

SIN DON'T ENTER INTO IT

CHARACTERS:

Rainey Bethea (male, 18-30 african American)
Bill Kirtley, Esq. (male, 30-50)
William Wilson Jr., Esq. (male, 25-45)
Judge William Wilson Sr. (male, 60+)
Allen McDaniels, Esq. (male 55+)
Emma Wilson (female, 50+)

Act I – Inside the county courthouse
Act 2 – Inside the Wilson home
Act 3 – Inside the county courthouse

Author's note:

The following is based on a true story: the last public hanging in America. (Not the last hanging, mind you, but that last one performed in public.) Rainey Bathea, a young illiterate black man was hung on April 13th, 1936 in Kentucky after being accused of the rape, robbery and murder of an old woman.

He may have even done it.

The truly unusual nature of the case came down to a fine point of Kentucky law: the electric chair (newly invented) was reserved for cases of murder, while rape was punishable by hanging. Caught up in the politics of an election year, Rainey Bathea found himself charged with rape, but not murder, by a prosecutor eager for a public hanging. With no chance of acquittal, Rainey finds himself presented with the worst of all choices: face a blood-thirsty, racist mob at the gallows, or swear before God to have desecrated the body of a dead woman and risk his eternal soul...

(The lights come up on an interview room in a courthouse circa 1936. There is a big table and a few chairs. There are bars on the windows. RAINEY is sitting at one end of a table, wearing shackles and sporting a big black eye. Wilson is sitting opposite him, writing on a legal pad. MCDANIELS stands in a corner. Everyone is hot and somewhat disheveled, sleeves rolled up, etc.)

KIRTLEY

Again, boy. What were you at, under that bush?

RAINEY

Coolin' off.

MCDANIELS

Seems like a man might want to do that.

KIRTLEY

There ain't no use to this.

WILSON

What about the discovery?

KIRTLEY

The discovery won't matter.

MCDANIELS

(laughs)

Now Bill, there's still the form to be observed.

KIRTLEY

Pft. This is a waste of time.

WILSON

You were certain? You knew her to be dead?

RAINEY

Can't say one way or the other.

KIRTLEY

Best to insist she was dead.

WILSON

He said he couldn't say.

KIRTLEY

This is a black joke.

MCDANIELS

Fast or slow, take your pick.

RAINEY

Ain't I got some say?

KIRTLEY

(to Wilson)

I feel certain they'll ignore the murder. You agree?

WILSON

But he'd prefer murder, wouldn't he?

KIRTLEY

Think of the publicity!

RAINEY

Ain't I got some say in it?

WILSON

It all depends on if she was dead, or not, by the time he crawled out the window.

RAINEY

I told you, I can't say!

MCDANIELS

Than it's rape. They'll insist.

KIRTLEY

Pity. It ain't dignified. A blot on the history.

WILSON

How can they ignore it?

MCDANIELS

If you'd come down off the mountain once in a while, you'd recognize people always want a show.

WILSON

This is not some damn show. What about justice?

MCDANIELS

(scoffs)

You come here for justice?

KIRTLEY

Gentlemen! We have a reputation to think of. Consider the trade!

MCDANIELS

Oh, no fear on that account. They'll line up twice for a hanging.

WILSON

(To McDaniels)

But if she was dead?

RAINEY

I don't remember!

MCDANIELS

(jerks a thumb at the door)

They'll ignore the murder. They want the rape. Need the rape. Mr. fancy-pants-bucking-for-governor over there wants to see this plum swing from a tree. (gleeful) A murder would be a waste of an opportunity.

KIRTLEY

No one bothers to think of the public image.

MCDANIELS

Oh? You'd prefer he meet Westinghouse in private? That's your angle?

WILSON

They can't ignore a murder!

MCDANIELS

They can.

RAINEY

I told you I don't know!

KIRTLEY

Better in private. Better for the image.

MCDANIELS

They want blood.

WILSON

We need a defense.

KIRTLEY

Oh hell. Put him up there! Go on, make him swear it!

WILSON

That he killed her?

MCDANIELS

The ol' bait and switch.

KIRTLEY
(agreeing)

On a stack of bibles.

WILSON

And you call that a defense.

MCDANIELS

Now's the time for better ideas.

RAINEY

Would it be a sin to swear she was dead?

(Long pause. They all pause and look at Rainey. Wilson and Kirtley glance at each other, seeking consensus.)

MCDANIELS

Son, sin don't enter into it.

(McDaniels puts his book back on the shelf, takes his cane and crosses over to the table.)

MCDANIELS

William, I'm not confident your client is entirely aware of what he's facing. The complications.

WILSON

Mr. Bethea...

RAINEY

Rainey. It's Rainey to everybody.

WILSON

Rainey.

RAINEY

Always has been. My mamma always used to say, her favorite days was rainy days.

WILSON

Rainey.

RAINEY

Yes.

KIRTLEY

Mr. Rainey, you understand that that Mr. Wilson over there and I have been appointed to represent you in court tomorrow?

RAINEY

I do, sir.

WILSON

And anything you tell us in here is utterly private? You can't get in more trouble, even if you were to tell us, say, you killed the president, we would have to keep that private?

RAINEY

I already told everything to the police.

KIRTLEY

(waves some papers)

Yes, we have all that.

WILSON

Mr. Rainey, we're trying to make sense of what happened.

RAINEY

What about him? (Rainey indicates McDaniels)

MCDANIELS

Oh don't mind me son. I'm just an old ghost.

WILSON

Mr. McDaniels is an advisor for the defense.

KIRTLEY

Unpaid defense.

WILSON

Bill...

KIRTLEY

We have to establish your plea, Mr. Rainey! Tomorrow morning we go in before the judge and you will have to choose: plead innocent or guilty.

WILSON

Which brings us back to main point, Bill. Will they charge rape or murder?

KIRTLEY

(sighs)

You know my feelings on the matter. Happy would prefer the whole mess went quietly away. Election year, after all.

WILSON

What the governor wants ain't much of my concern, Bill.

KIRTLEY

(slyly)

Any indication from your father? He must know which way the wind is blows.

WILSON

You think I get more than "pass the butter" from the old man?

MCDANIELS

What he means to say, Mr. Rainey, is Mr. Wilson here, would sooner chew bricks than kiss up to the judge.

RAINEY

I already confessed what the police told me. Writ down and signed.

(Wilson and Kirtley exchange glances.)

KIRTLEY

Can you read, Mr. Rainey?

RAINEY

Some.

WILSON

There's a question of the law, Mr. Rainey. I'm afraid they've got you dead to rights on the evidence, fingerprints at the scene, blood on your clothes.

KIRTLEY

Hell, you even told the police where you hid the jewelry.

MCDANIELS

Unfortunate, that.

RAINEY

I know it. I ain't trying to hide it.

WILSON

The fact is, Kentucky state law has a few... quirks.

MCDANIELS

(mock outrage)

Oh, imagine.

KIRTLEY

If you had simply murdered that old lady, all well and good. There would be no question.

RAINEY

But I told you I did it!

WILSON

(embarrassed)

Yes. Well. The problem is this uh, uncertainty, of the rape.

KIRTLY

Hard to prove.

MCDANIELS

Hard to deny.

WILSON

The prosecution feels there's a case for rape.

KIRTLEY

And if they convince the jury that the evidence is there...

WILSON

Which is difficult to do...

KIRTLEY

But not that difficult.

WILSON

Then they can fix you up with a rape charge.

MCDANIELS

Which to Herman Birkhead, would appear like the mana of heaven descending from a host of heavenly angels all over his desk...

KIRTLEY
(sourly)

Yes, Herman would be delighted.

WILSON

Which we should contest! This is law, not politics.

MCDANIELS

That's a generous distinction.

WILSON

Well then maybe a plea bargain...

KIRTLEY

Oh no! They got him. Hook to sinker. The coroner is gonna march out there, sprinkle a little latin on exhibit "A" and it's a done deal.

MCDANIELS

Quod erat demonstratum.

RAINEY

What's that?

MCDANIELS

(grim)

It means the goose is cooked, son.

(pause)

KIRTLEY

(conspiratorially)

You know, our best chance here... is to insist it wasn't rape at all.

RAINEY

Rape.

KIRTLEY

(lightly)

Simply put, Kentucky law requires a living body for a rape, Mr. Rainey. If, "in theory", raped Mrs. Edwards before you killed her, why then, they can hang you, and with the full weight of the law behind them. On the other hand, if she

was already dead, ah, before... I'm afraid they're stuck with murder.

RAINEY
(almost sick)

I don't see what it matters.

MCDANIELS
The Chair, Mr. Rainey, The Chair.

WILSON
The electric chair is reserved exclusively for murder cases.

MCDANIELS
(briskly)
Very modern, very scientific!

KIRTLEY
Whereas, state law still allows for hanging, in the case of rape. (beat) In public.

WILSON
What we have to prepare for, Mr. Rainey, is tomorrow morning there's a very good chance the prosecution is going to come out and claim you raped Mrs. Edwards, but completely ignore her murder.

