tell me, crystal ball, who killed Big
Joe? Big Joe was a giant ^{retaining} bootlegger, who
had withdrawn a small ^{alcoholic} fortune from the
bank, and was ^{about to} returning to the "old country,"
~~when~~ ^{instead} he was ^{robbed and} murdered, found ^{horribly} beaten and
dead in a ~~sub~~ railroad culvert in the center
of the city, ^{his great right paw} clutching a handful of light
brown hair. ~~Quoted~~

Go on! maybe it was Jeannie!

Tell me, soothsayer, who ~~fittingly~~ slew
Alice Durka, found dead in her bed,
hideously beaten and mutilated? Tell me,
who killed Julius Sloat, found shot to death
in his home, a "suicide" note in his own ^{writing} hand
lying near, ^{five bullets in his pocket,} but the revolver across the room,
with but two cartridges missing, and no powder
burns or nitrate signs on the ^{hair?} ~~body.~~

Who killed ^{perhaps,} Baptiste Pleau, ^{whose charred body was} found in the
smoking ruins of his cabin, with two bullets in
the ^{his} brain? Suicide? Maybe. But we'd
have felt a lot better if Baptiste's pouch of gold
coins ~~was~~ ^{were} missing from his ~~we~~ hadn't known
Baptiste had a bag of gold coins in his cabin, no
vestige of which could be found in the embers.

Who ^{popped} ~~shot~~ Marie Le Due, the beautiful drawing-
teacher, who ~~was~~ ^{and juggling,} found ^{beside the} ~~the~~
railroad tracks, and who ⁱⁿ murmured ~~the~~
"Charles, Charles," with her dying breath.
Was it murder? Was it suicide? Was
it goodbye? Tell me, crystal ball, tell me -
will murder out?

Fristchatt
April, 1941.

Burial at Sea

One day, when Judge Belden was a young prosecutor,
his ~~one day~~ [^] a tall, powerful Negro
entered ~~my~~ ^{Judge Belden's} office, his ^{head} jaw swollen out like a
watermelon, and asked for a warrant for the
arrest of five ^{lumberjacks} ~~men~~ for attempted murder.

"Who? Where?" ^{Most of your Negroes}
"For what?" ^{Young Governor Belden,} "I asked."

"Tempted murder, Suh"

"Tell me about it."

↕ ^{was still standing}
In the day ^{when} of the white pine ^{old}
~~Old Jim~~ [^] Mike Flannigan ~~was~~
a lumberjack ran a string of lumber
camps out of Pine Cove, in the Yellow Dog
river district. His head foreman and left bower
was ^{squat,} ~~big~~ powerful, swaggering Barney
Langley, then nearing fifty, whose
reputation as a hard boss and ~~was~~ harder
rough-and-tumble fighter ~~was~~ was known
across the peninsula.

^{tough} In their way, Old Mike and his
foreman, Barney, loved each other, and yet they were
never done playing grotesque, Paul Bunyan
jokes on each other. ^{Old} Mike, for example,
was continually trying to find someone
who could ^{beat} ~~stand~~ up on Barney - but Barney
dispatched them as fast as they came, and
~~instead~~ bellowed for more. The last to face
~~It was then that~~ Old Mike took
was a monster Swede ^{old} Mike had imported
all the way from Minnesota. He didn't land a blow.

"What's your name?" Old Mike asked.

"Alabama Lee," the Negro replied.

harnessed the boys, drove ^{down to} Kymatic, and

It was then that old Mike took a ^{train trip} mysterious ~~trip~~ to Chicago, right at the ~~midst~~ beginning of the Spring drive. He was gone for ~~three~~ four days. In less than a week after his return, a huge Negro appeared at the main camp, and asked for a job on the drive. Old Mike, ^{giving him a shy secret wink,} ~~twinkled an eye~~ ^{his Alabama Lee} ~~was~~ ^{was probably} the first and last colored lumberjack in the history of the North woods.

For two weeks nothing happened. When Barney ^{handling} was on the drive, all he fought was logs, logs and more logs. Then the drive ^{finally} was ^{over}, and the ^{lumberjacks} ~~men~~ ^{of the woods} thrived ⁱⁿ ~~droves~~ ^{droves} into Pine Cove. Old Mike was ^{settling} ~~up~~.

^{saloon} The fight took place in Dinny Hickey's ~~place~~. On a Saturday night, Barney was there, roaring drunk and spiling for recreation for a fight, that is. He had pulled ~~the~~ the fingers and twisted the ~~arms~~ ^{wrists} of every man jack in the place, when suddenly the big Negro, Alabama Lee, ^{quietly came} ^{smoking} ~~walked~~ into the ^{side} saloon, cold sober, and walked to a ^{side} table, where he sat reading an old Chicago paper.

"Have a drink!" Barney shouted across the room at the ^{big} Negro. There was no answer, Alabama did not look ^{up} ~~up~~ ^{at} ~~him~~.

"Hey you, dark boy," ^{Barney} ^{believed} said, "have a drink." Barney was half ^{way} ~~across~~ ^{across} the ~~room~~.

The Negro looked up briefly from his newspaper. "No thanks, Boss. Ah ~~don't~~ ^{only works} ^{for} you, Suh - Ah don't have to drink ^{with} ~~you~~ ^{you} - "

"Stand up, Nigger!" Barney shouted

Old Doc Parsons, the camp veterinarian, unsteadily ^{waved} ~~found~~ his way through the crowd, knelt at Alabama's side, took out a big silver watch ^{thoughtfully} held the Negro's wrist. He lowered Alabama's limp arm to the floor.

"Gentlemen," he ^{quilt-} said, "this ^{here} man is ~~dead~~ plumb daid an' gone."

In ^{ten} ~~five~~ minutes a row boat slid ^{over the dark waters of} out ~~to~~ Lake Superior. In it ^{were} ~~was~~ five lumberjacks and a shrouded lantern, and the inert form of Alabama Lee. Out, out pushed the boat, the ~~water~~ wind blowing, the cold water splashing in on poor ^{poor} Alabama.

"Here," ^{hoarsely} whispered one of the lumberjacks, resting his oars, "drop 'im in here."

They ~~the~~ ^{the} boat pitching wildly, they almost had Alabama over the side, when a ^{frantic} voice ^{of the night} spoke out, "What you all doin' to me, white man!"

~~Young Parsons Belden?~~

about it?

"What did you do?" asked Judge Belden.

"Do?" Judge Belden smiled. "I got hold of old Jim Flannigan and --"

"And what?" I shouted.

"And 'One Punch' Lee made more money on that fight than any other in his long career."

career.

1st.
April 6, 1941.

