

ACT I SCENE 1 CLOSED STAGE CURTAIN

Super quote over curtain.

"We are glad to note that the University of Missouri has opened a course in Applied Lynching. Many of our American Universities have long defended the institution, but they have not been frank or brave enough to actually arrange a mob murder so that students could see it in detail."
W. E. B. Du Bois, Co-Founder, NAACP 1923

ACT I SCENE 2 SECOND BAPTIST CHURCH - DAY

CURTAIN RISE:

The upcoming church scene including all actors is backlit only and movement is frozen as we hear James Scott's voice over.

JAMES SCOTT (V.O.)

My name is James Scott and this is my story. It's a story about racism, a rush to judgement, and the failure of the system to provide justice. It happened in nineteen and twenty three in the college town of Columbia, Missouri. My story begins on April first. It was Easter Sunday.

As the music begins we see the interior of Second Baptist Church. Parishioners are singing the Easter Sunday recessional hymn "O Lord Remember Me" led by a dynamic singer and choir. The parishioners include SARAH BROWN (60s, black, gritty, graying) and her husband JACK BROWN (60s, black, easy mannered, stout). In a nearby pew is Sarah's son, JAMES SCOTT (37, light skinned black, slight, pock marks, Charlie Chaplin mustache) and his wife GERTRUDE SCOTT (mid 20s, black, pretty, demure) alongside two of James' children, HELEN (9, black, wide eyed) and CARL (8, black, fidgety). As the service concludes James and Gertrude walk out of the church just behind James' children Helen and Carl, and followed by James' mother Sarah and her husband Jack. Church Paster REVEREND JONATHAN LYLE CASTON (26, black, glasses, friendly) greets them.

REV. CASTON

(Shaking James' hand)

James, Gertrude, Sarah how wonderful to see all of you again. I hope you enjoyed the service.

JAMES SCOTT

Wonderful service Reverend Caston.

SARAH BROWN

Oh yes, being here on Easter, especially with my family, fills my heart with such grace.

REV. CASTON

That's so nice to hear Sarah. And Gertrude, I hope James is taking good care of you?

GERTRUDE SCOTT

Yes Reverend he certainly is. But sometimes I think he likes his job a little too much!

JAMES SCOTT

(Looking at Gertrude)

Gerty, work is good for the soul!

The group laughs and the Scotts and the Browns walk in the same direction as they talk. In the background there are election signs for C.B. Rollins and Emmett McDonnell, both running for Mayor in the election that takes place in two days.

SARAH BROWN

James and Gertrude, why don't you bring Helen and Carl over now? I spent all day yesterday baking.

JAMES quickly looks at GERTRUDE and gets a nod.

JAMES SCOTT

Sure Momma.

The group walks in the direction of a nearby house as the lights go down.

ACT I SCENE 3 SARAH & JACK BROWN'S LIVING ROOM - DAY

We are in the Brown's living room. SARAH is spending time with HELEN and CARL on the couch watching them open small Easter presents while JAMES and GERTRUDE, lemonades in hand, talk with JACK.

JACK BROWN

So Gertrude, how's your job going at Douglass? Are your students behaving?

GERTRUDE SCOTT

It's great, Mr. Brown. The children are little angels - but then again, it's only first and second grade! They want to learn about everything.

JACK BROWN

That's wonderful to hear. Your job is so important! And what about you James, everything going alright at the university?

JAMES SCOTT

They treating me alright. It's different than driving someone around. They got me working in the medical building keeping things looking good. Inside work most of the time so it was nice last winter.

JACK BROWN

Hmmm, I imagine so. Well your Mamma and I have a present for you James.

JACK reaches into a drawer in a nearby table and pulls out a wrapped box and gives it to JAMES. He opens the wrapping, takes the lid off and he and GERTRUDE stare at the contents then look up to SARAH and JACK BROWN in huge admiration.

GERTRUDE SCOTT

Look James! That's you leading the Emancipation Day Parade last summer!

JAMES SCOTT

Jack! Momma! It's wonderful!

JACK BROWN

Your Momma used to do house work for someone who was a photographer for the papers. She saw him at the parade that day and asked him for a copy of the picture. We thought it might look good on your wall.

SARAH looks at JAMES with pride, then JAMES rises to hug SARAH and shake JACK BROWN'S hand.

SARAH BROWN

We're both so proud of you son.

JAMES SCOTT

(JAMES finishes his glass of lemonade.)

Thank you, thank you so much! It's beautiful! I'm going to get another lemonade Momma.

JAMES leaves the room for a re-fill.

SARAH BROWN

That was a beautiful day for all of us, wasn't it Jack?

JACK BROWN

(Louder for James in the kitchen)

Yes it was! I was so proud of you, James. What an honor!

GERTRUDE SCOTT

I remember it well. James was beaming with pride!

GERTRUDE stares at the picture she is holding in her hands as James re-enters the living room with his refreshed lemonade.

CARL SCOTT

(Running up to his step-mother)

Momma, Momma. Can we go feed Doug and Clyde?

JACK BROWN

Doug & Clyde? Gert! You been holding something back?!

GERTRUDE SCOTT

No, No! Doug and Clyde are two dogs they've been keeping at James' work. He takes care of them as part of his job.

JAMES SCOTT

It's the least I can do Gerty. Somebody gotta show 'em some love while they still living.

(to Carl)

Son, what do you say we go home and get changed up, then go to see Doug and Clyde?

CARL SCOTT

Yeah!! Let's go Dad! Let's go!

JAMES and GERTRUDE look up, big smiles as lights go down.

ACT I SCENE 4 MISSOURI UNIVERSITY ANIMAL HOUSE - DAY

The Animal House, a small building next to the McAlister Medical School at Missouri University houses animals that are used for medical experimentation. It is filled with the sound of BARKING dogs. DOGS, CATS and MONKEYS are in cages. Some of the animals have visible scars or bandages. JAMES lets two dogs out of their cages and reaches in his pocket for some treats for HELEN and CARL to share with the animals.

JAMES SCOTT

Now kids, don't tell mamma that I brought some of last night's roast for Doug and Clyde. Doug, Clyde, that goes for you too.

HELEN SCOTT

Daddy, are the doctors going to hurt Doug or Clyde?

JAMES pauses before he answers HELEN'S innocent question.

JAMES SCOTT

Doug and Clyde are going to be just fine Helen. They're heroes because they're going to help sick people get better.

HELEN SCOTT

I asked Jesus to take care of them.

JAMES SCOTT

Know what? I bet Jesus Himself would love to have a dog like Doug or Clyde.

We see both DOUG and CLYDE eating out of CARL'S hand as HELEN also helps feeding. Lights fade out.

ACT I SCENE 5 UNIVERSITY OF MISSOURI MEDICAL SCHOOL - DAY

It is Monday morning and we are in the entryway of the McAlester Hall Medical School. JAMES is in his coveralls along with another janitor WILHELM (30, white, clean cut, German accent). A tray of cleaning supplies is nearby. Both men are cleaning the entryway.

JAMES SCOTT

How was your Easter Will?

WILHELM

(with a deep German accent)

I think I ate a whole pig James. I am feeling this now. What about you?

JAMES SCOTT

Gerty and I brought the kids to my momma's house, then I took them to visit Doug and Clyde.

WILHELM

Who are these Doug and Clyde?

JAMES SCOTT

They're dogs being kept at the Animal House?

WILHELM

The Animal House here at the school?

JAMES SCOTT

Yeah that's right. We come by and feed them every now and then. The kids love it.

WILHELM

James, you know the animals' days are numbered, yes?

JAMES SCOTT

All our days are numbered Will.

WILHELM

OK James you keep feeding Doug and Clyde. And if God tells you it's going to be your last day, then I shall bring you lunch from home, yes?

Both men enjoy a laugh as they continue to clean up. JAMES' voice is heard as the men work.

JAMES SCOTT (V.O.)

Like Doug and Clyde, my days WERE numbered, only I didn't know it yet.

Lights fade out.