MCDANIELS
And there lies the finest example hair-splitting allowed by the shining edifice that is our judicial system!

RAINEY
I told you before, I... I don't know. I can't be sure.

KIRTLEY
If all they have to charge you with is murder, you will get the Chair. But I can promise it will be a dignified and private business. Just you and few witnesses. (pause) But if they can prove she was still alive... at the time, then they'll insist you hang. In public, for everyone to see.

RAINEY
(angry)
I told them! I told them I was drunk! I don't remember a damn thing!

MCDANIELS

The bottom shelf will have that effect.

WILSON

Do you understand, Mr. Rainey?

KIRTLEY

We have to decide.

RAINEY

I'm gonna die either which way, ain't I?

(pause)

KIRTLEY

I suppose you will. But there's the question of appearances...

WILSON

Leave that alone now, Bill.

KIRTLEY

Why should I? Mr. Rainey here admits his guilt. He knows what's coming. Why not leave in a dignified manner? You know damn well what a circus we're in for if they hang him.

RAINEY

That's my only choice?

WILSON

It is not.

KIRTLEY

Might as well be.

MCDANIELS

You know, I read somewhere, once, that justice should be blind...

KIRTLEY

Blind and dumb? This a dead man walking either way. (to Rainey) I feel certain there could be some... concessions made to ease your way, if only we push the case over to murder. Better accommodations? Visitation rights? Will, I imagine your father...

WILSON

Imagine my father all you want, it won't help.

RAINEY
(hesitant)

I.. I.. I can't.

KIRTLEY
(hotly)

Face facts! You are going to be found guilty, either way. Show a little pride, boy. A public hanging will be extremely embarrassing for certain people...

MCDANIELS

By which he means the governor...

KIRTLEY

...it would invite lookie-loos and attention seekers, bring irresponsible members of the press to cover the event, put all manner of criticism on public officials...

MCDANIELS

By which he means himself...

KIRTLEY

And doubtless, a man would prefer to spend his final hours at peace and with a degree of dignity.

MCDANIELS

By which he means you.

RAINEY

I ain't never considered it that way.

MCDANIELS

What you're not mentioning in that fine speech, is the governor's problem with Florence.

WILSON

Florence is not at issue here.

KIRTLEY

The hell she's not! You want to spend the rest of your career known as the lawyer who sent a black man to be hung by a white woman?

RAINEY

What white woman?

MCDANIELS

More quirks of the law.

WILSON
(grim)

The Sheriff died two months ago from a heart attack. By state law, his wife, Florence, is the acting sheriff until the next election.

MCDANIELS

Meaning...

KIRTLEY

Meaning, if it comes to a public hanging Florence Thompson will have to pull the damn lever!

MCDANIELS
(to Rainey)

The Governor would undoubtedly prefer that people not remember the Great State of Kentucky as a place that forced a young widow, mother of three, to act as a hangman. You know, it's an election year.

KIRTLEY
(bristling)

And what's that supposed to mean?

MCDANIELS

It means your client could use some counsel, not a damn campaign button.

WILSON

Thank you, Allen. I don't think we can let Birkhead ram-rod this into a rape trial just because he thinks a public hanging is good for his career.

KIRTLEY

And what about my career? What about the Governor's career? What about you, William?

WILSON

What about me?

KIRTLEY

Birkhead ain't the only one with ambition.

WILSON

This ain't about that.

KIRTLEY

You say.

KIRTLEY

I don't recall seeing you in the public defender's office before the newspaper men turned up.

WILSON

It's a matter of principals.

RAINEY

If I swear she was dead, I'll get the chair?

(pause)

KIRTLEY

That is our hope.

RAINEY

And if I swear she wern't, I'll hang?

WILSON

It's your choice.

MCDANIELS

Of two evils, choose neither.

RAINEY

(mumbles)

It was tree frogs.

WILSON

What?

RAINEY

Tree frogs. I wanted to hear the tree frogs down by the river.

KIRTLEY

Mr. Rainey?

RAINEY

You asked me what I was at, under them bushes. I was down at the river 'cause I wanted to hear the tree frogs. I'd woke up and my head was fit to burst. I'd been at the whiskey somethin' awful.

WILSON

(taking notes)

This was the day after?

RAINEY

Maybe.

KIRTLEY

Why didn't you turn yourself in?

RAINEY

Didn't know what I'd done. Ain't the first time I'd woke up that way. I was feelin' mighty poorly. When I was little, we used to live down by a crick, I liked to listen to them frogs. It's like singin'. I got it in my head I wanted to hear them sing.

WILSON

What happened that night, Mr. Rainey?

(Rainey's face clouds.)

MCDANIELS

You don't have to answer that, son.

KIRTLEY

Who's side are you on, Allen?

MCDANIELS

Mine. I ran out of governors.

WILSON

Please Rainey, I want you to try.

KIRTLEY

What are you after, Will?

RAINEY

Mostly no.

WILSON

If you can walk us through that night there may be something we can use.

KIRTLEY

This ain't gonna help, Will.

RAINEY

I... I don't remember.

KIRTLEY

(Kirtley waves some papers.)

Four confessions, Mr. Rainey, I have here four sworn confession from you, and none of them agree.

WILSON

You made these statements?

RAINEY

I suppose so.

KIRTLEY

Each one signed and witnessed.

WILSON

Mr. Rainey, in this first one, you say you climbed up the side of a house belonging to Mr. Wells, crossed over the roof to the second floor rooms of Mrs. Edwards, removed a screen and entered the room where you proceeded to murder and rape and rob Mrs. Edwards, before fleeing.

RAINEY

It says that?

WILSON

In so many words.

KIRTLEY

But in this one, you confess to beating and robbing Mrs. Edwards, but you deny raping or killing her.

WILSON

And in this one, you say you choked Mrs. Edwards to death, but make no mention of rape.

KIRTLEY

But the icing on the cake Mr. Rainey, and I admit, my personal favorite, is number four. In this one you confess to breaking and entering, stealing her jewelry and... where was it... ah, a pink nightgown from Mrs. Edwards, but deny any knowledge of her subsequent rape and murder. Now, what are we to make of this?

RAINEY
(silence)

KIRTLEY

Maybe you want us to believe that on the exact same night you robbed Mrs. Edwards, a second unknown person crawled in through the same window, and murdered the old lady? Is that it?

RAINEY

I don't know.

WILSON

Have you read these, Mr. Rainey?

RAINEY

...

MCDANIELS

Stick to the classics, son. Modern work lacks depth.

Wilson

Allen...

(McDaniels raises his hands in an "I surrender" gesture.)

WILSON

Did you read any of these statements before you signed them?

RAINEY

I ain't tryin' to hide anything.

KIRTLEY

Mr. Rainey, did you rape Mrs. Edwards?

RAINEY

I can't be sure. I had blood on me.

KIRTLEY

Did you rape Mrs. Edwards before, or after, you murdered her?

RAINEY

(pleading)

It wasn't... I dropped my ring.

WILSON

Your ring?

RAINEY

Yes. Will they give it back?

MCDANIELS

Don't hold your breath over that one.

WILSON

Mr. Rainey, I want to help you.

RAINEY

I been seein' the Chaplin, since they took me in, regular. I'm 'bout as sorry as I can be for what I done, Mr. Kirtley.

KIRTLEY

Sorry's not a defense.

RAINEY

I don't think I can get up there and swear on a bible to something I ain't done.

WILSON

Tell me straight. How it happened.

RAINEY

You understand? I'd been livin' out behind Mr. Wells place for some months? In an old cabin they had back there.

WILSON

You knew Mrs. Edwards?

RAINEY

Yes, she was always settin' on the front porch watchin' everybody come and go, remarkin' on their business. I worked for her sometimes. Odd jobs. You understand?

KIRTLEY

Why'd you do it?

RAINEY

Didn't mean nothing like killin' her. She had all these fancy rings she wore, she was always yappin' on about how they was "the last vestige of a great family" or somethin' like that.

MCDANIELS

(grandly)

Behold! A republic stands erect while empires all around are bowed beneath the weight of time.

RAINEY

Sir?

MCDANIELS

Never mind, Rainey. Go on.

RAINEY

I'd been at the whiskey for two, three days, like I said. I suppose I got it into my head I could sneak up there and take 'em. I got my shoes off and climbed up there like Mr. Wilson said. I meant to grab her jewel-box and run quick like.

KIRTLEY

You weren't afraid she would wake up?

RAINEY

She was near to deaf. Thing is, I got in there and them rings was all laid out on the dresser, so I started pickin' them up, and I found this one ring all in silver, with a big red stone set in the middle. I always wanted one like that, my whole life. Just like a king. All I ever had was this old celluloid ring I made for myself out of a dice. I wanted so bad to try on that silver ring. I took mine off, but I dropped it. I half fell over tryin' to catch it an' I guess I knocked up into the dresser. That old lady, she sits right up in bed and makes this squeekin' noise. "I know you!" she says, and she points at me and I can tell she's gettin' ready to scream and bring up the whole house, so I just jump across the room and grab her around the neck.