OVER THESE PRISON WALLS

Last Chap.
number

Every community which harbors a penitentiary ~~in its~~ has a time bomb planted in its midst which may explode at any minute of any day. Our prisons are crowded with long-termers and lifers, many of whom are there because of some ^{fatigue,} socially-clashing failure ^{or inability.} to discipline themselves, ^{to adjust themselves to life.} They are — many of them, not all — men of wild impulses for good or bad, men of unbridled emotion, ^{incredibly courageous,} ^{calmly,} ^{ruthless,} ^{tender.}

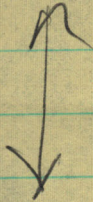
Put here → Suddenly these men, who have brooked no discipline, heeded no halter, are caught up in the unyielding, iron regimentation of prison existence. Those that are not broken ^{by it,} crushed, ^{become} ~~and~~ raving or quietly staring-eyed, spend their ^{every} waking moment planning, ~~also~~ scheming, contriving — to get out of there. Freedom! becomes their only prayer.

← potential good! The failure of these men ^{so full of potential good,} to harmonize their intensely individualistic, restless natures with the social ^{weal} ~~good~~ — the appalling waste of ~~it~~ — is one of the great tragedies of life. "There, but for the grace of God...."

It is this consuming lust for freedom that fills our newspapers with ~~with~~ fantastic tales of plots, ^{and} ^{at escape,} ^{of} actual prison breaks. A Dillinger fashions a wooden gun, escapes from a country jail, and a nation follows a ^{hound and hare} blood-stained manhunt, ^{obscure} winding up in the spattered gutter of an ^{obscure} Chicago movie house.

Three lifers in the prison at Iron Bay patiently await a Saturday night movie in the darkened chapel, and when the smoke clears away the warden is dead, his deputy and one of the prisoners fatally wounded.

and the prosecutor has ^{a batch of} ~~two~~ murder cases to try. For
it is the duty of the prosecutor to handle all ^{criminal} offenses
~~arising~~ ^{arising} in any prison located in his country.
He ^{helps} gather away the debris, you see, whenever the
bomb explodes.



^{barred, guarded}
The ^{barred, guarded} building where the state parole board heard its cases stood in the center of the main prison yard. The parole board was in session, hearing its last case. The warden, his deputy, the chaplain, the prison physician ^{all} were there. The stenographer rapidly took his notes as the hearing neared its conclusion.

There was a scuffle at the ^{barred} door, the door opened, and in ^{what} came three inmates pushing a bound guard before them.

"This is a break, men," ~~is~~ Musto said, leveling a revolver at the assemblage. "Tie 'em up, boys."

Musto's two partners had long knives, and coils of binder twine. In ten minutes the job was done. Then—

Musto took one of the knives and held it at the warden's back.

"Warden," Musto said quietly, "I want you to telephone."

Yes?

I want you to phone out for a fast prison car to drive up to the door of this room—to open the gates wide—we're going to leave you.

And if I don't? the warden said.

Will kill every man in this room—starting with you. Musto laughed. Nothing to lose, warden. Sooner be dead than in here. Do you phone?

The warden had a wife and three children just outside the wall. He had been the skipper on a submarine chaser during the last war. He knew no personal fear.

"Give it to 'em," Garrett snarled. Garrett was another inmate.

"Shut up, Garrett," Musto snapped. ^{to us}
"Warden, I like you - you're been as decent as
you bastards can be - but we've got to hurry."
He twisted the knife.

The warden looked at the others, traced
them in their chains. They nodded their heads.

"I'll give them your message," the Warden
grimly answered, ~~reaching~~ speaking into the
phone Musto held for him.

When the big car rolled out the
prison gates an army of state, county, city and
prison officers were lined up on both sides - they
could have reached out and touched the car.
Bristling with shot-guns, tear gas bombs,
sub machine guns, they sat or stood there and
watched their quarry ride away. For in the car
with the inmates, sitting packed on and around
them, were the three members of the parole board,
the warden, and his deputy. A member of the
parole board was driving.

As the big car rounded the curve on to
the state highway, it shot into high, gathering
speed, and with a roar and clash of gears,
the army of officers rolled into pursuit.

OVER THESE PRISON WALLS

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As the big car rounded the curve on to the state highway, it shot into high, gathering speed, and with a roar and clash of gears, the army of officers rolled into pursuit.

Musto laughed and thrust his revolver under the Warden's nose.

"Warden, now that we've got some real guns, what do you think of this job?"

The Warden laughed grimly. The "gun" was made of wood.

"I made it myself. Pretty good, don't you think, Warden?"

The big car sped down the road. The pursuers were drawing nearer.

"Stop the car!" Musto shouted.

The car pulled up on the shoulder, and the cars in the rear drew to a halt, the lead car but five hundred yards away.

Musto quickly cut the bonds of the Deputy Warden, opened the car door, and pushed him out.

"Bill," Musto said, "go back and tell the boys that if they keep in sight of us again, our next warning is going to be a dead body. Get going."

Musto slammed the door, and the big car again gathered speed. A half mile farther Musto again ordered the car into a gas station.

"But the indicator says it's full," the parole board driver said.

Musto pressed a knife at his back. "Get in there. I want some for my lighter."

The tank of the big car took over nineteen gallons. Musto dropped a twenty-dollar bill out on the ground as the car sped away, gathering speed, taking the curves at seventy, passing Rapid River, Gladstone, Escanaba, approaching Menominee, where lay the Michigan state line.

None of the inmates had thought to turn on the car radio, which would have informed them that the show-down would be at Menominee. It was getting dusk, and the big old car was nearing ninety miles an hour as they approached the boundary bridge.

Musto shouted, "Look out, men -- barricade!"

As the driver swerved the big old car to the left, it leaned over like a great sail-bear, groaning and squealing and smoking from tire burns. The door flew open, and the chairman of the parole board leaped out and rolled like a rubber ball. Fortunately he had played football in his youth; and as he stood up, he saw the big car disappearing in a cloud of dust along a side road following the lake shore.

The first car drove up, and the chairman got in, and away they went in pursuit. In two miles they sighted the car, drew nearer and nearer, when suddenly at a curve the old car left the road and turned over and over in the ditch.

"Are you hurt, Warden?" the chairman shouted in the darkness.

The Warden raised the rear door of the car, lying on its side, and stepped out.

"No, but I'm hungrier than hell," he said.

The three inmates pleaded guilty, and another prison break was ended.

On a day in the Spring four convicts, by a strange coincidence, found themselves sitting in the waiting-room of the prison physician, each bearing a slip that the doctor should examine them for various minor ailments. By a stranger coincidence, each of the four had a loaded revolver hidden in his clothing. The four prisoners did not talk with each other and sat there silently awaiting their turn. A trustee nurse appeared at the door.

"Alex Stasiak -- next."

"What seems to be the trouble, Stasiak?" Old Doctor Hornberger smiled, reading Stasiak's slip.

"A little cold, Doctor, is all."

"Cold? On such a beautiful day? Here, open your shirt." Doctor Hornberger advanced towards Stasiak with his stethoscope. "I'll listen to you first."

"No, no, Doc." Stasiak drew back. "It's in my throat."