ACT I SCENE 6 HERMANN ALMSTEDT HOME - DAY

It's April 20, 1923 on Garth Street in Columbia, MO. HERMANN ALMSTEDT (50, white, wire framed glassed, educated, calm) is playing a sonata on his piano. REGINA runs crying into the living room set and faints near the piano. Her dress is torn and bloody, she has scratches indicating she has been attacked by someone or something. HERMANN ALMSTEDT hurries to help her and MRS. ALMSTEDT (30s, white, neatly attired) rushes onstage and joins him. They turn their daughter to see her face. She weeps; her head rolls.

REGINA

Oh! Mother!

MRS. ALMSTEDT

Regina?! My God, Regina! What happened?

REGINA

(incoherent)

The train tracks. He said there was a child.

MRS. ALMSTEDT

Who said that, Regina? What happened? Can you tell us what happened?

REGINA stares blankly past her mother's face. Her mother examines the dirt and blood on the dress.

MRS. ALMSTEDT (cont'd)

You've fallen, Regina. I see that. Did you fall on the tracks? You're hurt. What happened? Can you tell us?

REGINA thrashes and moans.

MRS. ALMSTEDT (cont'd)

I don't think she even knows where she is, Hermann.

ALMSTEDT

Let's put her in our bed. You can stay with her. I'll call Dr. Lewis.

Lights out.

ACT I SCENE 7 STEWART BRIDGE RAVINE - DAY

We return to the ravine as Police CHIEF ERNEST ROWLAND (40s, white, confident, well-built) looks on, two DOG HANDLERS have their BLOODHOUNDS sniff at a pair of discarded coveralls. The handlers begin their search, one taking each side of the railroad track.)

CHIEF ROWLAND

Boys, the girl said he was a copper colored negro, average height 'n' weight, and he had a mustache like Charlie Chaplin. See who you can find and bring him to me.

After sniffing at random, one dog grows excited and charges away. The dog's handler struggles to keep up. ROWLAND and the other dog and his handler chase behind as the lights fade.

ACT I SCENE 8 RUBY HULEN'S BACK YARD - DAY

It's Saturday, April 21 at the modest home of the Boone County District Attorney RUBY HULEN, 32, white, left-handed, plain, black, round rim glasses, nerdy is trimming the hedges himself. He pays great attention to getting the angles just right. CHIEF ROWLAND enters.

PROSECUTOR HULEN

Good morning Chief.

Hulen continues to cut his hedges as the conversation goes on.

CHIEF ROWLAND

Mister Hulen.

PROSECUTOR HULEN

Any news on the negro who assaulted the Almstedt girl?

CHIEF ROWLAND

We've shown her a couple of possibles and she says they're not the one. I'm on my way to pick up another nig...

(stops himself)

negro who we know matches her description. We'll see what she says. I also alerted the Sheriffs in Monroe, Audrain and Calloway counties, and the train stations too.

PROSECUTOR HULEN

(Ignoring the slip)

OK, good work. I called the mayor and a few other people and I think we can raise about a thousand dollars in reward money, so that should help.

CHIEF ROWLAND

If somebody's seen something, that oughta be an incentive to talk. OK good, let me go get that other boy for the girl to take a look at.

PROSECUTOR HULEN

Alright Chief. Let me know if there's an identification.

CHIEF ROWLAND

Yes sir. Have a good day Mister Hulen.

PROSECUTOR HULEN

You too Chief. Good luck.

CHIEF ROWLAND exits as HULEN continues trimming the hedge to perfection. Lights fade out.

ACT I SCENE 9 JAMES & GERTRUDE SCOTT HOME - DAY

CHIEF ROWLAND enters and pounds on the Scott home's door with authority. JAMES and GERTRUDE sit in their living room and are startled by the intensity of the knocking. JAMES quickly looks out a window and steps in front of GERTRUDE to answer the door.

JAMES SCOTT

Yes sir, is there something wrong?

ROWLAND looks closely at JAMES' face. He notices the Charlie Chaplin style mustache and immediately moves toward JAMES and grabs him by the arm.

CHIEF ROWLAND

You're gonna need to come with me Scott.

GERTRUDE SCOTT

James! What's going on?!

(to Rowland)

What's this all about? James hasn't done anything wrong!

CHIEF ROWLAND

(To Gertrude)

Now settle down Mamn! I'm taking him right now so that someone can see if she recognizes him.

(to James quietly)

And I think YOU know exactly who I'm talking about, right Scott?

JAMES SCOTT

Who needs to see me? I don't know what you're talking about!

(to Gertrude)

Gerty, this is all a mistake! I'm sure it is!

(moving out the door with Rowland) I'll be back home soon!

(CHIEF ROWLAND handcuffs JAMES as a shocked GERTRUDE, HELEN and CARL step off the porch and into the yard.)

ACT I SCENE 10 HERMANN ALMSTEDT HOME - DAY

At the exterior of the Almstedt Home, REGINA, HERMANN and MRS. ALMSTEDT are assembled on the front porch facing the street. CHIEF ROWLAND and JAMES enter but stay on the sidewalk thirty feet away. REGINA clings to her mother's arm.

REGINA

(to Almstedt softly)

No closer, please.

(screaming at Chief)

No closer, please! I can't stand to look at him!

Please, stay away! Keep him away from me!

REGINA turns her face into her mother's shoulder. ALMSTEDT signals ROWLAND to keep his distance.

CHIEF ROWLAND

It will only take a minute, Miss Almstedt. And then this will be over. I just need you to look at him for a minute, to identify him. Is this the man who attacked you?

REGINA shades her eyes, forces herself to glance at JAMES' face, then clings again to her mother's shoulder.

REGINA

That's him. He's the one. Now take him away! Take him away! I can't stand the sight of his face! Those eyes! Horrible eyes, staring at me! Cutting into me!

JAMES SCOTT

(To Chief Rowland)

What?! I don't know that girl! She made a mistake!

I have never touched a white girl in my life!

CHIEF ROWLAND

Come on Scott! You're under arrest!

CHIEF ROWLAND turns JAMES around and pushes him to exit as the lights fade out.

ACT I SCENE 11 BOOCHE'S POOL PARLOUR - NIGHT

We are inside Booche's Pool Parlor where a few WHITE MEN are eating and smoking at tables. GEORGE BARKWELL (40, white, tall, muscular, an alpha male) arrives and everyone greets him with a hello.

Among the pool players are HAMP (40, white, has a conspicuous scar across one eye), RED (35, white, wears tattered overalls and is built like a fireplug) and LOU (25, white, wears a bowtie and is a tough-guy wannabe). FOSTER HAILEY (23, white, tall, muscular and quiet) is watching the pool game as he drinks his soda. A MAN WITH A CIGAR (50s, white, stout) sits in one of the chairs lined up along the wall, newspaper open in front of him. Hamp hands his stick to Barkwell.

HAMP

Where were you and the crew workin' today George?

(BARKWELL replies as he lines up the shot.)

BARKWELL

I was at the office all day 'Hamp. Gracey's been running the crew pouring sidewalks on Rollins Avenue at the university. Monday it's sewer lines on Locust Street.

(under his breath)

People's shit gotta go somewhere.

MAN WITH CIGAR

(reading the newspaper)

"Miss Almstedt then fought off the beast's assault with the tip of her umbrella. She reported that the assailant was a negro with a Charlie Chaplin mustache, and police began their investigation immediately. James Scott, a negro janitor at the university, was arrested within hours, and the victim has identified him positively. A substantial reward is being offered to witnesses who can confirm that the negro was at or near the scene of the crime."

BARKWELL

But no charges yet, huh?

MAN WITH CIGAR

Well, let me see. None mentioned, as I can see. No, none.

Lou misses an easy shot.

LOU

Shitola!

HAMP

The courts move slow, George. You know that. Shoot you must remember all them pencil pushing bureaucrats from when you were on the Council.

(MORE)

HAMP (cont'd)

And our County Attorney, that "Hulen fellow" hasn't impressed me much. Looks like a weak stick to me.

At his table, FOSTER HAILEY (21, tall, muscular, curly top) listens, not divulging that he is a reporter.