(Rainey starts breathing heavily.)

WILSON

And then what, Rainey?

KIRTLEY

What about the rape, Mr. Rainey, the rape?

WILSON

Bill...

RAINEY

(viciously)

I told you I don't know! I don't remember!

KIRTLEY

(brandishes a paper)

The coroner says Lischia Edwards suffered violent bruising to the abdomen, and there was blood loss from the groin. Was she dead before you raped her or not?

RAINEY

I can't remember!

WILSON

Bill! Stop it! This ain't helping.

KIRTLEY

(disgusted)

God damn waste of my time. I would not care a fig, Mr. Rainey, if you are hanged or electrocuted, but for the fact there are still some of us with a sense of decency who care what happens in this town!

WILSON

Damn it, Bill!

KIRTLEY

Show some spine, boy!

WILSON

The prosecutor's office is down the hall, Bill! We do defense in this one.

KIRTLEY

You think I'm being rough? Is that is? I'm mean? I'm a goddamned church picnic compared to Birkhead.

(Kirtley sulks away to look through his briefcase. He rounds back, suddenly.)

KIRTLEY

Don't be a god-damn fool, boy! You want to swing in front of ten thousand hayseeds, eating hot dogs and drinking lemonade? Snapping pictures of you, while you stand up there on the gallows?

RAINEY

Lemonade?

KIRTLEY

You think they won't? That crowd wants you, boy. They want you to be guilty, they want you drenched in blood. Satan himself could open up the gate to hell and drag you back down with a pitchfork, and that mob would give him a standing ovation.

RAINEY

He can't do that. I confessed. I asked Jesus. I been saved.

KIRTLEY

They don't give a damn! For God's sake, don't be thick! You damn well better stand up there and tell them how you fucked a dead woman, or you will hang, boy, hang by the neck until you are dead, dead, dead.

RAINEY

I didn't touch no dead woman!

WILSON

For God's sake, Bill!

KIRTLEY

You broke into that woman's house!

RAINEY

Yes!

KIRTLEY

You robbed her!

RAINEY

Yes!

KIRTLEY

You killed her!

RAINEY

Yes!

KIRTLEY

And when she was dead you violated that corpse!

RAINEY

...

WILSON

Stop it Bill!

KIRTLEY

Say it, boy, say it, I fucked the dead body of Liscia Edwards, go on, say it!

RAINEY
(sobs)

MCDANIELS

In this world, a man must be either anvil or hammer.

WILSON
(shocked)

For the love of God, Bill...

KIRTLEY

This ain't Sunday school. You want to make a name for yourself? Help me. Help him. There's only two ways this is going to end, you better decide how you want it to go.

WILSON

We could fight! We could try to get him off. A reduced sentence, anything. I doesn't have to be this way.

KIRTLEY

Don't be naive, Will. You know I'm telling the truth. Birkhead will force this. You've seen the papers.

RAINEY

What is it I gotta say?

KIRTLEY

Look boy, Let me help you. Let me walk you through this and I promise, it will be a quick end, no shouting, no mob. Quiet, private, decent. What do you say?

RAINEY

I don't. I can't.

WILSON

I'm ending this meeting.

KIRTLEY

Will!

WILSON

No, I'm sorry. This is my call. We're done today.

KIRTLEY

Will...

WILSON

No, no Bill. I mean it. Mr. Rainey, we'll meet again tomorrow morning before the trial. Bill and I are going to do our best to represent you, but you're going to have to think what you want to do.

RAINEY
(miserably)

I want to be saved.

KIRTLEY
(sighs)

MCDANIELS

So don't we all, son.

(Wilson and Kirtley gather their things. There is some awkward silence.)

KIRTLEY

Are we ah... still on for supper?

WILSON
(ruefully)

Yes, we're still on. They've been looking forward to it. Emma will tan my hide if you don't come.

KIRTLEY

You're going to be unhappy with me, but I have it in my mind to ask the Judge a few things. You might be too shy to lean on the old man, but I ain't.

WILSON

You'll behave, won't you Bill? You know how he hates politics.

KIRTLEY

No more than I do. He's just better at it than I am.

WILSON

Have it your way. Just don't expect me to defend you. (pause) Mr. Rainey, we'll be back in the morning. Please, think hard about this.

RAINEY

What else is it you figure I do in here?

KIRTLEY

Mr. Rainey. Allen.

MCDANIELS

Please give my regards to your father and my condolences to your mother.

WILSON

Condolences?

MCDANIELS

For being married to your father.

(they laugh)

WILSON

I will. Goodbye Mr. Rainey.

(Kirtley nods to Rainey. Wilson and Kirtley exit.)

RAINEY

What about you?

MCDANIELS

Oh, I have no particular hurry to be anywhere, and there's still a few minutes before the gentlemen put you back in the crowbar motel.

(pause)

MCDANIELS

So, tell me son, what's holding you up?

RAINEY

What should I do?

MCDANIELS

Do? Do? Why you should do as you please! Within reason, of course, your options have become somewhat limited. (PAUSE) Why not plead guilty? At the very least, you'll get to pis off Mr. Kirtley and our beloved Governor.

RAINEY

Sir, I didn't rape no old lady. I git up there and swear I did, I'll land in hell for certain.

MCDANIELS

Son, the rotten truth is, your death ain't gonna be your own. Right or wrong they're coming for you. All this? It's just a bunch of window-dressing, so they can feel better about themselves after they kill you. It's more dignified this way, apparently.

RAINEY

I don't want to die.

MCDANIELS

Oh, death ain't so bad son. It's the perspective that makes you dizzy.

RAINEY

I been having the same dream every night since I been here.

MCDANIELS

Oh?

RAINEY

I'm layin' out in the countryside somewhere, under a big ol' oak tree, but I can't move. It's like I been chained down to the earth with cold iron. And there's this terrible weight starts pressing down on me, squeezin' the breath out of me, just squeezin' me down, like the whole sky is collapsin'. It all gets all dark and everythin' goes still, but all I can hear is this low voice calling, big as the whole world. It groans at me and I get all afraid, but I can't never tell what it says. I always wake up all in a sweat.

MCDANIELS

The hardest wound to heal is a wound to the soul.

RAINEY

Sir?

MCDANIELS

You could plead innocent to everything, you know. Make them work for it.

RAINEY

You figure I got a chance?

MCDANIELS

No. (pause) But in this country, it's traditional to let politicians deny everything. I don't see why you shouldn't be offered the same courtesy.

RAINEY

I done what the police told me.

MCDANIELS

Now why ever would you do that, son?

RAINEY

(Rainey touches his black eye.)

...

MCDANIELS

Ah. How bad was it?

RAINEY

Ain't nothing I never got before. Truth is, I was feelin' like maybe I deserved it.

MCDANIELS

Deserved it! Hah! If we all got what we deserved, son! There would be no end to misery in the world.

RAINEY

I killed that old lady. I wish'd I hadn't but I did.

(McDaniels considers this.)

MCDANIELS

And you reckon them killing you evens out the score.

RAINEY

(silence)

MCDANIELS

The worst they can do is take away your life. Your peace of mind is your own business.

RAINEY

I keep hopin' I'll wake up, ain't none of this never happened.

MCDANIELS

Mrs. Edwards ain't coming back. But she ain't going away, either, if you follow my meaning. I don't commonly

recommend this as a line of defense, but you might consider spending some time, knees bent, head bowed.

RAINEY

You mean pray?

MCDANIELS

Or curse. What you choose to do down there is your own affair. But it seems to me, if you keep close to the floor you're less likely to bump your head again.

(The door opens.)

JAILER

(From off-stage.)

On your feet, Rainey. Time to go.

(Rainey gets up and shambles to the door.)

MCDANIELS

Rainey.

(Rainey looks at McDaniels, who touches his cane to the tip of his hat. Rainey and the jailer exit.)

MCDANIELS

(sighs)

It's the perspective makes you dizzy.

(Lights fade out)

ACT 2

(The lights rise on the living room of a well-appointed home. To stage left are a pair of high-backed chairs and a reading lamp. Center stage is a dining table. A doorway far left leads outside. A door upstage leads to the kitchen. A sideboard with glasses and a decanter sits next to the kitchen door. The Judge enters from the kitchen, crosses to the reading chairs and sits down. He opens a news paper, squints, frowns, puts down the paper, gets up and begins to scour the room.)

JUDGE

Emma. Emma. Emma! Where the hell are my glasses?

EMMA

(calling from the kitchen)

Look up, William.

(The judge looks up and realizes his glasses are on his forehead. He glares at the kitchen.)

EMMA

Don't you glare at me, William Wilson. I didn't put them there.

(The Judge sighs, puts on his glasses and starts to settle into his chair. He stops, peers back at the kitchen, and then moves stealthily toward the sideboard.)

EMMA

Don't even think it. Not 'til the boys get here.