But Doctor Hornberger, laughing jovially, had pulled open Stasiak's shirt, exposing the hidden revolver.

The two men stood looking at each other for just an instant. The trustee nurse took one look and leaped down the laundry shoot.

"Doc," Stasiak said in a low voice. "Doc, I hate to do this. I didn't think we'd have to do it to you."

Stasiak deliberately pointed the pistol at the doctor, and there were two shots. Old Doctor Hornberger fell dead with two bullets in his heart.

Stasiak ran through the waiting-room with the smoking pistol. "The bets are off, men. Follow me."

At the main entrance to the hospital unit the four convicts overpowered and disarmed a guard and, lifting him before them like a football hero, they rushed over to the tobacco factory, into the elevator, and up to the second floor.

As they got to the second floor, an avalanche of tear-gas bombs broke through the factory windows near the elevator. Immediately the guard and four convicts began coughing and blinking.

"Back into the elevator!" Stasiak shouted. "We'll shoot our way out at the bottom."

The elevator did not work. The power was shut off. Stasiak stood looking at his three companions and the guard.

To the guard: "Are you married?"

"Yes."

"Any kids?"

"Four."

"Get the hell out of here." Stasiak pushed him into the factory proper and turned to the other three.

"Men, you picked a loser. The race is over. There is only one way." Stasiak levelled his gun at Bronski's temple. "Goodbye, Bronk."

Bronk closed his eyes and nodded his head. Stasiak pulled the trigger, and Bronk fell dead.

"Goodbye, Gurney."

Gurney dropped dead in the elevator.

"And you, Charlie -- I'll see you in hell, too."

But Charlie leaped over the gushing bodies and tried to get into the factory. Stasiak pulled the trigger, and Charlie fell with a bullet in the back of his head. He rose to his knees, walking like a man on stumps.

"Stace -- Stace --"

Stasiak fired again. Just as the guards burst up the stairway and rounded the corner, Stasiak held the revolver to his own temple and fired the last shot into his brain.

After the dead were buried, there was the question: Where and how did the men get the guns and ammunition? After months of police work, this was the answer:

Convict Barlowe was released from prison two months before the fatal shooting. Before his release he was told to go to a certain address in Detroit, and he would receive a thousand dollars in cash. With the money he was to buy four pistols and ammunition and return to Iron Bay and hide them in a culvert outside the prison grounds. He was then to at once return to Detroit and keep the balance of the money.

Barlowe got out, went to Detroit, went to the address, got the money, and proceeded to spend it. He was enjoying himself immensely when one day the bartender at the Blue Goose answered

the phone and turned to Barlowe and said, "Telephone for you, Barlowe."

Barlowe answered the phone, and a voice said, "Barlowe, we give you two more weeks. Do you understand?"

"Yes."

Barlowe's trial was a long and involved affair. He called, as was his right, a long list of character witnesses from the prison. One of these witnesses, a Detroit negro, was on the stand and had just testified as to Barlowe's good character.

Butch Holt, my predecessor, was trying the case. He took the witness.

To the inmate: "When you speak of the good character of the defendant, do you mean good character inside the institution or outside the institution, Mr. Jones?"

"Inside de prison walls." The witness beamed.

"What do you call 'good character' inside the institution?"

The witness folded his arms and grew thoughtful. "Charactah in the institushion, Suh? An inmate what does a favah foh another inmate, keeps his mouf shut, and pays his gamblin' debts -- dats a man a good charactah, Suh!"

Barlowe was convicted, transferred to a down-state prison, and escaped while he was being held in a detention ward. Two weeks later his body was found in the alley behind the Blue Goose, a tavern in the City of Detroit.

Monday, March 31, 1941

11:20 a.m.

Chief Ford phoned from
Regaunce, asking that you
phone or stop in on your way
to Marquette.

11:45 a.m.

Mr. E. R. Nelson phoned.

"Character in the institution, Sub?"

Q: ^{inmate} ~~man~~ what
~~man~~ ^{does} a fellow for another
inmate, keeps his mouth shut,

and pays his gambler's debts, ~~for~~ —

that's ^{date} a man a good character, Sub!

Insert A

¶ This is not to

On the other hand I do not quite subscribe to the glowing doctrine that the traditional jury is "the palladium of our civil rights" or the "bulwark of our civil liberties." ^{That smells of political rant. To hog-} I do not think we need call the jury by any such awesome names, ^{whether} good or bad, ~~with a heavy~~, ~~recognizing that no system is~~

~~susceptible of perfection~~
 → Perhaps it is ^{more appropriate} ~~better~~ to approach ^{the question} on this basis: As bad as ^{the old system} ~~it is~~, ^{we} ~~we~~ have ^{not yet} found any better?

Chapter ____.

A JURY OF YOUR PEERS

If all the legal tracts and volumes written about the jury system were laid end ^{for} ~~to~~ end, there wouldn't be any room left for the jury to sit. Many of these are bitterly critical and say, with considerable truth, that the prevailing twelve-man jury system seems fatally designed to get the least qualified persons to sit on ^{the trial of a} ~~a~~ given case. And it is true that generally speaking, the more one knows about a case or of a situation involved in a case, the less likely he is to be chosen to sit as a juror on that case. The critics urge that this ^{condition} ~~flies~~ in the face of human experience and makes for uniformly mediocre juries and unjust verdicts.

Students of legal procedure suggest that the answer might lie in a two- or three-man "jury" composed of trained judges; that in this way there would less apt to be successful appeals made to the prejudices and emotions; that the constant flood of perjury in our courts would be more effectively appraised and weeded out than by ^{the average} ~~a~~ twelve-man jury composed of ^{untrained} ~~laymen~~.

Yet none of the many jury reforms, only a few of which have been suggested here, are themselves free from the weaknesses which seem to be inherent in any system devised to reconcile the ^{conflict} ~~sharp~~ clashes of interests and personalities present in every trial. It appears that the human factor can be quite as much a problem to three learned judges as it can be to twelve illiterate ditch diggers. Susceptibility to flattery, considerations of self-interest, favoritism, and prejudice, are human frailties which are not the exclusive property of the poor. (Insert A)

^{many disqualifications to speak with authority on the problems,} ~~Despite all that has been written, and~~ ^{and admitting my} ~~conceding~~ the many weaknesses of the present jury system, I still rather lean to the ^{tentative} ~~conclusion~~ that there has not yet been found a better or more democratic way for men to legally determine their clashes with each other and with society. ^{The subject does not lend itself to dogmatism.} It is true that some of their verdicts are absurd when they are not unjust and yet, by and large, it has been my observation that the twelve-man jury somehow tends, in the majority of cases, to achieve ^{a fair average of} a sort of rough justice. ^{and too,} ~~What~~ strikes one as a just or unjust verdict, you see, depends a lot on one's point of view. ^{One does not use calipers when} ~~One does not use calipers when~~ ^{damning to} ~~talk~~ about justice?