MAN WITH CIGAR

He's pretty green as prosecutors go, alright. And if the nigger can buy himself a smart lawyer, well-

HAMP

Not a sure thing, eh?

MAN WITH CIGAR

It just takes one man on a jury to block a conviction, you know.

BARKWELL lines up a shot and takes it.

BARKWELL

One man! Now that's a damn crime! Hey 'Hamp, the Chief's your cousin right?

'HAMP nods in the affirmative. BARKWELL lines up another shot.

BARKWELL (cont'd)

You shoulda had him turn that boy over to us. We'd know what to do with him!

The men in the pool hall have a hearty, devious laugh. Lights fade out.

ACT I SCENE 12 BOONE COUNTY JAIL - DAY

It's Monday, April 23rd at the Boone County Jail in Columbia. We see REVEREND CASTON and ATTORNEY "E.C." ANDERSON (60s, white, grey, former blacksmith, charming) enter the front door of the jail just behind the Boone County Courthouse. CASTON and ANDERSON are greeted by JAILER HALL (50s, white, tall and slender, a man of few words).

JAILER HALL

Reverend, Mr. Anderson, can I help you?

REV. CASTON

Yes, Deputy. We are here to see James Scott. Can you bring us to see him?

JAILER HALL

Yes I can. Please follow me.

HALL unlocks the entrance gate, re-locking it, and escorts CASTON and ANDERSON down the jail's center aisle of the white section of the jail with cells on both the right and the left. HALL, CASTON and ANDERSON pass the jailer's kitchen steel grate and door on their right and walk through a huge steel lattice "portcullis" grate into the negro section of the jail where JAMES is located in one of two jail cells. JAILER HALL unlocks JAMES' cell - he's the only occupant - and allows both men inside with him. The talking begins when the men see each other, before entering the cell.

REV. CASTON

James! It's good to see you! How are you holding up?

JAMES SCOTT

I guess I'm doing alright Reverend. Do you know how Momma and Gerty and the kids are doing?

REV. CASTON

They're all askin' for you James, sending their love. Gerty wants to come by to see you.

JAMES SCOTT

No! Tell her no, please. I don't want her to see me in here like this. I feel like a caged animal. Please Reverend, tell them I love them and I pray for them every day, but it's better for me if they stay home.

REV. CASTON

I understand James. A number of our church members have been visiting with Gertrude and the kids and your mother too so don't you worry. We'll take good care of your family.

(turning to Anderson)

James, I brought Mr. Emmett Anderson with me, he's the best lawyer in the county and he can help you.

JAMES SCOTT

(to Anderson)

Mr. Anderson, thank you for coming, but I don't know as how I can pay you. We only have a little money.

ATTY E.C. ANDERSON

James, the Reverend speaks very highly of you and I would like to help.

(MORE)

ATTY E.C. ANDERSON (cont'd)

I'm sure that we can come to an agreement on payment, but the most important thing right now, right here is for you to tell me your side of the story.

JAMES SCOTT

Alright. I did not do this thing they accusing me of. I think I remember seeing that white girl before at the university with her father, but I never touched a white woman in my life - especially a little girl.

ATTY E.C. ANDERSON

James, the girl says that the man who hurt her looked like you. She said he had a mustache that looked like Charlie Chaplin's. And that he smelled like a chemical.

JAMES SCOTT

Well you can see I have a mustache like that, and when I move animals that are dead I smell like that chemical they use to preserve them.

ATTY E.C. ANDERSON

OK James, can you think back to what you were doing last Friday? Who might have seen you?

JAMES SCOTT

Friday me and Will Weber were cleaning up the lab so the doctor could show it off to some parents. We also had to bring some animals to the incinerator.

ATTY E.C. ANDERSON

What time was that James?

JAMES SCOTT

It took us all day almost, maybe ten o'clock until I went home 'round five.

ATTY E.C. ANDERSON

And was Will with you all that time?

JAMES SCOTT

No, he had to leave out 'round three o'clock right after we got back from the incinerator so I was on my own from then, polishing the floors and woodwork, but my boss Mr. Snelling saw me later before I left.

ATTY E.C. ANDERSON

When did Mr. Snelling see you James? It's important to be as exact as you can.

JAMES SCOTT

(pauses) Mmm. I think that it was 'round five o'clock. I was just finishing up with the woodwork.

ATTY E.C. ANDERSON

Good. That's good James. There's one more thing. Can you turn your face so I can see it clearly in the light?

JAMES turns his head so that the light poking through a nearby window above his jail cell shines on his face. ANDERSON examines JAMES' face.

JAMES SCOTT

That OK?

ATTY E.C. ANDERSON

That's good James. The newspapers said the victim used her umbrella like a spear and that she pushed it into her attackers face several times. But I don't see any signs of those marks on your face or neck. Good, thank you James. That's a big help. I'll talk with Will and your boss this week and maybe we can get you out of here real soon.

JAMES SCOTT

Mr. Anderson, I WILL pay you, but it might take some time. Could you maybe take my car until we can get you paid? It's only a year or two old.

ATTY E.C. ANDERSON

Sure James, that's fine. Let's shake on it.

The two men shake hands.

JAMES SCOTT

Thank you. Thank you Mr. Anderson. And thank you Reverend Caston, I appreciate all that you're doing for me.

REV. CASTON

That's alright James. I also reached out to a good friend of mine from St Louis. He wants to help you too. We will get this grievous mistake cleared up and get you home to your family as quick as we can.

JAMES SCOTT

From your lips to the Almighty's ears Reverend. Please tell my family I love them so much and I'll be home as soon as I can.

Lights Fade Out.

ACT I SCENE 13 PROSECUTOR RUBY HULEN'S OFFICE - DAY

We are in PROSECUTOR HULEN'S office. He is at his desk writing with his fountain pen. As he finishes a sentence the pen blotches. He grabs a bottle, dabs a cotton swab from his desk and tries to repair the blotch. Hulen's SECRETARY (30's, white, attractive, efficient) knocks.

SECRETARY

Ruby? Attorney Anderson is here to see you.

PROSECUTOR HULEN

Alright, please send him in Mary.

ANDERSON walks into HULEN'S office. HULEN offers him a seat and the two shake hands as ANDERSON sits down.

PROSECUTOR HULEN (cont'd)

Good afternoon Emmett, I'm sure this has to be about that Scott case. I heard that you would be representing him.

ATTY E.C. ANDERSON

News travels fast Ruby. I haven't seen an indictment yet and I wanted to know what you have. Can't keep this guy in jail forever without charging him with something.

PROSECUTOR HULEN

Oh I think we got "something" Emmett. The girl positively identified him Saturday and again yesterday including his voice and the smell of his clothes. We got a couple of other things we need to do before I file a formal indictment, but it's coming.

ATTY E.C. ANDERSON

Well I spoke with my client this morning and he gave me a couple of names of people who will say that he was working in the medical building at the university when the girl was being assaulted.

PROSECUTOR HULEN

Do tell.

(pauses)

Well I got the victim's testimony and we're looking for any other eyewitnesses right now so I'm feeling good about this one.

ATTY E.C. ANDERSON

Ruby, there's no scratches on his face. Sure, he has pock marks, but she said she poked her assailant several times in the face with her umbrella, right? I don't think you got the right guy.

PROSECUTOR HULEN

(a little ruffled)

Look, give me a day or two to nail down all the details and I'll forward over the indictment as soon as we have it. That OK Emmett?

ANDERSON rises and walks toward the door.

ATTY E.C. ANDERSON

Thanks Ruby, I'll look forward to seeing it.

As ANDERSON reaches the door and opens it, HULEN speaks.

PROSECUTOR HULEN

And Emmett, whatever the charge, no mercy this time. The victim was a little girl.

(pause)

A little - white - girl.

ANDERSON turns and closes the door as he leaves. HULEN has a look of doubt on his face, wondering if he's missing something. Lights fade out.