(The Judge grumbles to himself, but returns to his chair where he rustles the newspaper with unnecessary vigor. Emma enters from the kitchen and puts a plate of rolls on the table.)

EMMA

Is there something wrong with your newspaper?

JUDGE

I sometimes wonder at the suffering I undergo in this household.

EMMA

Suffering? What would you know about suffering?

JUDGE

It may have slipped from your mind, wife, but I am a public official. Suffering is all I get, most days.

EMMA

Oh my. Oh my my. My poor Judge. Those naughty criminals must torment you something awful. (She plants a kiss on the Judge.) Now go wash up.

JUDGE

I enjoy the criminals. It's the lawyers I could do without.

EMMA

I think you're sweet.

JUDGE

I am the law!

EMMA

Not in this house. Hurry up, they'll be here soon.

(The Judge exits through the kitchen grumbling to himself. Emma picks up the paper and scans the headlines. She clucks at what she sees.)

EMMA

William, you didn't tell me Jr. was part of the trial.

(The Judge re-enters, drying his hands on a dish towel.)

JUDGE

I only just found out. In truth, it's my doing. We had a devil of a time finding anyone willing to take on the defense.

EMMA

I'm not surprised. Such an awful thing. That poor woman.

JUDGE

Yes, well,

EMMA

Mrs. Graham, you remember Mrs. Graham? Why, she has been absolutely petrified to go outside since the murder. She insisted Mr. Graham have all new locks put in... though I'm not certain what good that does...

JUDGE

It improves the sale of locks.

EMMA

William.

JUDGE

We could get a dog.

EMMA

Oh no. Not a chance.

JUDGE

Yes.

EMMA

They shed.

JUDGE

Yes, a dog. A hound. A majestic hound.

EMMA

No.

JUDGE

(he gleefully warms to the idea)

Yes. A splendid beast, standing proud, guarding our door with unceasing vigilance.

EMMA

Tracking unceasing mud on my floor.

JUDGE

Criminals, all across the state will gather in their bolt-holes and murmur in hushed tones of the fearsome guardian of justice that protects the Wilson household!

EMMA

You're being foolish.

(The Judge seizes up a napkin from the table, holding around his face like a bandit.)

JUDGE

Gentlemen, I am sorry to report that our wicked efforts to infiltrate the home of Emma Wilson have failed! The great hound Demosthenes...

EMMA

Demosthenes?

JUDGE

Yes. The hound's noble name will be Demosthenes.

EMMA

No!

JUDGE

Yes. The great hound Demosthenes has foiled our every attempt at seizing the fabled Star of Indiana... (He grabs a salt shaker and waves it around).

EMMA

I will have no such animal dirtying the house!

JUDGE

Gentlemen, have you heard? The household is undefended! The Dame Wilson will fall to our nefarious clutches! Hah hah hah!

(The Judge advances on Emma with a cartoonish lurch. Emma whacks him with the newspaper. The Judge drops the napkin.)

EMMA

Behave yourself.

JUDGE

There, you see? Who needs locks or dogs when I have you. (The Judge settles back into his chair.) Criminals, beware!

(Emma stands and takes the salt shaker. As she turns, she falters for a moment. She winces and places a hand on her side. The Judge freezes and stares at her. She shakes her head and straightens up. The Judge moves forward to help and reaches for the salt shaker. Emma slaps his hand back.)

EMMA

Honestly. Do you act this way at the courthouse?

JUDGE

Only when I'm working.

(There is a loud knock at the door.)

EMMA

Oh! My goodness. That must be them. Get the door, William.

(Wilson and Kirtley enter)

WILSON

Hello?

KIRTLEY

Hello!

KIRTLEY

Hello Mrs. Wilson! Hello Judge!

JUDGE

Hello Bill, come on in.

EMMA

Oh, hello Bill. (She embraces Wilson) Jr.? You look pale. Are eating any vegetables? Bill, do you ever see my son eat vegetables?

KIRTLEY

Can't say I do, Mrs. Wilson.

WILSON

Mamma, please, I'm thirty-five.

EMMA

I don't care if you're sixty-five. I make your father eat his.

JUDGE

And I'm only sixty-three. Bill, it's good to see you! I wanted to thank you again for joining in on the Bathea case.

KIRTLEY

Oh, I don't mind at all, Judge. Happy made it pretty damn clear he wanted someone close to home keeping an eye on this train wreck.

EMMA

Governor Chandler?

KIRTLEY

Yes ma'am. He's been a family friend for a long time.

EMMA

What does the governor have to do with anything?

JUDGE

The Governor would rather not have this thing end in a hanging. The publicity would be something terrible.

WILSON

Terrible for him, you mean.

JUDGE

For everyone.

KIRTLEY

Happy's been talking about calling out the state police. Maybe even the national guard.

EMMA

My goodness. The police?

KIRTLEY

There's been trouble with the niggers.

WILSON

Some folks are calling this a witch-hunt... and other things, less polite.

KIRTLEY

Much less.

EMMA

Because this man is a negro? Is that it?

JUDGE

These are the times in which we live.

KIRTLEY

Bunch of hotshots calling themselves the "National Negro Congress", they've been calling up the governor's office, threatening to start a boycott if Rainey hangs. Can you imagine? They claim it would be unconstitutional!

WILSON

They might have a point.

JUDGE

Rainey?

WILSON

Bathea. He likes to be called Rainey.

KIRTLEY

"Rainy days" Hah. The boy is a piece of work.

WILSON

Our work, Bill.

JUDGE

Jr., you're not getting too close to this are you? Just walk him through the motions and make a clean end to it.

EMMA

Amen.

WILSON

He deserves a fair shake, Pop. And I don't happen to like this business with Birkhead. It doesn't smell right.

KIRTLEY

He signed a confession.

WILSON

A confession he can't read.

KIRTLEY

Oh please.

JUDGE

Oh ho ho! It sounds like Allen has been whispering in your ear.

KIRTLEY

McDaniels.

JUDGE

That old coot was the best public defender I ever met. Half the prosecutors in Kentucky were scared to death of him.

KIRTLEY

What about the other half?

JUDGE

Owed him money.

WILSON

I appreciate Allen putting his foot in, but Bill and I will see to it.

EMMA

I'm sure you will, Jr.. Now let me get supper on, you boys go and sit down.

(The men move to the dining table. Emma goes to the kitchen.)

KIRTLEY

Judge, William here will undoubtedly protest what I say next, but I see it as my duty to ask: have you had any whiff from Birkhead which way this thing is gonna go?

WILSON

Bill, you promised.

KIRTLEY

I'm not asking him for the ten commandments, just an indication of the mood.

JUDGE

Bill, you know better than that.

KIRTLEY

We cannot have Florence up there hanging a black man.

WILSON

We could paint him white.

KIRTLEY

Oh very funny.

JUDGE

I doubt it would come to that.

KIRTLEY

This is an election year!

JUDGE

I suppose we can't let the mob get offended by the sight of a woman hanging a man. No matter how much as the ladies might enjoy it.

KIRTLEY

This nonsense could lose us the statehouse.

WILSON

Us? Which us is that, Bill?

KIRTLEY

You know what I mean.

WILSON

I know what you say.

KIRTLEY

What would you have me do?

WILSON

Focus on the Rainey. The election doesn't matter.

JUDGE

Elections always matter. You might have the best intentions in the whole world, but politics means money. And without money, nothing gets done. Even if it should be done.

KIRTLEY

Like pay a public defender.

JUDGE

A fine example.

WILSON

An impartial public defender. Happy's feelings don't enter into it.

KIRTLEY

The hell they don't. What about your future? You want to spend the rest of your life defending niggers on the public aid? Do you? This trial, it might be the talk of the town right now, but go ahead, burn some bridges, see how you enjoy a lifetime defending tramps and share-croppers. A lifetime in public defense is a lifetime knee deep in shit.

(Emma re-enters with dinner.)

KIRTLEY

Excuse me, Mrs. Wilson. This business has left my manners in the gutter.

EMMA

Oh don't you mind me, Bill. The Judge swears enough to blister a frying pan. I am well-seasoned.

JUDGE

Yes she is. Spring, summer, winter and fall.

EMMA

Oh, now fall, isn't that the season when trees drop their leaves? Just like old men loosing their hair.

JUDGE

Men don't lose hair. It's driven away from them.

EMMA

By what?

JUDGE

An unceasing tide of criticism.

EMMA

Oh, honestly.

JUDGE

I am honest. It is my greatest fault.

EMMA

I can think of a few others.

JUDGE

Such as?

EMMA

Letting the food go cold while you show off for company.

JUDGE

Nonsense! I'm showing off for you.

EMMA

I hadn't noticed. Bill, Junior, come eat.

(they sit)

EMMA

William? The blessing?

JUDGE

Lord, we thank you for the food placed before us and for your forgiveness in all things. Bless Emma and Junior and Bill Kirtley and poor Mrs. Edwards and even Rainey Bethea. We pray for your guidance and wisdom. Amen.

ALL

Amen.