It would be an absorbing experiment sometime to wire a jury-room for sound and really find out what it is that juries do and talk about when they retire to consider their verdicts. But such an undertaking, besides being illegal, would be entirely inconclusive, for one still would not know what the next jury might feel inclined to talk about. And what they said would not be the whole story, anyway. It is what they do that counts, and sometimes jurors do not always explain why they do certain things. I suspect that sometimes they do not know. ^{for} ~~a~~ jury, whether

of twelve average persons or of three trained experts, or of any of the other suggested compromises, is in a certain sense a composite of ^{real} all of the multitude of its ancestors, with all of their ^{jungle-tangled} ~~inherited~~ characteristics, prejudices, family backgrounds, mental aberrations, ^{and} ~~and~~ ^{crustacean and heavy with an} ~~and~~ ^{age-old accumulation of} folkways. What psychologist that has ever lived would dare to ^{them} ~~attempt to~~ ^{confidently} predict any jury's reaction to a given trial situation? ^{the universe,} [^] [^] [^]

In legal theory a jury of twelve persons is a simple, ideal arrangement. The jury sits and hears the facts and the referee-judge advises them on the law applicable to the case, and then they retire and, in theory, apply the law to these facts and bring in their verdict. ^{This Utopian jury lets nothing else sway them at.} ^{To aid in achieving this beautiful dream, in} criminal cases, with few exceptions, the jury is expressly warned by the judge not to consider the question of punishment, but merely to consider the sole question of the guilt or innocence of the accused. The judge also specifically tells the jury that they are not to consider any evidence or facts ^{laid before them} ~~not~~ ^{brought out} in open court.

Practical experience and actual admissions by ^{garrulous} ^{miss H: (spelling?)} jurymen indicate that many, and probably most, juries do not follow these instructions. That sage observer, Judge Belden, feels that most criminal juries unconsciously ask themselves two major questions: Is the defendant guilty? If so, do we want to punish him? It is the answer to this last question that founders so many criminal prosecutions. **(Insert B)**

I have seen juries acquit a defendant when I have ^{secretly} felt inclined to bet ^{my best fly-rod} ~~anything~~ that they would convict. ^{That's where I got fooled.} And I have seen juries convict when I was firmly convinced that there wasn't a ghost of a chance for a ^{guilty verdict.} ~~conviction~~. The factors that influence a jury in arriving at their verdict are so many and so complex that they defeat mere indexing let alone explaining. ^{Punishment is an outstanding one.} ^{Racial,} ^{Religious,} and fraternal considerations, ^{"instinctive"} feelings of like and dislike, indignation, ^{racial background,} blind prejudice, are just a few of the more obvious elements. Yet it should be remembered that the presence of these factors in reaching a verdict does not necessarily make the verdict unjust. ^{And it does make the trial of a criminal case} ~~of a case in court~~ the fascinating duel that ^{it is.} ~~it is.~~

A woman juror -- a plump, near-sighted spinster -- once hung the jury in a particularly brutal murder case because she thought the defendant looked like Gary Cooper. "The poor boy just looked too nice to do such a horrid thing," she sighed. ^{and heered like Boris Karloff.} I sighed, too, ^{And the situation} of the woman defendant or witness beguiling a male jury with gobs of feminine allure, ^{coolly exhibiting} ~~including~~ a well-modelled ^{a Sahara} ^{well-modelled} expanse of shanks and mammary glands, is not any mere invention of the illustrators of humor magazines. It is a sober fact realized by every lawyer who tries cases. I usually try to get these ladies mad. An angry ^{female} ~~woman~~ somehow seems to ^{kill romance in a jurymen.} ~~sober a jurymen.~~ Perhaps it reminds him of home. ^{Maybe I had better strike that.} ^{Nothing personal, sweet Grace.} ^{Just banter.}

(No 9)

Incent B

Indeed, it is so universally recognized that juries do ~~enter~~ ^{enter} the forbidden ^{zone} ~~part~~ of punishment, in addition to ^{considering} guilt, that it is the law, ^{for example,} that a conviction may be reversed if a jury, ^{debated} ~~considered~~ the guilt of the accused on the erroneous ^{assumption} ~~assumption~~ that the maximum punishment was less than it actually was. ^{that juries do consider punishment} And this recognition is one of the ^{best} arguments of the opponents of capital punishment, the death penalty. Why put capital punishment on the law books, they argue, when you know that experience has shown that nine out of ten juries will not convict a ^{guilty} ~~guilty~~ defendant ^{when they} ~~when they~~ ^{are} ~~are~~ ⁱⁿ ~~in~~ ^{the} ~~the~~ ^{presence} ~~presence~~ ^{of} ~~of~~ ^{the} ~~the~~ ^{fact} ~~fact~~ ^{that} ~~that~~ ^{they} ~~they~~ ^{may} ~~may~~ ^{be} ~~be~~ ^{sending} ~~sending~~ ^{him} ~~him~~ ^{to} ~~to~~ ^{his} ~~his~~ ^{death} ~~death~~? Better get ten ^{dangerous} ~~criminals~~ ^{bad actors} ~~criminals~~ out of the way for life, they say, than hang one and pin a rose on the other nine. ^{And} ~~the~~ ^{the} ~~boys~~ ^{boys} have got something there.

At any rate, I know that the more I practice law the less able I am to predict what a jury will ever do. I have ^{about abandoned} given up the practice. I am reminded of the time I tried ~~Nick~~ ^{Otto} ~~Nick~~ for receiving stolen property. ^{Otto} He was in the junk business and had bought a staggering amount of copper ^{cable} stolen from one of the iron mines. The young men who had stolen the ^{copper} property had pleaded guilty to their larceny, and had turned State's evidence on ^{plump Otto,} ~~Nick~~. These charges are always difficult to successfully prosecute because from their nature the People usually have to rely upon "squealers'" evidence. ^{And it is un-American, gathering to sever a squaler.} In addition, ^{howlingly} ~~Nick~~ had hired himself one of the ablest defense attorneys in the district and ^{laid his angry eyes on} ~~he~~ denied the charge of ever having ~~seen~~ the young men who sold him the copper. "Wat iss dis?" he wailed. "I been defamed!"