ACT I SCENE 14 BOONE COUNTY JAIL - DAY

We are at the Boone County Jail. JAILER HALL is smoking on the porch of the Jailer's Residence. HALL puts out his cigarette walks through the porch door into the jailer's kitchen. A utility panel is on the wall next to a door marked "Jail." JAILER HALL opens that door - which is opposite the porch door - and then unlocks a steel grate door which leads into the jail itself. He's now in the "Portcullis Corridor." To JAILER HALL'S right is a floor to ceiling wall that separates the negro and white sections of the jail. A huge, steel lattice "portcullis" grate is in the center of the wall. Those in the white section see HALL once as he walks in from the kitchen. HALL whistles "Oh Suzannah" as he visits each cell to collect plates and utensils, then walks through the portcullis grate into the negro section. JAMES is in his cell. He hands his breakfast plate to HALL.

HALL then takes the dishes to the kitchen and places them in the sink. A buzzer RINGS. JAILER HALL comes through the Jailer's Kitchen door, walks through the jail's white section to its front entrance. JAMES' mother SARAH and wife GERTRUDE are at the door.

SARAH

(firm but polite)

Mr. Hall, we here to see my son, James Scott. Can we see him please?

JAILER HALL walks SARAH and GERTRUDE down the jail corridor of the white section, through the steel lattice gate and to JAMES' jail cell, but no further.

JAILER HALL

OK folks, jail rules is fifteen minutes.

JAMES sees SARAH and GERTRUDE and immediately leaps from his bed and tightly grabs onto their hands through the cell bars.

JAMES SCOTT

Momma! Gerty! I told the Reverend to tell you not to come-

SARAH BROWN

(cutting James off)

I know what you told him. But I'm your MOTHER James and no one - not even you - can tell me what to do! I love you son!

JAMES SCOTT

I love you too Momma.

(looking at Gerty)

Gerty, I love you. Are the kids OK?

GERTRUDE SCOTT

I love you too James. The kids are just fine.

JAMES SCOTT

I did not do this thing. I know that I have not been a perfect man my whole life, but I never touched no white woman or girl, ever!

GERTRUDE SCOTT

I know James. I know. They all got something wrong. I know you not that kind of man.

JAMES SCOTT

Momma, I got a lawyer the other day. He asked me a lot of questions and he said everything gonna be alright. It's just gonna take a little time.

(pause)

You doing OK Momma?

SARAH BROWN

I'm OK. There been lots of folks coming to see me, feed me. Don't need no more food. Need my boy James back is what I need.

JAMES SCOTT

I'll be home soon Momma. Promise.

GERTRUDE SCOTT

I'm sure you will baby. Let's pray for the Lord's help and blessings.

All three people bow their heads and GERTRUDE begins the Lord's Prayer. The lights fade out.

ACT I SCENE 15 PROSECUTOR RUBY HULEN'S OFFICE - DAY

It's Friday, April 27, 1923 and we are at RUBY HULEN'S office. HULEN sits with HERMANN ALMSTEDT. HULEN is uncomfortably aware that ALMSTEDT is both highly educated and old enough to be his father. He hides his insecurity behind a professional demeanor.

PROSECUTOR HULEN

I don't think we need to worry about that, Prof. Almstedt. Scott's lawyer has seen Dr. Lewis's report already. He's agreed to stipulate that the attack involved

(hesitating)

penetration and tearing. Judge Collier has agreed to accept the stipulation, so that kind of question will never be asked.

ALMSTEDT

I believe I understand all that perfectly well, Mr. Hulen.

(pause)

I don't think I've asked you yet, have I, whether you have children?

PROSECUTOR HULEN

(surprised)

No sir, you haven't. And I don't, but-

ALMSTEDT

I hope you will. You'd be a fine parent, I think. And when you are Well, you've held a baby, I imagine.

(HULEN nods.)

ALMSTEDT (cont'd)

It's terrifying, isn't it? The first time you hold one?

(Both men smile.)

ALMSTEDT (cont'd)

What if you hold her wrong, what if you drop her? That feeling never goes away. When you become a parent, you feel it as a duty weightier than any you've ever felt. Your duty to hold her right, to do everything in your power to protect her.

PROSECUTOR HULEN

Of course.

ALMSTEDT

Every man I talk to assumes that I want to wring that negro's neck, or have the law wring it for me. But what I really want, what I deeply want, is for Regina to sleep soundly again, alone and in her own bed. Not to be afraid of the dark. To smile when she sees her friends. I want her to walk down the street without feeling people's eyes on her.

PROSECUTOR HULEN

Yes, I believe I understand that, which is why the stipulation is so

ALMSTEDT

(interrupting)

"So important." Yes, yes. I appreciate what you've done about that, Mr. Hulen, but still you'll put Regina on the witness stand, won't you? What will that do to her? She already cringes when men look at her. And Scott's lawyer will use all his skill and intelligence to convince everyone that she has identified the wrong man. It's his duty to do that, just as surely as it's mine to defend my daughter.

PROSECUTOR HULEN

She's well prepared to identify her attacker at the trial, Professor Almstedt. Earlier this week she barely hesitated at a second lineup that I ordered to be done.

ALMSTEDT

(voice raised a bit)

Regina's just fourteen years old, Mr. Hulen. She knows she's right, and she's terrified she may be wrong. If the man is convicted, if he's executed, don't you think she'll carry her doubts around with her for years?

PROSECUTOR HULEN

Look, I'm not a parent. I don't have your experience or, probably, your wisdom. But I know that I have a duty to perform, a sworn duty. Chief Rowland has conducted a thorough investigation. Just today we found a witness who placed Scott walking around Fourth and Walnut Streets at about 4:15 in the afternoon that day. That's a big difference from where he said he was. I am convinced that this negro is a danger to the community, and he must be dealt with. I'm sure our decision here is the right one. I understand your doubts Mr. Almstedt, and I admire your courage and your integrity.

Almstedt walks to the window.

ALMSTEDT

Regina's courage, Mr. Hulen, Regina's doubts and Regina's integrity.

Lights fade Out.

ACT I SCENE 16 BOONE COUNTY JAIL - NIGHT

At the Boone County Jail JAILER HALL waits inside the jail's front grate. SHERIFF FRED BROWN (white, brawny, about 40) and a DEPUTY march OLLIE WATSON, his head continuously bowed and not clearly visible. JAILER HALL opens the grate, and the group starts down the jail corridor, HALL locking up the front grate.

JAILBIRD PETE

Ah, a new customer for Will's fine dining. I swear, I've never tasted anything quite like it. Even my great-grandmother, God rest her soul.

JAILER HALL

Zip it, Pete. It's been a long night already. Whatever it is you want to complain about, just save it up for tomorrow.

SHERIFF BROWN

(to Deputy)

Sorry I had to call you out again tonight, but Mr. Watson here has been slipperier than Houdini.

DEPUTY

Well, I can't say it's been a pleasure, but the look on his face when he saw me was worth the price of admission.

JAILER HALL opens the "portcullis" grate and proceeds inside the negro section of the jail toward JAMES' jail cell.

JAILER HALL

Hello Ollie! You oughta be happy we got to you before some of that Huggard girl's friends did. Otherwise, we'd have only found pieces of you!

OLLIE WATSON

Did nothin' to that Huggard girl! Not a damn thing. Just took her for a drive in the country. She a liar.

They reach JAMES' cell, one of two in the negro section. JAMES stands to meet them.

SHERIFF BROWN

Company coming, Scott. Enjoy him if you can.

JAILER HALL unlocks the cell door. SHERIFF BROWN deposits WATSON, butt down, in one corner.

SHERIFF BROWN (cont'd)

(ironically formal)

Mr. Watson, this is Mr. Scott. Mr. Scott, Mr. Watson.

DEPUTY

But perhaps you've met already. In which case, it may be a miserable night for one of you.

JAILER HALL re-locks the cell.

SHERIFF BROWN

I'll leave you to your supper, Will. I can lock up in the front.

JAILER HALL

You'll be back tonight?

SHERIFF BROWN

Soon as I can, but first I'll have to do some peacekeeping at home.

JAMES keeps his eyes on WATSON, who keeps his eyes on the floor. The JAILER and the SHERIFF walk away, closing and locking grates as they go.