(They eat.)

KIRTLEY

This is a real treat. I don't often get a home-cooked meal.

EMMA

We're glad to have you, Bill. You're welcome any time. William, eat your peas.

JUDGE

I would, but they fall off the fork.

EMMA

Use the spoon.

JUDGE

And suffer the disgrace? Do you think these gentlemen wish to have their supper ruined by the grotesque display of a middle-aged man shoveling peas into his mouth like a railroad engineer firing coal into the boiler? No. Indeed no. Not in this house. Far better I ignore the peas.

EMMA

Do you boys see this?

JUDGE

Listen, you never heard this coming from my lips, but it seems clear to me that Herman will press for a rape charge.

KIRTLEY

I knew it. Birkhead wants the publicity.

JUDGE

And he'll get it. Folks are not so polite as to let the rape of a white woman pass on by without comment. The county jail had to smuggle him in. We've had death threats every day demanding that we "hand the nigger over".

Birkhead's more than happy to bring out the mob, and there are plenty of folks around here who will thank him for it.

EMMA

Why not hand him over?

JUDGE

Emma.

WILSON

Ma. It wouldn't be right.

EMMA

And why not? If some terrible man climbed in the window and killed you, I'd be the first in line to get at him.

JUDGE

Worse than Demosthenes.

WILSON

What?

JUDGE

Our majestic hound.

WILSON

You got a dog?

EMMA

William! No, Jr. we didn't get a dog, your father thinks he's funny.

JUDGE

I am funny. Emma, my point is all four of us walk down the street each day with a reasonable hope of not being carried off by Hottentots.

EMMA

(miffed)

I have no such expectation.

JUDGE

Well, you are an unusually tempting target for Hottentots. My point is it's law that keep our society in line.

WILSON

When it's fair.

KIRTLEY

What's not fair?

WILSON

Rainey can't hardly remember what happened that night.

KIRTLEY

He says. William, will you please tell me what, if anything, is the difference? He confessed. He killed her, he admits it. All we need to do, is convince him it's better to get the chair.

WILSON

And why is that, Bill?

KIRTLEY

What's wrong with the chair?

EMMA

Oh, I wouldn't like it.

WILSON

Mama.

EMMA

Oh, I wouldn't! I imagine it would make all my hair stand up on end. I hate that feeling.

KIRTLEY

It's nothing like that Mrs. Wilson.

EMMA

William, do you remember my mother when they installed the electric light? (She laughs.)

JUDGE

I do. She broke a light bulb the first week and then refused to stay in the house until it was fixed. She was convinced the electricity would leak out and smother her while she was sleeping.

(The others laugh)

JUDGE

I didn't find it funny. She stayed with us for a week.

EMMA

She was from an earlier time.

JUDGE

Prehistoric?

EMMA

William!

JUDGE

They didn't make common sense back then?

KIRTLEY

We could use some now.

WILSON

Don't look at me like that Bill. I know you see this as cut and dried. I don't believe Rainey raped Mrs. Edwards.

EMMA

Such talk at the dinner table. My, my, my. If only there were more interesting things to discuss...

JUDGE

Look out! She only says that when she wants to talk about the picture shows.

EMMA

Oh, why William, you read my mind!

JUDGE

Here it comes.

EMMA

When are you going to take me to see "The Song of Flame?"

JUDGE

At the proper moment.

EMMA

You promised, William. Did you boys know, it's in color!

KIRTLEY

You don't say.

JUDGE

They were bad enough in black and white.

EMMA

William, be still. Yes! The music is by Gershwin. It's just lovely. There's a young Russian peasant woman who's fallen in love with a handsome prince.

JUDGE

Why must it always be a prince? Why not a handsome young Judge?

EMMA

Because judges lack romance. A wicked officer of the royal guard steals jewels from the Tzar, but the blame for it falls on a handsome prince.

JUDGE

(The judge pounds the table with his spoon.)

Guilty!

EMMA

Hush. So great is this woman's love for the handsome prince, she takes the blame for the theft and is sentenced to death.

WILSON

Does the prince save her?

EMMA

(falters)

No, I believe the people revolt and storm the prison. They all die in a glorious revolution.

JUDGE

I believe I prefer being a judge.

KIRTLEY

How's that for justice?

WILSON

It's only a story.

EMMA

A beautiful one. I think it's wonderful the way the Russians are throwing out their moldy old kings.

JUDGE

The reality is a little less beautiful, Emma.

EMMA

You see? I told you boys. No romance.

(Emma gets up and starts clearing plates. She loses her grip on Kirtley's plate and it clatters back to the table in front of him. Emma flushes and smooths her hands against her sides.)

EMMA

I beg your pardon Bill!

KIRTLEY

Let me get that, Mrs. Wilson.

EMMA

No, no, I'll get it.

KIRTLEY

I insist.

EMMA

...thank you Bill. I don't suppose you mind helping me in the kitchen for a minute? I have coffee and some pie for desert.

KIRTLEY

Happy to.

(Emma and Kirtley clear the plates and enter the kitchen. Will and the Judge watch them go.)

WILSON

How is she?

JUDGE

Some days are better. (beat) Than others.

WILSON

There's nothing else? Dr. Hill said...

JUDGE

She's not going, Jr. That's the end of it. Can't. Won't.

(long pause)

WILSON

I think another opinion...

JUDGE

Six months. (long pause) At least.

WILSON

Can I...

JUDGE

Come to supper more. She likes that.

(pause. Some dish noise from the kitchen.)

JUDGE

(clears his throat)

Jr., Bill's very well spoken of in the courts. I hope you're learning a thing or two.

WILSON

Well yes, I am. Not that we always see eye to eye.

(The Judge goes to the sideboard and pours two drinks and hands one to Wilson.)

JUDGE

Don't tell your mother.

WILSON

I won't need to. She sees everything.

JUDGE

You think I don't know that? Still, always deny the charges! Didn't they teach you anything in law school?

WILSON

Like my client, Pop? He should deny everything.

JUDGE

Jr., that's different.

WILSON

We have no right.

JUDGE

Go ahead, be stubborn. Herman will nail you to the side of the barn.

WILSON

Every man is innocent until proven guilty.

JUDGE

Until proven stupid, you mean. He confessed, there's fingerprints, there's evidence, Jr.! (agitated) This is not a trial, this is filing paperwork!

WILSON

Should I tell Rainey that? Oh, sorry there, Mr. Bethea, sorry for the bother, could you please sign at the bottom there, and then we can get on with the inconvenient business of killing you? Pop, what if he's innocent?

JUDGE

(sighs)

If that's what you think, and if that's what your client claims, then I imagine you ought to do your best. Go ahead, talk to Herman, see if he'll take a plea bargain.

WILSON

You think he might?

JUDGE

No.

WILSON

Pop, I don't think he raped Mrs. Edwards. If I can cast doubt on that, I might be able to walk it back to a prison sentence, something less than hanging.

JUDGE

Jr., I admire your stubbornness, something I believe comes from your mother, but... this case is different. There is nothing short of divine intervention that's going to save Rainey Bathea.

WILSON

It ain't right!

JUDGE

When I was a younger man I got called on a very similar case in Lexington. There was a young negro named William

Lockett who snatched a ten-year old white girl off the street, dragged her into a field and smashed her head in with a rock. Well, that old boy wasn't quite as lucky as your Mr. Bathea. The mob got to him before the police, and he was half-dead by the time the sheriff dragged him away. Oh, he made quite the spectacle in court; blind in one eye and hardly able to speak.

WILSON

How'd it turn out?

JUDGE

Jr., that courthouse was surrounded by an crowd, hundreds of people, demanding that we hand him over. They were mean, they were drunk, and they wanted to see a nigger hang. Ed Murrow was governor back then, he had to call out the militia from Fort Campbell just to keep back the mob. They set up a picket line across the lawn and declared the would shoot, dead, any man who stepped onto that grass.

(Kirtley enters with plate of pie.)

KIRTLEY

Who are we shooting at now?

JUDGE

I'm trying to explain the realities of mob justice to my son. Jr., the trial of William Lockett was the fastest in the history of Kentucky. Less than fifteen minutes from indictment to sentence, all in the hopes that they wouldn't burn down the courthouse, with all of us inside.

WILSON

Guilty.

JUDGE

In record time. When the verdict came down, the reporters rushed outside to spread the word and that's when all hell broke loose. Things get confused in a mob, twisted around. Some folks thought Lockett had been found innocent, some thought guilty, and some thought he was already free. A roar went up, and men began to rush the building. A few shots went off from somewhere and the soldiers fired into the crowd. I don't mind telling you, I stayed down below the windows and just held on.

KIRTLEY

What a mess.

JUDGE

Five men died on that lawn, and fifty or sixty more were shot and wounded. In the end, they declared martial law and brought in a thousand troops just to put down the riots.

WILSON

All this over a single murder?

JUDGE

A single murder is all it takes! You tell folks that a little girl has had her brains knocked from her skull in the broad light of day, and even the gentlest man will take to a rage. In the end, we sent Mr. William Locket away under armed guard.