In selecting the jury in a criminal case the People and the defense are each allowed a ^{definite fixed} certain number of peremptory challenges. That means that each side can dismiss a ^{certain number of} juror from the box without assigning any reason. ^{The number depends on the gravity of the offense. When this number is exhausted,} Other jurors may only be dismissed unless good cause is shown, as developed by questioning the jurors before they are sworn. For example, if a juror ^{insist} should ^{state} that he is convinced of the guilt or ^{innocence} innocence of the accused, he would immediately be booted off the jury. ^{Anyway, Nick's lawyer and I were putting on quite a spirited act} ⁱⁿ selecting the jury, and I had used up all my peremptory challenges when, to my dismay, I discovered that a new juror was a relative through marriage to ^{Otto's} ~~Nick's~~ wife! The relationship was not sufficiently close to ^{sustain} warrant a peremptory challenge, and the juror, a little pugnacious Irishman with a flattened nose, swore up and down that ^{called Dinny Hogan,} this fact ^{Molly had married Otto} would not influence his verdict one way or the other. ^{"Shure, an it wont!"} ^{dolefully} Nevertheless I challenged him for cause and was properly turned down by Judge Belden. It took us three day to try the case, ^{to land the copper cable at Otto's} and my spirits were not helped by ^{my} the conviction which I ~~felt~~ that all this work was for nothing; that regardless of how good a case I had, this ^{Hogan} juror would at least cause a disagreement, ^{a hung jury.} For ^{the} verdict of a jury must be a verdict of all twelve jurors.

^{down} ^{interminably, me despairing, he flushed with anticipated} ~~Nick's~~ lawyer and I argued for hours, and finally the jury went out. They were out quite a long time, ^{and loud voices rolled along the corridors.} and I could envisage ^{dear Otto} ~~Nick's~~ relative going to town for ~~Nick~~ in the jury-room. ^{the tumult and the shouting died.} Finally "The jury has reached a verdict," the bailiff announced. So Judge Belden, ^{beaming Otto} ~~Nick~~ and his attorney, and I hurried into the ^{now} deserted courtroom. The jury-room door opened, and my heart sank, for the jury filed out headed by ^{Otto's} ~~Nick's~~ relative, ^{During Hogan,} which indicated that he was foreman. I reached for an aspirin.

"Have you arrived at a verdict?" Judge Belden asked.

"We have, your Honor," piped up Dinny.

"What is your verdict?" asked Judge Belden.

"Your Honor, we find the defendant guilty as charged," Dinny resolutely declared. He then turned and glared at ^{cousin Molley's} ~~his~~ disconsolate ^{concert,} ~~relative.~~

Jurymen are not supposed to discuss their jury-room deliberations with anyone, but this ^{naive} rule is observed largely by its breach. Before Dinny left the courtroom that night, he ^{hunted out and} told the sheriff with ^{swollen} considerable pride, that he had had quite a time with two, ^{or three} of the jurors who were inclined to feel sympathetic with ^{cousin Otto's} ~~him~~. "I told them!" he declared. "I told them that the rat would steal the gold out of his grandmother's teeth if he had a chance. You see, sheriff, I know the son-of-a-bitch." So you see ^{you see} how it is.

This ^{brings} ~~reminds~~ me ^{back to} about the first case I ever tried in circuit court. ^{I was still Holt's assistant} It was one of those desperate cases that prosecutors sometimes have to try, without any real hope of obtaining a con- ^{you see} viction.

The charge was larceny from the person, and the ^{big} stumblingblock to a successful prosecution was the vagueness of the complainants identification of the accused.

The victim was a little Finnish lumberjack called Salmi. One Saturday night he had ^{left camp} gone to ^{Pine} ~~Big~~ Cove, a lumbering town in the north end of the county, and ^{he raced} had gone over to Rosie's to inhale some moonshine as well as some of her feminine fragrance. ~~It was a typical case of a bar-fly rolling a lumberjack.~~

Around midnight little Arvo Salmi ^{had achieved} was gloriously plastered, and it seems that about this time he was ^{also} seized with an urgent attack of romance. Whereupon he made a ^{determined} ~~fugitive~~ pass at the ^{Outraged} ~~seductive~~ Rosie. ^{Rosie had other plans, and screamed. Virtue trembled, whereupon} ~~About this time~~ the villain entered the picture -- the defendant, Rosie's fancy-
man and bouncer, ^{Walt} ~~Langford~~ Langford ^{is}

He came up behind ^{amorous} Arvo, ^{and} grabbed him by the neck and the seat of ^{romance, outraged} the pants, Rosie opened the door leading down the long ^{wooden} stairway outside, and Langford, ^{pitched} the defendant, ^{down} threw little Arvo ^{poor} into the night. The next thing Arvo remembered was that a man came over to him in the dark-
ness, knelt over him, rifled his pockets, and went away. ^{It was a typical case of a bar-fly} ~~rolling a drunken lumberjack.~~

"How do you know it was this man, Arvo?" I pointed at the defendant Langford, who ^{stockily} sat next to his attorney. ^{Langford was dark} He was a big ^{an artificial} hulk of a man, with ~~a~~ ^{wooden} leg.

"Dis man, he walkit crooked ^{squeak, squeak} an' he ^{make} breathe pretty hard." Arvo proceeded to breathe pretty hard for the jury. "Galloping consumption," ~~it~~ ^I ~~said~~ ^{silently} ~~diagnosed~~.

"Had you ever seen this man before?" I asked, pointing.

"I never see dat man before. ^{But he's da one. I sure} ^{for} ~~dat~~."

you see I didn't intend to lose it for him.

"Was he the same man that threw you out ~~of~~ the door?"

"I dunno. I never see for dat man, either. ^{But I sure, sure he do dat.}"

"That's all, Arvo."

I glumly rested my case, convinced of sure defeat, for this was ~~surely~~ a scaly identifica-
tion, to ~~say the least~~ put it mildly.

~~Arvo~~ Langsford, ^{attorney,} ~~lawyer,~~ like the thwarted actor, ^{all} ~~we are,~~ ^{Langsford}
arose and dramatically intoned: "The defence will call
^{Walt} ~~Arvo~~ Whitman Langsford!"

This alleged and glowering wild oat of the great
Walt braced himself in his chair, his bum leg out
straight, and heaved himself to his feet. Breathing
mightily ^{from the exertion}, he slowly limped, sidled to
the stand, ^{his artifice limb creaking and whistling}, ^{here he paused,} swore to tell the truth, the whole truth, and
nothing else but, ^{mounted to the chair -} and claimed he was drunk in
Iron Bay that night, ~~At~~ forty miles away. ~~At~~

As you have divined all along, ^{that} ~~the~~ ~~do~~ ~~not~~ ~~even~~ ~~a~~ ~~little~~ ~~bit~~.
cynical old jury didn't believe him. ^{Not even a little bit.} They convicted
him in five minutes. Walt Whitman Langsford
literally ^{trudged and} panted his way into ~~the~~ prison.

~~Final~~ Draft

Chapter —
The Foreigners

The prosecutor is ^{supposed to be} the lamp-lighter
and wick-trimmer of pure elections. He
^{presumably} ferrets out ^{all political} corruption, guards the sanctity
of the ~~ballot~~ voting ~~booths~~ booths, the
secrecy of the ballot box — ^{on odd Thursdays} and plays
the tuba in the local band.