JAMES SCOTT

You alright, man? You hurt?

WATSON groans and searches his jacket pocket for a cigarette. As he lights up and looks up, we get a clear look at his face: no mustache now, and scabbed-over gashes along each side of his jaw. James notices WATSON'S gashes. Lights Fade Out.

ACT I SCENE 17 BOONE COUNTY COURTROOM - DAY

It's Saturday, April 28th at the Boone County Courthouse. JAMES is in handcuffs at the defense table accompanied by his lawyer E.C. ANDERSON, next to them at the prosecution table is RUBY HULEN. On the bench is JUDGE HENRY COLLIER (50's, white, balding, detail oriented). REVEREND CASTON, GERTRUDE SCOTT, SARAH and JACK BROWN are seated behind the defense table. Several reporters are writing as they talk.

JUDGE COLLIER

Mr. Hulen, would you like to begin?

PROSECUTOR HULEN

Your Honor, as you see before you the state has filed an indictment against the defendant James T. Scott, a resident of Columbia, for the crime of rape upon a child of fourteen years of age.

We hear an audible GASP in the courthouse, as reporters write furiously in their pads.

PROSECUTOR HULEN (cont'd)

The state has the sworn testimony of the victim who has positively identified the defendant by sight, by the sound of his voice and by the scent of his clothing. The state also has sworn testimony from an eye witness who places the defendant in the vicinity of the crime that afternoon, contrary to his assertion that he was working at the university at the time of the assault.

JUDGE COLLIER

(to Scott)

Sir, is your name James T. Scott?

JAMES SCOTT

Yes Judge.

JUDGE COLLIER

Very well, Mr. Hulen the first name in this indictment says "Charles." The court orders the name be changed to "James" T. Scott.

PROSECUTOR HULEN

(somewhat embarrassed)

Yes your Honor. My apologies to the court.

JUDGE COLLIER

How does your client plea Mr. Anderson?

ATTY E.C. ANDERSON

Not Guilty, your Honor.

JUDGE COLLIER

Bail Mr. Hulen?

PROSECUTOR HULEN

Your Honor, due to the particularly vicious nature of the attack on such an innocent victim, the state requests remand.

JUDGE COLLIER

Mr. Anderson?

ATTY E.C. ANDERSON

Your honor, the defendant is a well known and respected member of the community. He's married with a family who depends on his income to help them survive. He also has two eye witnesses who place him at work on the afternoon of the assault. This man has never been arrested before and is an active member of his church. The defense requests no bail.

JUDGE COLLIER

Sorry Mr. Anderson, the gravity of the charges are impossible to ignore.

JUDGE COLLIER fills out a form and checks his calendar.

JUDGE COLLIER (cont'd)

The defendant will be held without bail. I'll set trial for Monday, May 21st before Judge Gantt. Anything else gentlemen??

Both ANDERSON and HULEN nod to the negative and JUDGE COLLIER gavels the session ended.

Immediately there's a crush of reporters surging to the front to ask both ANDERSON and HULEN questions and take pictures. Lights Fade Out.

ACT I SCENE 18 ATTORNEY GEORGE VAUGHN'S OFFICE - DAY

We are at George Vaughn's NAACP office in St. Louis. GEORGE VAUGHN (43, black, thick neck, broad shoulders) sits in an armchair, reading the St. Louis Argus. A phone rings on his desk and he gets up to answer.

VAUGHN

George Vaughn here.

(beat)

Yes, operator, alright,

(beat)

Hello.

(beat)

Oh, good morning, Reverend Caston, good to hear from you again. *(beat)* Is there news about Scott, then?

(longer pause)

VAUGHN (cont'd)

Oh, no! The charge is rape! But the girl fought the man off.

(beat)

Ah. I see.

(longer pause)

Both of them white men, and working with him?

(beat))

Good! And mister Anderson has their statements in writing?

(beat)

Excellent!

(beat))

Yes, I'll be on the four o'clock

(VAUGHN checks his pocket watch.)

VAUGHN (cont'd)

train, should arrive at about six thirty. See if you can arrange a visit with Scott at the jail once I arrive.

Lights Fade Out.

ACT I SCENE 19 COLUMBIA DAILY TRIBUNE NEWS ROOM - DAY

(Typewriters at the newsroom of the Columbia Tribune are busy. The door of the Editor's office COLONEL ED (30's, white, chubby, outspoken) is open. Colonel Ed smokes a cigar to the nub as he types. HOLLIS EDWARDS (30, white, seasoned, calm, City Editor) brings in a story he just finished and passes it to COLONEL ED.)

HOLLIS EDWARDS
Happy Saturday boss. This read OK ?

Edwards hands his paperwork to Ed.

HOLLIS EDWARDS (cont'd)
They're charging that negro, Scott with RAPING the Almsteadt girl. And it looks like his lawyer, uh Anderson, wants to try it here.

Colonel Ed reads the copy and paraphrases out loud.

COLONEL ED
"Negro Get's Nervous." Mmmm. "Men of sound judgement" uh huh, "the taxpayers should be saved any costs that might accrue from a trial and that summary justice should be dealt to him." Summary justice. That term yours or theirs?

HOLLIS EDWARDS
That would be mine.

COLONEL ED
OK. Are the "men of sound judgement" on the record?

HOLLIS EDWARDS
No Colonel they were off the record. But they all said Scott was definately guilty.

COLONEL ED
(Pause to think)
Alright, Good work Hollis. See layout then typeset and get this on page one!

Colonel Ed pulls his copy out of his typewriter and passes it across his desk to Edwards.

COLONEL ED (cont'd)
Take this too Hollis. It's for today's editorial page. Busy day in College Town.

HOLLIS EDWARDS

Thanks boss. It's on the way!

Edwards grabs the papers and quickly exits the office.

COLONEL ED

(Yells to Edwards)

Above the fold on your story Hollis! ABOVE the fold!

Then Colonel Ed takes the last draw on his cigar, rolls back his seat from his desk and leans back satisfied. Lights Fade Out.

ACT I SCENE 20 HARRISON'S BARBER SHOP - DAY

We are in Harrison's Barber Shop. The barbers are black and the customers are all white. George Barkwell is in a tilted-back barber chair. His face is covered by a steaming towel. Beside his chair, stropping a razor, is his barber, CAL HARRISON, (black, 70, quiet). In the next chair is EMMETT SMITH (white, 50, portly, a comedian by nature), being trimmed by a SECOND BARBER.

SMITH

That evening, the car come a-limpin' back, hood sizzling hot, Ol' Solomon at the wheel, little boy up on the seat beside him. He'd driven it all the way back to Devil's Elbow before he realized he didn't know how to switch the engine off.

Appreciative chuckles from several LISTENERS in chairs along the wall. Harrison strops his straight razor.

SMITH (cont'd)

So he had the boy fetch a ham sandwich from the kitchen, and he drove straight back to town to ask Fred what to do. Fred kills the spark for him. But by then the engine was so damn hot the pistons just fused to it. Wrecked. Total loss. Couldn't ever start it again.

GROANS and LAUGHTER from the listeners. Harrison removes the towel from Barkwell's face.

BARKWELL

So, Cal, tell me what you know about this Jim Scott fellow they got down at the jail. Outsider here, ain't he? Big-city colored from Chicago?

HARRISON

Well, yes, Mr. Barkwell, I believe he lived up there until about two years ago.

Harrison lathers Barkwell's cheeks.

HARRISON (cont'd)

He has people here, though. His mother grew up here; moved back four, five years ago, after her second husband died.

SECOND BARBER

She's an Akers, Mr. Barkwell. Believe a couple of her nephews, Sam and J.B., worked for you on the roads last summer.

Harrison shaves Barkwell's temples and cheeks. He has to pause as Barkwell speaks.

BARKWELL

Drives a fine car, don't he? A Hupmobile? Not many people in Columbia own a car good as that one. How do you suppose a nigger janitor could afford a car like that, Cal?

HARRISON

I couldn't say, Mr. Barkwell.

The shave continues. Barkwell purses his lips as he thinks.