KIRTLEY

Hung?

JUDGE

After that? No sir, he was shot. In private.

KIRTLEY

Thank you Judge, this is exactly what I'm talking about.

WILSON

Pop, you think something like that could happen with Rainey?

JUDGE

You never know what will bring out the animal in people.

KIRTLEY

Don't want to get carried off like Mrs. Wilson's Russians, hey Judge?

JUDGE

(prickely)

I've been at trials with shooting and without shooting. I've come to prefer the latter.

KIRTLEY

Maybe now my colleague here will agree with me. We push Rainey into the chair.

WILSON

What about Mr. Lockett, pop? How did you know he was guilty?

JUDGE

A confession.

WILSON

That was enough? A confession from a man beat half to death?

JUDGE

I can see where you're going with this Junior. What you really want to know is: did we give some nobody of a black man to the crowd, hoping it would keep the peace?

WILSON

That's not...

JUDGE

Yes. Yes we did. William Lockett was a drifter and a drunk with a long string of arrests behind him. Did he murder that little girl? I don't know. Maybe God does. (pause) I can see by your faces that you disapprove. That you, Jr. and yes, even you Bill, have some notion of justice and impartiality that you think is true. Let me be the first and certainly not last to tell you: the law exists to keep the peace, and provide "justice", in that order. Tomorrow Rainey Bathea will be found guilty. It might be rape, or it might be murder. He might have done it, and he might not. But the people will have their blood.

WILSON

Sir,

JUDGE

Enough now. It's bad enough I have to sit through Russian revolutionaries with your Mother.

WILSON

I can't accept this.

JUDGE

You don't have a choice. He signed his confession. The best you can do, is advise your client to try for the chair. He will not enjoy hanging.

(Emma enters with pie.)

EMMA

You boys ready for some dessert?

WILSON

I don't think I have the appetite.

EMMA

You're all skin and bones, Jr.. Honestly. Bill, tell my son to eat some pie.

KIRTLEY

Eat some pie, Will.

EMMA

Thank you Mr. Kirtley.

(She returns to the kitchen.)

KIRTLEY

(deliberate)

I don't know if you knew this, Will, but Daggerty is retiring.

WILSON

No, I hadn't heard.

KIRTLEY

It's not exactly public knowledge, but it looks I just might get tapped to be a partner soon.

JUDGE

Congratulations, Bill!

KIRTLEY

Thank you Judge. The reason I bring it up, well, I imagine we'll be looking for another associate to join the firm before long.

WILSON

Me?

KIRTLEY

And why not? Can't think of anyone more promising.

WILSON

Bill, I'm flattered.

KIRTLEY

No need to be. The Wilson name draws a lot of water in these parts.

JUDGE

A chip off the old block.

KIRTLEY

Just so, Judge. I'd be more than pleased to bring you into the fold.

WILSON

I don't know what to say.

KIRTLEY

Say yes.

WILSON

Yes!

(pause)

KIRTLEY

There is a thing...

WILSON

What's that?

KIRTLEY

It's like I said, Happy Chandler is a family friend... Will, this business with Rainey...

WILSON

You want him to get the chair.

KIRTLEY

(defensive)

Now Will, it's not about what I want.

WILSON

What about Rainey? What about...

KIRTLEY

What about the rest of us? Will? It's a goddamn election year!

WILSON

That's not...

KIRTLEY

For God's sake, Will, the nigger doesn't matter! Do you want to have any kind of future in this state? You have a golden opportunity to make the Governor your new best friend, I'm standing here practically begging you to join the biggest law firm in the county, and you're ready to throw it all away over a broken down drunk who already confessed to murder! What the hell is wrong with you?

WILSON

I have to believe.

KIRTLEY

In what? Santa Claus? Little elves? That is a dead man back there in that cell. You want some advise? Look to the living!

(Emma re-enters, holding pie for the Judge and herself. She looks concerned.)

EMMA

I heard shouting.

WILSON

It's fine mamma.

JUDGE

Thank you dear.

EMMA

Dear! Did you boys hear that? I believe the Judge has turned sentimental in his old age.

JUDGE
(grumbles)

Late middle age.

EMMA

Please tell me you finished all that terrible talk about rape and murder. Mrs. Graham would have fled the house by now.

JUDGE

And Mr. Graham would have thanked us for it.

EMMA

William.

KIRTLEY

I believe we are finished ma'am. Ain't that so, Will?

WILSON

Tomorrow will be busy.

EMMA

Jr.? I know that face.

WILSON

I'm thinking.

EMMA

You should try to think nicer thoughts. Like you father, taking me to the movies. That's a nice thought.

(The Judge settles into his chair.)

JUDGE

Doomed.

(Emma crosses to Wilson and smooths his hair.)

EMMA

You were always a worrier.

WILSON

I need to think this through.

JUDGE

Not every case works out.

EMMA

(Emma glares at the Judge)

You'll work something out.

WILSON

Thanks, Mama.

KIRTLEY

You really oughta have some pie, Will. Homemade. (eats pie.)

(lights fade)

ACT 3

(The lights come back up on the meeting room in the courthouse. McDaniels is leaning on his cane and looking out the barred window. There is a burst of shouting from a mob that has gathered outside the building. The door opens, Wilson and Kirtley enter in a hurry. Kirtley has a muddy stain on his shirt.)

MCDANIELS

Hail, O conquering heroes!

KIRTLEY

Rainey ain't here yet?

MCDANIELS

God loved birds and created trees, but man loved birds and created cages.

(Kirtley crosses to the barred window and looks outside)

KIRTLEY

It's thick enough out there. (to William) They get you any?

WILSON

If my ears could burn, I'd be on fire. But I think I'm all right. You?

KIRTLEY

Nothing that won't wash off. (pause) There ain't much time left. Let's settle it.

MCDANIELS

Call it in the air then. Rape?

KIRTLEY

I say murder. We can't fight the coroner, but if Rainey testifies, we can make a damn good case she was dead already! That prick Birkhead will have to go all in for murder.

WILSON

So he has to swear he fucked a corpse?

MCDANIELS

My oh my, what a tempting offer.

WILSON
(disgusted)

That's really the best we can do?

KIRTLEY
You can't rape the dead, Will! Kentucky is quite clear on that point.

WILSON
I'm telling him plead not guilty.

KIRTLEY
What?!

MCDANIELS
That's the spirit.

WILSON
Now, now just wait, just hold on. Hear me out.

KIRTLEY
I'm waiting.

WILSON
We can do this, Bill. We really can. Forget about Happy and Birkhead and all the rest, he's got a right...

KIRTLEY
This is a crock of shit.

WILSON
This is just a game to you, ain't Bill? Pin the tail on the nigger and Bill Kirtley gets to be attorney general.

KIRTLEY
It ain't that way!

WILSON
Oh no? What did he promise you? Lieutenant Governor?

(pause)

WILSON
He did, didn't he.

KIRTLEY
That has no bearing.

WILSON

Bullshit.

KIRTLEY

I know who my friends are, that's all.

WILSON

Faithfulness, competence, diligence, any of these words ring a bell?

KIRTLEY

You think law's in a book, are really that stupid?

WILSON

have a chance to save a life, and all you can see is how it profits you.

KIRTLEY

That's over the line Will! I'm not going to pretend I'll shed tears over Bathea, but I will do what's required of me by Kentucky.

WILSON

What about your conscience?

KIRTLEY

What about yours? You going to lose sleep over a piece of trash that murders an old lady for the price of a bottle?

WILSON

Murder, yes. Maybe. But this nonsense with the chair? What's point in saving him from hanging just kill him?

KIRTLEY

Look to the future Will.

WILSON

You're not going to help me?

KIRTLEY

I can't.

WILSON

Can't?

KIRTLEY

Won't. God, damn it, I feel like you ain't been listening! Bad enough he confessed, and worse still he's a nigger, but there ain't anything to be done. I am not going down with this ship!

WILSON

So we just hand him over.

KIRTLY

He's already over! Get it through your thick, stubborn skull, Rainey Wilson is gonna die!

WILSON

Bathea.

KIRTLEY

What?

WILSON

Rainey Bathea. His name's Bathea.

KIRTLEY

What'd I say?

WILSON

Wilson.

KIRTLEY

Shit. I'm sorry, Will. I got... mixed up for a moment.

MCDANIELS

I've been to an electrocution. I was out east, visiting some relatives. Now, this was back when I was much younger, you understand. Younger than you two. I was staying in New York City with my cousins and we decided to make a day of it, go out to visit Coney Island. I tell you, we made a fine time of it that day, brought some dates along, in fact, that's where I met the future ex-Mrs. McDaniels. Lovely woman.

(McDaniels startles out of a reverie.)

MCDANIELS

Anyhow, there was this great crowd of people all gathered down to one end of the boardwalk, and we decided to see what the fuss was over. We joined in, and behold! There was a great big elephant up on a stage, all covered over in iron shackles.