There are no ^{hottly contested} elections in this land
^{of course} of ours ^{held} as held than those in our rural
townships. ^{Bathhouse} ^{Polys} ^{ward} ⁱⁿ ^{Chicago} ^{is} ^a ^{church} ^{social}.
Talk about the citizen's responsibility
to go ^{out} and vote! ^{The} ^{rural} ^{elector} ^{his}
hands to cast ^{his} ^{ballot} a vote. It goes without
saying that the prosecutor ^{gets} ^{himself} some
beautiful five-star headaches, trying to
untangle the ^{produced} ^{by} ^{the} ^{rather} ^{rural} ^{election} ^{process} ^{produces} ghostly situations.

Box - Home
~~Ballot~~

Here's one a township clerk a bright,
engaging, second-generation Friar — ^{recently} ^{just} ^{brought}
^{sute} me from ^{his} ^{township} ^{last} ^{election} ^{last} ^{month} I cannot
do justice to it, I'll let him tell it.
p.p.s. ↓

2 draft

The case was a charge of rape. The defendant was a ~~young housepainter~~ ^{young housepainter}, the complainant a very brittle, easily bruised little ~~girl~~ ^{divorcee} from Iron Bay. Her mother had caught the two locked in a romantic half-Nelson, on the family sofa, the girl had hollered bloody murder, virtue was battered and bleeding, and the ~~mother~~ ^{outraged mother} filed a charge ^{that the defendant,} in the hog-calling language of the statute, ~~that the defendant~~

"did ravish and carnally know" little Gloria

"by force and against her will."

¶ Holt tossed the case in my lap. "Look into it. Prepare the case for trial. It's your baby, Johnny."

¶ Here was my golden chance, here at last was my opportunity to pull out all the organ stops, to unleash the ~~store~~ wealth of invective I had stored up while being a justice court apprentice of ~~to~~ Holt's. ^{to} I worked might on my jury argument, when Circuit Court rolled ^{around} ~~over~~ ~~the~~ ~~case~~. There was ~~of~~ North for a visit, at the ~~time~~, and had a ringside seat.

Little Gloria took the stand, a

downcast, demure picture of sullied
maidenhood, ^{Led on so skillfully by the assistant prosecutor, she} and told how ~~the~~ Furlong, the
defendant, ^{who had been painting Gloria's house,} had come ^{with} ~~over~~ to the house to
use the phone, determined little Gloria alone,
and had ^{unanimously} piled on to the davenport with
her. Ah, such a carnal outrage.

With a great flourish I unwrapped
a paper bundle, shook out the contents,
and waved ~~them~~ aloft, like a private in the
U.S. Signal Corps—a pair of wrinkled
pinks ^{blouses.} ^{'Holt will like that,' I thought.} There was a hysterical snort from
the ^{audience} ~~press~~ and I turned around to see ^{a young} ^{woman} ^{Grace,} her
face beamed in her hands, ~~beaming~~ ^{shaking}
convulsively with mirth. ^{A young lady called} ~~the name was~~ ^{from the city, visiting friends, called Grace.}

"Are these your blouses?" ^{sonorously} asked Gloria,
wig-wagging the exhibit. ~~Holt would like that~~

"Yes."

"Were you wearing them ^{on} ^{May} 16th—the day of the
assault?"

Timidly? "Yes."

Gravely: "Are they in the same condition that they were following the attack?"

"Yes"

Triumphantly: "And did the defendant, in his violence, tear this right leg here?" Pointing, curling my mouth like Holt did.

"No"

"What!"

"No, they were ^{tom} that way before he came into the house."

I staggered back, the bloomers drooping ~~drooping~~ to half-mast, I had been assuming facts I hadn't checked - a fatal ~~dangerous~~ practice for any prosecutor.

"Well - ah - that is - ah - ~~did~~ ^{were the} bloomers removed?"

"Yes"

Bloomers soiled again. This was better.

— pointing scornfully at the defendant —
"And did he use force to remove them?"

"No — you see — I did, so they wouldn't
tear any more."

Palmer, ~~I dropped~~ the blossoms dropped to the floor.
"How old are you?"
"Twenty-three."

Desperately: "Did he have intercourse
with you?"

Demurely: "Yes."

"Did he force you?"

Looking at her ^{vice-garbed} mother: "Y-yes."

"And it was against your will?"

~~Yes~~ "Er — — yes."

~~How old are you?~~

The defendant Furlong took the stand.

He admitted ^{entering} ~~entering~~ Gloria's house to
use the phone, ^{told as forgoing} said the husband, ^{sitting} ~~and~~ Gloria ~~then~~
^{arranged in a tight-fitting} ~~trousers~~ ^{dressing gown}, that she ^{had} invited him to sit on
the davenport, that they got talking, you know, and —

"Did you have intercourse with her?"
interjected. "Enough of this buffonery."

~~Yes~~ Young Furlong

He flushed to the roots of his hair.

"Why - ah - ~~you know how it is~~, Mr. Framer - ah -"

"Did you?" Bitingly.

"One thing led to another - ^{ah -} I kissed her - she kissed me - it was Spring - you know how it is, Mr. Framer - ^{ah -} and then her mother walked in and caught me."

I stood there between a swoon and a sweat, wondering ^{just} who ^{had} ravished who,

"How old are you?"

"Fifteen."

"That's all."

My ring

The argument was ^{one of those things in life} ~~and~~ Little Holt-Framer ^{wish undone,} ^{we vainly} ^{lanky}

got up, ^{foam and haggard,} ~~his~~ eyes, and delivered his set

speech - he had learned ^{it} ~~that~~ much better than the facts of his case. ^{like} ~~the~~ argument

was ^{monstrous} ~~like~~ a giant manikin, ^{trampled} ~~trampled~~

by strings, ^{howled at the ring!} ~~trampled~~ ^{did} a

macabre dance, pointed scornfully at the

I went into my act, whispering, slanted,

~~strong~~ defendant - even he seemed
embarrassed for me - perched on the rails,
^{carved,} galloped backwards into a cuspider. Ah,
I cannot go on. ^{I gave them Holt.} It was like a high school boy
playing Hamlet, the winner of a ^{local} dance
marathon essaying Tjivsky.

Then, ^{finally} raising the ressed ^{pink} blossoms ^{on high,}
cavern-voiced, I ~~howled~~ hollowly howled
^{my conclusion} "At the jury, in the best ^{Holtian} ~~Holt~~ manner:

"And in the name of the People
of this great State - I demand a
conviction of the ~~accused~~ accused for his
dastardly crime!"

In short, ^{winning} prosecutor pulled a magnificent blossom.

After ^{with white, when} the jury came out and said
"not guilty," Judge Belden called me in to
his ~~the~~ private chambers and closed the door.
"Light your pipe, Johnny - I want to
have a ^{little} talk with you." He gave me a kindly smile.

I was beyond words. After the pipes
were lit,
~~before~~, Judge Belden turned ~~and~~ to me
and ~~soon~~ began to talk, quietly, kindly,
never once raising his voice. He told me
that ~~he was~~ a prosecutor owed a duty
of carefully investigating the facts of each
case brought on for trial; that he owed a
duty to the defendant as much as to the
complainant or ^{the public,} ~~people~~, to ~~be fair~~ know
his case, and ^{at all times} to ~~be~~ fair to all concerned.