BARKWELL

Maybe he sells some liquor out of that car, or maybe runs a crap game on the side? Or runs some women, maybe? You think that could be it?

Harrison wipes his razor with a towel and shaves delicately near one of Barkwell's temples.

HARRISON

I don't know much about liquor or craps, Mr. Barkwell. I know Scott's a churchgoer, same as me, and married to a schoolteacher, too.

BARKWELL

But I think we know, don't we, Cal, a few deacons that would buy and sell from the pews if they had half a chance.

Barkwell smiles broadly at his own joke; Harrison chuckles politely.

HARRISON

Probably so, but I'm naming no names.

Harrison wipes the lather away from Barkwell's cheeks and temples.

BARKWELL

It's a terrible thing, Cal, a rape. You read the Tribune today?

Harrison applies the gentlest pressure with one finger to get Barkwell to lift his chin, then lathers Barkwell's neck.

HARRISON

I'm not much of a reader, Mr. Barkwell, and the shop's been full every minute.

In the neighboring chair, Smith rises. His barber unpins the drape from around his neck, shakes it lightly, reaches for a whisk and flicks it around Smith's shoulders. Smith opens the Tribune newspaper that has been sitting in his lap.

SMITH

Unusually interesting paper today; educational for all, I'd say. Listen here. It is generally believed that Scott is guilty of the crime and Miss Almstedt's identification makes certain now that he's the man who attacked her. There has been much talk of mob activity and many men of sound judgment who do not believe in mob law are of the opinion that if it is positively proven that the negro is the man who committed the crime, that the taxpayers should be saved any costs that might accrue from a trial and that summary justice should be dealt to him.

BARKWELL

(for all to hear)

Paper says there's no need to waste the taxpayer's money on a trial when it's clear the man's guilty. That sound about right to you?

He pauses, waiting for Harrison to react. Harrison begins to shave the neck, concentrating hard on his work. As he lifts his razor from a stroke...

BARKWELL (cont'd)

Doesn't it sound about right to you?

Harrison wipes the razor on a towel, maintaining his look of concentration.

SMITH

Sounds about right to me, George. Right as rain.

Some of the waiting customers murmur their agreement. Harrison returns to the shave.

BARKWELL

How many years you been cutting my hair, Cal?

HARRISON

Most of your life, Mr. Barkwell, and a good deal of mine. I remember when we had to put the booster board across the arms of the chair.

BARKWELL

That's right, Cal, so you won't take offense if I give you a bit of advice.

HARRISON

No, sir.

The shave is finished. Harrison returns the chair to its upright position.

BARKWELL

Stay off the streets tonight, and tell those sons of yours to stay off them, too. There could be trouble.

Harrison turns to pick up a hand mirror. Barkwell winks at the customers waiting in the chairs. We now see one of the customers lower his newspaper. PROFESSOR ELLWOOD (50, white, highly educated and neatly dressed) has a keenly interested look on his face. Harrison turns back and hands the mirror to Barkwell.

HARRISON

There you go, Mr. Barkwell. I believe we're done.

BARKWELL

(admiring himself)

Good work, Cal. Same as always.

As Barkwell and his entourage leave, Professor Ellwood watches, then rises, shakes his head at Harrison as their eyes meet, and Ellwood exits. Lights Fade Out.

ACT I SCENE 21 BROADWAY STREET COLUMBIA, MO - DAY

After leaving the Barber Shop, Professor Ellwood walks down the sidewalk and he sees MAYOR MCDONNELL (55, white, rotund, well dressed) and immediately approaches him and begins talking.

ELLWOOD

Mayor McDonnell! Oh Mayor McDonnell. May I speak with you for a moment?

MAYOR MCDONNELL

Yes. It's Dr. Ellwood from the university, am I right?

ELLWOOD

Yes sir. I'm Charles Ellwood a professor over at the university. Mr. Mayor, first, congratulations on your recent election sir.

MAYOR MCDONNELL

Oh, thank you Dr. Ellwood. Thank you so much.

ELLWOOD

Mayor McDonnell, I think there might be some trouble tonight about that man, um, Mr. Scott, who was mentioned in the newspapers this week. I think there are some men in town who want to take matters into their own hands.

MAYOR MCDONNELL

Oh is that right? Well I have been talking with the Sheriff all week now and he seems to believe that everything is fine. Even so, I'm sure the Sheriff has things well under control. You know the Sheriff is in charge of all the goings on at the jail, yes? I have no authority over the county jail.

ELLWOOD

I see sir. I was just hoping that perhaps there was something that YOU could do.

MAYOR MCDONNELL

I don't think anything needs to be done professor. But if it did, I'm sure the Sheriff will do it. He doesn't want any trouble.

ELLWOOD

I see, I see. Well
(pausing)

I guess I thank you for your time Mr. Mayor. Good day to you sir.

MAYOR MCDONNELL

And good day to you Professor! Please relax. Enjoy this beautiful Spring afternoon!

ACT I SCENE 22 TRAIN STATION PLATFORM - DAY

We are on the platform at the MKT Train Station in Columbia. TWO BLACK PORTERS (20's, fit and talkative) stand by their luggage carts, conversing as the 6:30PM train from St Louis arrives carrying George Vaughn.

PORTER 1

Course, it's not like the truth matters. I mean, they had Scottie locked up the day it happened.

PORTER 2

True 'nough. Colored girl like Ernestine Huggard gets raped, beat up, and everybody knows it's Ollie Watson did it, but the police got to "investigate." Investigate what? They coulda just ask me.

PORTER 1

Surprises me her father didn't finish off that "investigation" for himself.

PORTER 2

Then this thing with a white girl happens and boom! Same night, policemen knocking on every damn door looking for any colored man with a mustache. Any one of us would do.

PORTER 1

I coulda told 'em. "Mustache you're looking for is on somebody else's face. Ollie Watson's face."

PORTER 2

Or **WAS** on his face!

PORTER 1

(laughing)

Yeah, or was! Right! I hear he shaved it off quick enough. Shaved it off and went to ground like a rabbit when hounds on the loose.

The sound of an approaching train breaks off the conversation. WHITE PASSENGERS pass by. The CONDUCTOR (50, white, slim and authoritative) walks the platform and loudly announces the arrival and the PORTERS move to their stations.

CONDUCTOR (O.S.)

Train 56 from St. Louis arriving. Columbia, Columbia! End of the line.

(Vaughn steps onto the platform carrying a small suitcase.)

PORTER 2

(speaking to Vaughn)

Welcome to Columbia, Reverend. If you're waiting for Reverend Caston, he's just stepping 'round the corner now.

The porter nods toward the forward end of the platform. Vaughn smiles and starts to answer, but tips his hat instead. Caston, wearing his clerical collar, threads his way carefully through a white crowd. As the crowd thins, his stride lengthens. He shakes Vaughn's hand.

REV. CASTON

Thank you for dropping everything and coming to help us, George! I know you are a very busy man.

VAUGHN

Nothing I have to do could be more important than this. Perhaps nothing I do in my life ever will be. Are we on our way to meet Mr. Scott?

REV. CASTON

No, visiting hours are over and I'm afraid the jailer would make no exceptions. There are visiting hours tomorrow at noon. But Mr. Anderson has agreed to meet with us this evening at his office, and Sarah has prepared us an early supper.

VAUGHN

I hope she won't be offended if we make it a brief one. I want to go to the scene of the attack while we still have the daylight.

REV. CASTON

She knows you too well to expect anything else. How was your journey?

VAUGHN

Uneventful. I had good company on the express to Centralia, but a lonely ride from there.

The men start along the platform. As they walk through the now thinning crowd, Caston - knowing his "place" - holds his hat in his hand and keeps his eyes low, Vaughn keeps his hat on his head and his eyes level.

VAUGHN (cont'd)

Your porter here took me for a minister. He'll expect me to preach your sermon tomorrow.

REV. CASTON

In that suit and riding into Columbia on a Saturday evening. What else could you be but a visiting preacher?

VAUGHN

(smiling)

A jazz man?