WILSON

Why all chained up?

MCDANIELS

A murderer. A murderer elephant. If there is such a thing. She had three kills under her belt, and the park decided she was too dangerous to keep. Now, this is about the same time Mr. Edison and Mr. Westinghouse were having their little spat over the electricity, and Mr. Edison had convinced the park that the easiest way to get rid of the beast was by electrocution. The best part, you understand, was they figured they could charge a nickel a head to come see the show. Well, I was a brave young man and I wanted to impress the ladies, so I paid my nickel and pushed right up to the front of the crowd. Can't ever forget that poor animal, so weighed down in iron she couldn't hardly move or lift her head up. She just stood there with those sad eyes. Eventually, the management came out and gave a little speech about what the elephant had done, and why she was so dangerous, and what a boon to humanity the new electricity was going to be. (beat) And then they threw the switch. (beat) I can't say if they planned it this way or not, but when they threw that switch all four feet of that elephant made a popping sound and burst into flames. The old girl groaned and fell over, the smoke pouring off her where the skin was on fire, blowing back into the crowd with this terrible smell like hot iron and burnt rubber. The whole crowd of us fell silent. I imagine we all thought it would be some great event, like fireworks on the fourth of July. But it wasn't. It was pitiful and it was sad.

KIRTLEY

Why?

MCDANIELS

Why, what Bill?

KIRTLEY

Why did the elephant kill those people?

MCDANIELS

Oh, way I heard it told, her handler liked to feed her lit cigarettes, to make her trumpet out loud. To show to the people.

WILSON

I bet she just wanted to get out of there, to go on home.

MCDANIELS

It's not too late.

KIRTLEY

What are you asking?

WILSON

We fight. Fight for him, no railroading, not like Lockett.

KIRTLEY
(disgusted)

Lockett.

WILSON

If we tell him to fight the charges, I want to mean it.

KIRTLEY

Please Will, you know how this is going to end.

MCDANIELS

It ends the way we all end. Sooner or later.

KIRTLEY

We could... we could try, I guess. So long as he swears he'll try to dodge the rape charge, no mob, that's the key point.

WILSON

Might be there's some hope for a fair trial.

KIRTLEY

A fair trial.

MCDANIELS

You know, a man could do a lot of good as district attorney.

KIRTLEY

Yes, yes he could.

WILSON

The right man.

(There is noise from a crowd outside, possibly gunshots. Wilson and Kirtley glance at the window. Kirtley starts to laugh.)

KIRTLEY
(depressed)

Cheer up Will. At least they haven't set the building on fire.

WILSON

I'm glad you find this funny.

MCDANIELS

I imagine Birkhead must have filed by now.

KIRTLEY

(Kirtley looks at his watch.) I'll go. Let's see what we're up against. (mutter) District attorney.

(Kirtley looks at McDaniels)

KIRTLEY

You two and your damn elephants.

(Kirtley exits. Wilson looks out the barred window.)

WILSON

We have quite the audience today.

MCDANIELS

I wouldn't worry about them, William, times are changing. Why, when I was your age, we didn't even bother with guns. It was strictly pitchforks and torches. The youth of today have no respect for tradition.

(Wilson sighs and sits at the table where he reads his notes.)

WILSON

Allen?

MCDANIELS

Yes, Will?

WILSON

You know my father?

MCDANIELS

Oh, well, yes, I'd say so. He's thrown me out of court more times than I can count, but our relationship is based on mutual admiration. At least, I like to think so.

WILSON

You knew him when he was an attorney?

MCDANIELS
Same graduating class.

WILSON
What would he have done?

(pause)

MCDANIELS
Fight.

WILSON
Fight?

MCDANIELS
To the bitter end. You take one step back from truth, you might as well walk a mile. He told you about Lexington?

WILSON
Yes.

MCDANIELS
What did he say?

WILSON
That they gave up on that man. Gave him to the mob.

MCDANIELS
(hesitates)
And that's true. We did. (pause) It was me. I insisted we give him up before the mob came for us. Your father disagreed. In the end, it cost him a partnership. Leather chair, brass plaque. It's a good life.

WILSON
You did?

MCDANIELS
It made your father decide to try for Judge. He told me after that trial, the next time he took a life, he'd swallow it directly, no more hiding behind the furniture.

(A knock at the door)

MCDANIELS
(grandiose)
Enter!

(The door opens and Rainey shuffles in, handcuffs and manacles on. He moves to his chair.)

WILSON

Good morning, Rainey.

RAINEY

Mornin'.

MCDANIELS

How did you sleep?

RAINEY

Not terrible well. The nigger in the next cell, he swore at me all night. Says he got a gun, he's gonna shoot me with it.

WILSON

A gun?

RAINEY
(ironic)

I 'spect he's lying.

WILSON

Well I'd hope so.

RAINEY

Wouldn't leave off shoutin' at me. All night. Says he wants to watch me hang.

WILSON

I'm sorry to hear about that. They'll move you today after the trial.

RAINEY

They'll kill me today?

WILSON

No, no! I'm sorry Rainey. They'll have to wait at least thirty days to carry it out.

MCDANIELS

It's the law.

RAINEY

I wished it was quicker.

WILSON

It's the law.

(Kirtley enters in a huff.)

KIRTLEY

He's filed. It's official.

WILSON

(seeing his face)

Rape.

KIRTLEY

Mr. Bathea, I'll get right down to it. The prosecution is going to charge you with the rape of Lischia Edwards. You understand what this means for us?

RAINEY

Means they want to hang a nigger.

KIRTLEY

In so many words, yes. Our advice to you... (he looks at Wilson and McDaniels) is to plead innocent. Deny it was ever rape.

RAINEY

Innocent.

KIRTLEY

This is important, Mr. Rainey. They're gonna try to prove you're guilty of rape with evidence from the coroner. Lucky for us, time of death is a very tricky thing.

MCDANIELS

Lucky us.

WILSON

Now, we just might fox them enough that they'll have to drop the rape charge.

KIRTLEY

And stick to the murder.

(Wilson fires a look at Kirtley.)

RAINEY

(slow anger)

I didn't rape nobody.

KIRTLEY

Exactly.

RAINEY

I didn't do it!

KIRTLEY

The evidence...

RAINEY

I didn't rape no dead woman! I didn't, I didn't do it! I ain't done it!

WILSON

Please, Rainey!

RAINEY

She weren't dead!

WILSON

Rainey?

RAINEY

I said she weren't dead!

WILSON

Mr. Rainey?

RAINEY

It was Willie.

MCDANIELS

Never a dull moment.

WILSON

Willie?

RAINEY

Willie Johnson

KIRTLEY

Who the hell is Willie Johnson?

RAINEY

Willie done the robbery with me.

(pause)

KIRTLEY

Why didn't you say this before?

RAINEY

I figured it didn't much matter, but I can't lie. I promised.

KIRTLEY

(digging through his papers)

What about your statements? What about the evidence? There were only one set of footprints on that roof.

RAINEY

Willie and I got drunk, like I told you. We'd been on the whiskey a couple of days and we run out of money, and I told Willie about Mrs. Edwards and her rings, and he said we should rob her.

WILSON

But the rape?

RAINEY

I took off my shoes to climb up the roof... I hoisted Willie up behind me.

KIRTLEY

Mr. Rainey, are you saying you didn't murder Mrs. Edwards?

RAINEY

No. I killed her. I remember that.

KIRTLEY

(aghast)

Jesus Christ.

WILSON

And Willie?

RAINEY

Willie was the one what raped her. I guess... I guess he thought it was funny. She started making noise, (pleading) wouldn't stop making noise. I got scared, I... choked her off.

KIRTLEY

Willie Johnson raped her?

RAINEY

I couldn't think what else to do. Willie wouldn't lay off. How was I supposed to make him lay off?

WILSON

Lay off.

RAINEY

I tried! I tried to make him stop it. He wouldn't. I was holdin' her with one hand and pushin' at him with the other, but he wouldn't stop it and I couldn't let go.

MCDANIELS

Is this true, son?

RAINEY

I prayed all night, like you said. I prayed and Jesus told me to tell it straight.

KIRTLEY

This is... Birkhead... will never accept this. We can't let him testify to this! The jury will never believe it, the prosecution will cut him to pieces! All the evidence points to one man!

WILSON

You never told the police about Willie?

RAINEY

Well sir, Willie's a white man. You think the police are gonna believe me, I tell them something like that?

MCDANIELS

I don't imagine they would.

RAINEY

I want to be righteous.

KIRTLEY

You can't do this!

WILSON

We have to try.

KIRTLEY

You signed a confession!

MCDANIELS

All men lie, only some do it badly.

RAINEY

I want to confess. I want to be forgiven.

WILSON

We have find this Willie...

KIRTLEY

We will do no such thing.

WILSON

We have a duty!

KIRTLEY

Have you looked outside? We cannot allow you to hang, you stupid nigger! You will get up on that stand, and you will swear before God that you murdered Mrs. Edwards, and you will swear that after she was dead before you fucked the corpse! That is the only way!