"I would have ~~been~~ dismissed this
case before it went to the jury, except that I
wanted the defendant to have a jury acquittal.
He at least deemed that. And I wanted too, to
hear for myself of your jury argument was
what I had heard it might ~~be~~. ^{be.} It was."

He turned and looked out the window,
out across vast, cold Lake Superior. He
seemed to be musing to himself.

"Each of us has in ~~him~~ something
that no one else can ever have — that is one of the
~~the~~ ^{mysterious} ~~sublime~~ fact of life. I believe, ^{I think,} ~~we~~ ^{we} ~~are~~ ^{are} ~~one~~ ^{one}

and to the world
It to ourselves to be ourselves — in the
best way ^{that} we can. ^{He pointed.} "An artist ^{becomes} great
only because he is distinctive, he is original,
^{imminently sincere} — he is himself. A lawyer called Francis
can ^{no more} ~~be~~ be a lawyer called Hall ~~—~~,
~~and this~~ than can ^{a lawyer called} Hall — and this is
the thing — be like Francis."

He turned to me, his ^{kindly} face thoughtful, his
fine eyes half smiling. He took my hand,
"Johnny, I like you. Good luck."

~~Draft~~

Chap —

In the Name of the People

It was soon agreed by lawyers ^{and laymen} ~~and judges~~ ^{also} ~~that~~ ^{that} Holt developed ^{into} ~~into~~ one of the most brilliant prosecutors ~~who had ever~~ ^{who had ever} the peninsula had ever seen. A criminal trial to him was a contest, a ^{combat} challenge, a ~~battle~~ ^{combat} to be won. He made each trial ~~an intense~~ ^a burning, intensely personalized affair between himself and the opposing lawyer, throwing himself into ~~it~~ ^{the} battle with all of the dynamic zest that he used in collecting the Connors brothers' beef bill.

He was not only ^{a powerful speaker, but} an excellent lawyer, ^{as well} but ~~a powerful~~ ^{resonant}, resourceful, crafty, tenacious, ^{and} a consummate actor. When the word got about that Prosecutor Holt was about to begin his arguments in an important criminal case, a crowd would gather ^{with the silent speed} ~~like~~ a mob at a lynching. To hear and see him make an argument ^{argued} ^{(was an emotional experience; it} to a jury was to witness a moving, ^{absorbing} ~~absorbing~~ drama. ~~It was an~~ ^{absorbed} emotional experience. I have seen jurors ~~sitting~~ ^{sitting} sit for an hour, two hours, with ^{grip of} a hypnotic stare on their faces, ^{inapt} while Holt played upon them like a great conductor ~~to~~ ^{to} bending ~~the~~ ^{to} orchestra, ^{his} ~~his~~ ^{voice} rising ^{would rise} in a crescendo of anger and scorn, and ^{again} ~~falling~~ ^{fall} to a ^{the merest} whisper, a ^{beginning} subtle purr. ~~And I have seen jurors~~ ^{in a near state of} collapse when he was close. ^{Holt gradually} ~~he~~ ^{smelled to} his conclusion, ^{and finally demanded} "in the name of the people of this great state" a conviction of the accused, ^{in their seats} ~~set~~ ^{state of} back in a near collapse. Needless to say, he ran up an imposing record of convictions. ^{and again, needless to say, the} ~~Holt's~~ ^{prosecutor} new assistant became a slavish admirer and student of Holt's style. At first Holt

of a

his

I have seen jurors face

Holt ^{had} assigned it to me a month before trial, and handed me the file containing a brief ^{state} police report.

started ^{me} out on justice court modernism trials: drunk driving, minor assaults, petty larcenies, and the like. In all of these trials the jurors would sit there ^{memory and embarrassment,} ~~passively~~, waiting. Holt's ^{new} assistant ^{in his boundless efforts,} ~~trying~~ to be another Holt. ^{He must have been} The tendency to imitation, strong in all of us, almost made a monkey out of me.

Then came my first circuit court criminal presentation. ~~It was a law~~ By that time I conceived myself to be a little Holt on wheels. ~~I could~~ shout, get red in the face, pound the jury railing, ^{dance} ~~back~~ away, point scornfully, ~~and~~ whisper hoarsely, and wind up in a terrific gale of shouting ^{and deriding,} like a little Holt on wheels. It was ^{quite} sad and ^{was} a little ^{more} red-faced as I ~~remember~~ recollect it. ~~The tendency~~ For the truth was, seen now in gentle retrospect, ~~that~~ that the tendency to imitation, so strong in all of us, was making a prime horse's ¹⁰ buttocks out of me. And I don't mean fanny.

The case was a charge of larceny from the person a felony offense. ^{Blenchy} ~~Simply~~ stated, it was ^{simply the old situation} ~~the case~~ of a ven-flyer rolling a drunken lumberjack. It happened at a moonshiner's resort ^{near the Superior,} up at the lumber town of Powell, Tenn. by a be-whiskered female called ~~Carrie~~ Carrie. Her fancy-man and barometer was the defendant, ^{Boazney Langford,} ~~Langford~~, a big hulk ^{with} of a man with one wooden leg. The victim was a little Finnish lumberjack called Arvo ^{one Robinson he} Jarvonen.

Arvo had ^{so} got his ^{pay} slip, ^{snow, shed,} ~~came~~ into Powell, cashed his ^{slip} check at the company store (all the pore whites aint in Tennessee), and moved into Carrie's for strong drinks and ^{purchase} a little ^{romance} with Cassie. Carrie had strong drinks in abundance

worked hard for a long time but at Malheur camp in the Yellowstone district, and he felt the need of ~~the~~ respite and relaxation.

Government's actions were a howling individualistic combat with me.

He must have been

X X X

Shortly after my first election as prosecutor

One day a ^{whirlwind} lawyer ~~from~~ called Hendrickson blew into my office. He ^{hailed} ~~was~~ from Lansing, ^{I guess,} and I had met him once during the ^{past} campaign. ^{On this occasion} he had harangued a political rally, ^{giving a long, hog-calling, flag-tossing, speech,} ^{violently} filled with ^{and stanzas} invective, ^{bursting with} and burnt. It was he, who, following this ~~blast~~ bath of blather and hell, ^{preened himself} when an ^{arced, gristle-brained, misty-eyed, groundling} ~~but~~ asked him how he could talk ~~so~~ so well, ^{preened himself} and made this deathless ^{pronouncement:} ~~comment:~~

"Ah, good fellow, it comes with the years - it comes with the years."