*Both men have a hearty laugh at Vaughn's retort.
Fade out lights.*

ACT I SCENE 23 BOONE COUNTY JAIL - NIGHT

We are in James' jail cell at the Boone County Jail. We see James and Ollie Watson are together in the same cell. James leans back against the bars of the jail cell while Ollie is perched on the top bunk of their bunk beds. James stares at Watson with a look of disdain.

OLLIE WATSON

(to Scott)

Who you lookin' at?

JAMES SCOTT

I know you hurt that Huggard girl. Everyone knows it. You do this thing they accusin' me of? You rape that white girl too?

OLLIE WATSON

So what if I did?

Watson jumps off his bunk and stands toe-to-toe with James.

OLLIE WATSON (cont'd)

You the one they want for that girl, not me! You the one with the mustache!

JAMES SCOTT

You had a mustache just like it! I seen you before! And look at those scratches on your neck! The white girl did that with her umbrella, didn't she!

James is now standing chest-to-chest with Watson.

JAMES SCOTT (cont'd)

You raped both those little girls! Why? They were just innocent little girls.

OLLIE WATSON

(grinning)

Wrong place at the right time guess.

(pauses)

But that white girl saw YOU, remember? Not me!
Guess YOU gonna have to pay the fare for her.

Watson pokes James' chest.

OLLIE WATSON (cont'd)

Not me!

James pushes Watson away.

JAMES SCOTT

(yelling)

Jail keeper! Mr. Jail keeper! I need to see Mr.
Anderson.

*Jailer Hall is at his kitchen table eating and he
responds.*

JAILER HALL

It's Saturday night Scott. No visitors after 5
o'clock. Your Reverend called and he wants to
bring someone by tomorrow at noon. Until then, get
some sleep. It's Saturday!

*James peers through the bars of his cell with a
look of hope in his eyes, knowing he might be
just hours away from exoneration.*

JAMES SCOTT (V.O.)

Ollie Watson's confession filled me with hope that
this nightmare would soon be over. Just a few
hours should have been all that separated me from
seeing my family again.

ACT I SCENE 24 - ATTORNEY ANDERSON'S OFFICE - NIGHT

*We are at Attorney Anderson's office which
overlooks Courthouse Square below. Anderson sits
at a table with a pad of paper in front of him.
Behind him the clock on the wall shows 11:03.
George Vaughn and Rev. Caston sit with him.*

ATTY E.C. ANDERSON

Both of the witnesses who swore out affidavits and
are willing to testify are white. I'm sure there
are more, if they are as willing to testify.

(MORE)

ATTY E.C. ANDERSON (cont'd)

Four or five of the janitors were working together all afternoon, cleaning up, and then there are the medical students who were in the building at the time.

VAUGHN

What about the victim? Didn't you say she identified him three times? Is she THAT sure?

ATTY E.C. ANDERSON

Interesting point Mr. Vaughn. She identified him by sight twice, by voice and by the smell of his clothes, but she also said that she pushed the point of her umbrella into his face several times, yet Scott's face doesn't have a scratch on it.

A KNOCK at the door.

ATTY E.C. ANDERSON (cont'd)

Excuse me, gentlemen.

Anderson rises and opens the door to the hallway. A SHERIFF'S DEPUTY (30's, white, stocky, direct stands at the door.

ATTY E.C. ANDERSON (cont'd)

Why, Mack, what brings you up here at this hour?

DEPUTY

I saw your lights were on Mr. Anderson, and thought I'd better warn you. There's men out on the courthouse lawn, lots of 'em. And they're talking crazy. Talking about lynching Scott and every other colored man they can find in the jail. There's talk about lynching you, too, Mr. Anderson. Maybe it's just whiskey talk, but they're a tough bunch, and I'm sure they're carrying sidearms, some of 'em. Take care of yourself is all I can say, Mr. Anderson. Keep your head down, you and your friends back there. Now I got to get back.

Anderson turns off the lights and returns to his office.

ATTY E.C. ANDERSON

You heard that, didn't you, Mr. Vaughn? Pull off that light, Reverend. I'll get this one.

The room goes dark. The men go to a window and look out.

REV. CASTON

Look at all of those people out there.

VAUGHN

Must be hundreds of them.

ATTY E.C. ANDERSON

And more coming now. It looks like there may be some problems tonight. Those articles in today's Tribune are probably to blame for this.

REV. CASTON

I should leave and check on my family. George, you should come with me. Mr. Anderson, will you be alright?

ATTY E.C. ANDERSON

Yes, I think so. I don't think they've got us in their sights just yet. Stay safe, gentleman.

REV. CASTON

And you, sir.

All three men exit the office. Anderson is last out and locks the door. Lights Fade Out.

ACT I SCENE 25 COURT HOUSE SQUARE - NIGHT

At Courthouse Square clusters of men are scattered on the lawn and in the street, most densely near the jail. TWO WHITE POLICE OFFICERS are near the jail entrance, talking with two civilians. Sheriff Brown stands in the middle of the lawn surrounded by a dozen men, a few of them WHITE BELLIGERENTS.

FIRST BELLIGERENT

Yeah, looks to me like we got us a damn nigger-loving Sheriff here.

SECOND BELLIGERENT

Hear you've been sleeping in the jail, Shur'f, thinking you could keep that boy safe.

SHERIFF BROWN

(sarcastic)

I won't say where I hear you've been sleeping Bill Jackson.

Some listeners chuckle.

SHERIFF BROWN (cont'd)

Wait for the trial, boys. If you don't like the verdict, you can have him then. Meanwhile, I want no heads broken, yours or mine.

(MORE)

SHERIFF BROWN (cont'd)
 Don't borrow trouble, boys. Go home. Don't let me see your faces around here again tonight.

Brown walks toward another group of men.

SHERIFF BROWN (CON'T)
 Jack, Jack Randall!

(A TEENAGE BOY turns to face him, looking startled and sheepish. Brown crooks a finger to call him over.)

SHERIFF BROWN
 Your dad know where you are, Jackie? What kinda stray dogs you sniffing the wrong ends of? Tell you what. Clear off now, and I never saw you. Deal?

In the Jailer's Kitchen, Jailer Hall sits at a table, a game of solitaire is laid out in front of him. To the left of the cards a pistol lies on the table; to the right a shotgun. A chair is wedged under the knob of the porch door. Hall plays a few cards before he hears a rebel yell, very near. A brick sails through the window, scattering glass. A volley of other bricks pounds against the porch's door and walls. Hall jumps up. A handful of men charge up the stairs. Barkwell's sidekick Hamp pounds on the door.

HAMP
 Open up, Hall. Open up, goddamn you. We're going to get that nigger one way or another, and we're going to get him right now!

(Other men's voices join in with shouts and curses. Jailer Hall pounds louder still on his side of the door, and the shouting subsides.)

In James' jail cell, James and Watson jump from their bunks and lurch toward their jail cell door as they seek to listen to the commotion that is clearly about them.)

JAILER HALL
 (shouting)
 Listen here, men! Listen to me now, you goddam fools!

(Jailer Hall stands with his shotgun pointed, chest high, at the door.)

JAILER HALL (cont'd)

(Shouting)

Back off! You hear me? This place is my home, goddam it! I've got two barrels ready for the first man tries to come through that door!! I'll kill him sure!

(From outside the door a gaggle of VOICES)

ROWDY 1 (O.S.)

Down, down, down!

ROWDY 2 (O.S.)

The old boy means it!

ROWDY 3 (O.S.)

Holy shit!

(Barkwell alone stands upright on the porch. The others are cowering or scattered.)

BARKWELL

All right, all right, then! Let's all calm down. A man's got a right to defend his own home. And there's more than one way to skin a cat.

(Inside the Jailer's Kitchen we see Jailer Hall briefly put down his shotgun and make a phone call. We hear his side of the conversation.)

JAILER HALL

Operator! I need Judge Collier at 310 right now!

(beat)

Judge, this is Hall down at the jail. We got problems here! The Sheriff is outside and there's a huge crowd gathering. They want to take that negro boy, Scott.

(beat)

Alright, please hurry and bring everyone you can find with you!