RAINEY

I didn't do it!

KIRTLEY

I don't care! You will say you did, or they will hang you, you black bastard.

WILSON

Bill, we could find Willie Johnson, we could file a new motion, try to get a witness...

KIRTLEY

This ends today! You heard your father! I'm going to Birkhead, maybe I can get a mistrial. There's not a jury in this state that would believe that damn fool story!

(Kirtley storms out.)

WILSON

Damn it Bill, wait a minute! You just wait, Mr. Rainey. Bill! Hold up.

(Wilson leaves.)

RAINEY

I didn't...

MCDANIELS

I know son.

(There is more noise from the crowd outside. They pause.)

RAINEY

Will it hurt?

MCDANIELS

To hang? Or to get the chair?

RAINEY

Both. Either.

MCDANIELS

Well now, I ain't never been on the receiving end, so my view is... academic. But if you were to ask me to chose one, I'd rather hang.

RAINEY

Why?

MCDANIELS

Quick, if it's done right. And I reckon it don't hurt too much. The neck just snaps, like killing a rooster. I been to a few hangings, you understand. You're not the first client I seen face a short walk and long drop.

RAINEY

Maybe it's best like Mr. Kirtley says, go to the chair, private, like.

(Wilson re-enters unseen and stands quietly by the door, unseen by the others.)

RAINEY

If I swear I done it, like Mr. Kirtley says, do you think God will cast me down?

MCDANIELS

God? There's no living man that can tell you what's going on in the mind of God, son. I reckon you have plenty of explaining to do already. One extra fib just to satisfy these gentlemen ain't likely to tip the scales much. (beat) You know your bible at all?

RAINEY

A little.

MCDANIELS

Well take your Jesus. They trotted him up into court one day and argued back and forth over what he'd done and what to do about it. The Roman? They weren't at all convinced he had committed any particular sort of crime, but the crowd outside, they wanted blood.

RAINEY

Why?

MCDANIELS

If I knew the answer to that one, son, it'd be a much better world. Now, they could have done any number of things with him, cut him up or stoned him or just stuck him away in a hole somewhere but no, no they hung him out there for all to watch while he died.

RAINEY

That don't seem right.

MCDANIELS

Hmh. It ain't. But that's the way of things. That crowd, they all gathered around, just delighted with the idea of watching this man suffer and die, so they could congratulate each other on what fine bunch of people they were, having upheld the law. Why, they practically made a festival of dragging him up that hill. Hotdogs and lemonade. Two-for-one and free for the kids.

RAINEY

Like Mr. Kirtley says.

MCDANIELS

Like Mr. Kirtley says. But there's something more to it. When they were done, when they had finished, they wept. They discovered there was no joy in killing him, there was no justice. Just another corpse on a cold hill. And yet, because those people had been there that day, had stood on that hill, had watched him die, they left changed. No more the eye for the eye, the tooth for the tooth, blood for blood. Instead they found forgiveness, compassion, sorrow.

RAINEY

They found all that?

MCDANIELS

Some. Some did. Some will.

(Wilson and Kirtley re-enter.)

KIRTLEY

...and that son of a bitch can see me in hell if he thinks I won't appeal.

WILSON

It's the jury we gotta focus on now.

KIRTLEY

Please. You call that a boxed set of vultures a jury? Might as well ask the mice to guard the cheese.

WILSON

I say we call for a mistrial.

KIRTLEY

It won't happen! Your father won't allow it, you know that.

WILSON

Then we fight on the evidence, call into question the coroner, get our own experts on the fingerprinting... you know it ain't reliable!

RAINEY

I'll do it.

KIRTLEY

How do you suggest we get an expert to testify for him? He's got no money, no friends, no alibi, couldn't even get a single damn character witness!

WILSON

We pass the hat. Call that Negro Congress up..

KIRTLEY

The confession, Will! He signed his own damn confession!

RAINEY

I'll do it.

WILSON

Under duress! They'll have to reconsider.

KIRTLEY

They damn well better! We can't just allow the public to line up on the front lawn and cheer over a corpse. Think of the image!

RAINEY

I said I'll do it.

KIRTLEY

What are you on about, Mr. Rainey?

RAINEY

I'll hang. Out there, in front of everyone. I'll plead guilty.

KIRTLEY

Oh. Oh. That's just fine, then. Just dandy. Now you want to hang? Have you paid attention a damn thing I been telling you?

WILSON

Rainey, what about Willie? There's still a chance that...

RAINEY

No, I done it. Willie don't matter. I want to hang. I want to be seen.

KIRTLEY

You're a damn fool, boy! You hear that crowd out there? That's what they want!

RAINEY

Yes sir.

WILSON

Don't do this Rainey!

KIRTLEY

You can't do this! It's a disgrace! The age of public hangings is over!

(Rainey looks at McDaniels, who shrugs.)

RAINEY

Mr. Wilson, can you write down something for me?

KIRTLEY

The governor is gonna throw a fit.

WILSON

Rainey, we can fight!

KIRTLEY

Every damn newspaper in the country.

RAINEY

I need a letter.

KIRTLEY

Give this another thought now boy, it don't have be this way. It could be private and dignified.

RAINEY

I need a letter to my sister in South Carolina.

KIRTLEY

Your sister? What the your sister got to do with this?

RAINEY

Only family I got.

(pause)

WILSON

I... I'll write it.

KIRTLEY

This is not the time for some damn love note.

WILSON

Shut up, Bill. What is it you need said?

(Wilson gets out paper.)

RAINEY

Dear Ora. This is your brother. I guess this is gonna be my last letter. By now, you heard what I done and all that. I'm going to ask them to send my body to you when they're done, so that you can put it in the ground with pa. I ain't never been much good, but I hope I can be better. And don't you worry about me at all, because... I'll be alright. I guess that's all.

MCDANIELS

O Absalom, my son, my son, my Absalom.

RAINEY

What's that sir?

MCDANIELS

Just something I heard, long ago.

WILSON

You said South Carolina?

RAINEY

Ora Fladger, Box 135 in Nichols. She got married. But he's a good man, takes real good care of her and her little boy. He's called Rainey too, like me.

WILSON

I'll see to it.

RAINEY

I appreciate that.

KIRTLEY

You understand this is it? There ain't anything else we can do. Stand there and hold our damn hats. Reconsider.

RAINEY

I think I understand what you and Mr. Wilson been trying to do.

KIRTLEY

I doubt it.

RAINEY

I think it'll really be something. To stand up there, look out over all those people.

KIRTLEY

This is a waste.

WILSON

Bill.

RAINEY

I want to see them all.

KIRTLEY

A god-damned waste. There ain't anything left here. I'll meet you in the chamber.

(Kirtley leaves. Wilson and Rainey stare at each other. Wilson pours two glasses of water and sets one in front of Rainey.)

WILSON

I don't understand this Rainey. We could fight. I want you to fight.

RAINEY

It ain't me you're talking about, Mr. Wilson. I hear you and Mr. Kirtley goin' on about governors and prosecutors and judges and all. That ain't about me. I killed that woman (pause) and maybe worse.

(More mob sounds from outside.)

RAINEY

I know what they want. Maybe it's even the right thing, I don't know. But I don't want to be hid away in some room, put down like an animal. I'm gonna die, I know that. I want to stand out there, and I want to look up at the sky, and maybe feel the grass under my feet. See all those people.

WILSON

It's my duty...

RAINEY

You seem like a good man, Mr. Wilson. I don't know if you can understand this. I ain't never measured up to anything. And now here I am. If they want to see that, if they want to see me, then that's what I want too.

WILSON

I don't understand.

RAINEY

I saw the life fade out of her. Just like fog burnin' off in the sun. I'm scared of that.

WILSON

You're afraid?

RAINEY

Course I am. I can feel it on the back of my neck. But I want them to remember, everyone out there. I want them to see me, I want them to remember me.

WILSON

You want this.

RAINEY

I'm tired. I want to go home.

WILSON

Home?

MCDANIELS

Every man wants to go home, William.

RAINEY

Mrs. Edwards? She got any kin?

WILSON

Ah, no. No, I don't think so.

RAINEY

I'm sorry about that. She weren't a bad old lady.

WILSON

I could check with the church..

RAINEY

If I remember her in my prayers, you reckon that's alright, sir?

MCDANIELS

It never hurts, son.

(There is more noise from outside.)

WILSON

Rainey?

(Rainey looks at Wilson.)

RAINEY

Yes?

WILSON

Rainey, it's time. We've got to go in there now.

(They stand and exit. Rainey pauses and nods to McDaniels who returns his nod. Rainey stands a little taller and walks out. Wilson lingers behind.)

WILSON

Is it true?

MCDANIELS

Is what true, William?

WILSON

They changed?

MCDANIELS

We all change, son. Inevitable, really.

(Wilson nods and exits.)

MCDANIELS

O, you who seek the bloody tooth for each fallen tear, join me in weeping least ye too, be devoured.

~Fin~