I remembered ~~thinking~~ ^{wishing, at} ~~devoutly~~ ^{praying} ~~that~~ ^{the times that if this were my fate,} ~~that~~ ^{that old age should strike me dumb.}

Mr. "It-Comes-With-The-Years" Hendrickson wasted no time. He had ~~not~~ evidently taken a post-graduate course in personality, and he turned it, ^{full} white ^{glare} upon me. His nostrils flared, his eyes flashed, as he fixed me with a ^{hypnotic} stare.

"See you got elected, I never. Congratulations."

"Thanks, Mr. Hendrickson."

"I'm just flying ^{back} to Lansing. Want to settle something before I leave."

"Yes?"

"You and I are going to be partners. I've watched you and I believe you'll ^{develop into} a good office lawyer. ^{me - I'm a whiz as a trial lawyer, a regular wizard.} ^{He refused to let this sink in. It did.}

Q "Now, I want you to make me Assistant prosecutor. ^{he raved on} I'll try all the cases and you'll keep the ^{office} ~~books~~ fires burning. Will split the salary. What do you say?"

If you believe it, it's true.

"I'll have to think it over," ^{managed to say.} ~~and~~ ~~then~~

"Leave me your address and I'll write you a letter."

He arose and shook my limp wrist.

"The chance of a lifetime ^{framed}. You get the
gravy and I do ^{all} the work." ^{Looking at his wrist watch.} "Must be toddling. So-long."

"Good-bye, Mr. Hendrickson. He was gone."

The chance of a life time passed me
by. It seems Mr. Hendrickson ~~but~~ ~~left~~ left
a ^{half-}barrel of rubber chucks in his wake. They
caught up with him at the Straits. Following it
was one trial he managed to lose.

Insert A

Jimmy tentatively fondled the lead pipe. "Aw, now
lad, Oi do ~~of~~ think ye better — with ~~ed~~ auld Jimmy."

I'm not one to bicker over small things, so
I hoisted the bottle, said a wee prayer, and let
her go. . . .

Have you ever seen a whale blow? ~~or~~
~~there's the blow~~ No? Well, Jimmy O'Keefe
did — right in my office.

"That's foini, bye — now we ^{can settle} ~~can get~~
down to business."

We did.

Mawornin

A ^{generous} section of lead water pipe lay close to his hand.

My office to you ~~later~~

One morning I came down to work, entered the ^{outer} ~~waiting~~ room, thence into my office where I stopped ^{hunched up} abruptly, ^{smoking one of my cigars,}

There seated in my velvet chair, his stockings feet up on my desk, stretching one of my cigars, sat ^{fine both of a pipe, the} a man, ^{and his eye was set} ~~the~~ ^{he} said.

"Good ^{mawornin'} morning, Johnny," ^{he} said. "Can't ye git down here on toime, lad?"

~~He~~

"What the hell is it to you? Take your feet off of my desk. Why ^{of all}?"

"Aisy, lad, aisy. It's ^{Johnny} O'Keefe you're after ^{to} ~~be~~ ^{to} - An Oi have a proposition."

"So you would sit down, Mr. O'Keefe?"

"Not a word, lad," ^{he} ^{genially} ^{waved} me to another chair. "Have a cigar."

"I don't mind if I do." I helped myself to one of my cigars and sat facing him across my desk.

"Would ye mind closin' that door?"

I closed the door.

"Would ^{ye} ^{would} havin' a ^{wet} drink?" He produced a pint ^{of} ^{pile-run} whiskey, helped himself to a nice, wet swig, and pushed the bottle across my desk.

"No, no - a thousand times no." ^I ^{strilled,} ^{forgot} fighting back ^{gag and} swoon at the thought. **(Insert A)**

He leaned over the desk ^{at me,} ^{craning} his neck, blowing his breath ^{at me,} ^{looking} stealthily around the room. I sat there ^{of} ^{groping} ^{for} ^{breath} transfixed, ^{drugged,} ^{fole-} ^{aped.} His inflamed eyes looked into ^{mine.} ^{my} eyes. He lowered his voice to a whisper.

"Johnny me lad, I know ye're auld father an' a fine big man he was, too. I would plaze him no end if he knew what ~~he~~ ^I ^{am} ^{now} ^{goin'} to do for ye,

lad, " "

"What's that, Mr. O'Keefe?" I whispered.
Triumphantly; ~~Johnny~~, his ^{red little} ~~eyes~~ ^{confused} eyes gleaming wildly: "Johnny, Dime ~~the~~ Jaysus come back to the earth - God bless 'im - and you, Johnny - ~~you see go~~ Choose your ^{lad,} saint John the Baptist!"

"~~When do I start?~~" I whispered weakly.
"Not too fast, lad. I'll first cost ye ten bucks for the honor." ^{Craftily} "Have ye got the ten bucks?"

The man was idubitably mad, crazy like a fox.

"I'll have to call the bank and see," I said. "Wait here for me."

I went into the waiting room, ^{closed the door between,} and called the chief of police. "What about Jimmy O'Keefe?" I said, "~~him~~ ~~here in my office selling me John the Baptist.~~"

"Good God, Johnny, we're looking all over ^{town} for him. He's an escape from the ^{insane} asylum. Craziest ^{them} a bedbug. Where in hell is he?"

"Up in ~~the~~ ^{his} office selling me a share in John the Baptist. And I don't think he has a fiddler's hania."

"Is he armed?"

"Just about a ^{yard} of one-inch pipe."

"Will come right over."

"No, not in my office." ^{I thought quickly.} "Be inside the door of the Miner's Bank in ten minutes. Jimmy and I will ~~be there~~ walk in together - I hope."

"O.K., Johnny - I'm on my way."

(no space)

Jimmy was after having another jolt of whiskey. He wiped his mouth with his hand.

"Put on your shoes, Jimmy," I said.

"We're going to the banks for
the ten bucks," ~~is over there~~

"Fornie, Johnny." He hastily put on his
shoes, grabbed the bottle and the pipe and started
for the door.

"No, no, Mr. O'Keefe. Leave the bottle
here. Who ever heard of the Lord carrying a bottle
of ^{Kentucky} bourbon?"

He grinned, ^{and put the bottle on my desk.} "Shure an' you're right,
lad. A smart John the Baptist ye will be."

If I grew thoughtful. "And here, ^{you better} take this cane instead of that
lead pipe — the Lord can carry a staff but not a
shillalagh." I ^{held out to} ~~handed~~ him my ^{for an instant,} senior law class
cane. ^{It was one of those moments.} He ^{hearted} ~~hearted~~ ^{of a simplicity, finally, grinded, and} ~~decidedly~~ ^{decidedly} surrendered his pipe ~~and~~
for the ^{stunted} cane.

Poor, ^{pitiated} Jimmy is back in the
asylum. His pipe and his bourbon adorn my
collection of curios. Perhaps, ^{who knows,} when I should
fall upon evil days, ^{I shall} ~~he~~ ^{drinks} one of the shillalagh.
But I pledge you my word, ^{not before.} That's one
way of ~~keeping me sober~~. It's the cheapest insurance
I know against insolvency and drunkenness.