(Out on the square, more cars, wagons and ROWDIES are clustering on the lawn. One carries a shotgun. Hamp, carrying an ax, joins the group. With him in the lead, they hurry to the front of the jail. ONLOOKERS see them and make way, saying things like:)

ONLOOKER 1

Now we'll see some action, sure!

ONLOOKER 2

Where are these boys from?

ONLOOKER 3

That's Hamp Rowland, isn't it? The Chief's cousin?

(Hamp and the other rowdies reach the jail's front door, where Barkwell and two others have been waiting.)

BARKWELL

(to Hamp motioning toward the door)

All yours.

(The wood outer door open, Hamp swings hastily at the lock that secures the steel door leading inside the jailhouse. He misses and the ax glances off the door's steel surface.)

ROWDY 1

Strike one, Hamp. Eye on the ball now! Outta the park!

(Hamp swings again, breaking the door open. Cheers goes up. The rowdies push the door open; spectators shout approval. Hamp enters the lighted jail corridor, heading for the steel lattice "portcullis" grate. Rowdies and onlookers follow him, shouting encouragement. Three men bang on the bars of GUS' and JAILBIRD PETE'S cell.)

ROWDY 1 (cont'd)

He in there with you? Where's our nigger-loving Sheriff keeping Scott?

(In James' and Watson's cell in the Negro Section of the jail, both James and Watson still stand at their cell door, but James, upon hearing his name now realizes that it's him that the mob is seeking. He calls out to the men in the kitchen.)

JAMES SCOTT

Mr. Jailer! You men in the kitchen! I'm an innocent man! You need to protect me! Please!

(The action turns back to the jail corridor.)

ROWDY 2

Where's that nigger? He in there with you?

JAILBIRD PETE

Hold on, hold on! There's no coloreds in here, boys. Gus over there is white as milk. Look at that face of his. Pale as Custer's ghost, ain't he? And as for me-

ROWDY 3

Stow it, pecker-wood. Just tell us where we can find that nigger Scott!

JAILBIRD PETE

You're too late, friends. He's not here. Sheriff figured you was coming. Took him over to the Mexico jail this afternoon to keep him safe. Guess you'd better look for him over there.

ROWDY 2

Shit, shit, shit! Now what?

ROWDY 3

I don't believe him for a second.

ROWDY 2

But I did see a sheriff's car pass me out by Millersburg.

ROWDY 1

(shouting)

He ain't here, Hamp. Sheriff took him over to the Mexico jail.

HAMP

Hell he did.

(The action moves to the Jailer's Kitchen where we see Jailer Hall standing next to a utility panel, hearing the mob gathering right outside his door at the "portcullis" grate. He flips a switch on the panel.)

As the action shifts back to the Jail Corridor, the lights in the jail corridor go off. In semi-darkness, we hear Hamp's howl. Hamp confronts the "portcullis" grate. He pulls at it; tries to shake it. It's immovable, and he is furious.)

HAMP (cont'd)

Chrissake! Stand back!

(He rests the edge of his ax on one of the grate's hinges to take aim, then draws back and lets fly with all his might. The blow glances off. The ax handle splinters.)

HAMP (cont'd)

Chrissake!

(Hamp beats against the grate with the ax handle. Barkwell appears beside him.)

BARKWELL

Tools, men. This one'll take some tools, that's all.

HAMP

Chrissake! What now?

*The action shifts back inside the jail to the packed **PORTCULLIS CORRIDOR** where the lights are off. In a flashlight's beam, a man kneels holding a chisel against the bottom hinge. Red, sledgehammer in hand, shifts his stance as a ROWDY (30, white, anxious and sweaty) eggs him on.)*

A ROWDY

Pour it on, Red!

(His backswing begins.)

RED

One, two, three.

(As the WHITE CHISEL MAN flinches and turns his head, Red lands a heavy blow, with no effect except the resonant clank of metal on metal.)

A ROWDY

Hit her again, Red!

(The chisel man and Red resume their positions.)

RED

One, two, three.

(Another resounding clank.)

*Action again returns to **Courthouse Square** as Chief Rowland enters and squeezes between crowd members on his way to the lawn. He passes a DISTRESSED WHITE COUPLE (50's, educated, average size) who are being interviewed by Foster Hailey. They call to the Chief.*

DISTRESSED MAN

Chief Rowland!

(The Chief doesn't see where the voice is coming from and looks around.)

DISTRESSED MAN (cont'd)

Chief Rowland, over here!

(The Chief sees him and steps over.)

DISTRESSED WOMAN

Aren't you going to do anything to stop this, Chief?

CHIEF ROWLAND

No need, ma'am. There's no way they're going to get to the man.

DISTRESSED MAN

I'm sure I saw your cousin up there a minute ago, Chief. Holding one of the chisels.

CHIEF ROWLAND

Is he, now? Well, he'd better be careful or he'll get his fingers smashed.

(He tips his hat and walks through the crowd toward the jail. FOSTER HAILEY, who has been listening, makes a note.)

Back in the Jailer's Kitchen, there's a quiet knock at the Jailer's Porch door and Jailer Hall glances through door hole to see who it is, then opens the door to Sheriff Brown, Judge Collier, Ruby Hulen and two policemen. The men quickly rush into the kitchen.)

JAILER HALL

Get in here men! They're inside and they're pounding on the gate! We got a real problem on our hands!

(The Portcullis Corridor is crowded and dark. WHITE ONLOOKERS watch as a fresh team of rowdies hammer away by flashlight. The bottom hinge has been broken off the grate, but the top one remains. The onlookers flinch at each blow.)

AN ONLOOKER

Christ! This will take all night!

A SECOND ONLOOKER

Whatsamatter, Alf? Afraid you'll be late for church?

(Inside James' Jail Cell, the look of concern is growing greatly on James' face. He bends his ear to listen for conversations among the mob. Back at the front entrance to the jail, a cluster of four or five men smoke and talk near the open front door with its broken padlock. Barkwell emerges from the corridor and approaches them.)

BARKWELL

John, Chaz, find Hooch Rollins. I know he's out there somewhere. Tell him we need his blowtorch.

*(The two men immediately move out and exit. Back in the **Jailer's Kitchen**, the light is on, the doors are shut tight. The six men gather around the kitchen table: Hulen, Sheriff Brown, Jailer Hall, Judge Collier, and two WHITE POLICEMEN.)*

PROSECUTOR HULEN

The Governor's instructions are clear. We are to defend the jail until Col. Williams can call in enough Guardsmen to secure the area.

SHERIFF BROWN

And Williams reports?

PROSECUTOR HULEN

That only five men have reached the armory at this point, but-

JAILER HALL

And the rest of them are what? Sound sleepers? Stone deaf? Prob'ly half of 'em are out there on the square now, enjoying the show. Time's up, and we're on our own.

JUDGE COLLIER

Fair enough. On our own to do what, then?

SHERIFF BROWN

Let me ask you, Judge Collier. If it came to it, would you be willing to carry that shotgun out there to guard Scott's cell?

JUDGE COLLIER

I wouldn't hesitate. I am an officer of the law.

SHERIFF BROWN

Hulen?

PROSECUTOR HULEN

Well, yes. If it comes to that.

SHERIFF BROWN

Then there are six of us. Six men with guns out and ready.

POLICEMAN 1

Well, there's no telling what they'll do, is there? Now their blood is up.

POLICEMAN 2

And you can be sure that there are a lot more guns out there than in here.

SHERIFF BROWN

But if we had every gun aimed down that corridor.

PROSECUTOR HULEN

Someone somewhere might fire a shot, and that shot might set off five more shots, from us or from them or just from some tom-fools out on the lawn, and those shots...

JUDGE COLLIER

He's got a point. People could start firing in every direction.

JAILER HALL

There are some jackasses out there that deserve killing, but there's women and children, too, and good enough people by the hundred.

SHERIFF BROWN

Not good enough to pass up a chance to gawk at a lynching, apparently.

PROSECUTOR HULEN

Granted, but that's not a crime, is it?

JUDGE COLLIER

Can we talk our way out of this? Can we reason with the leaders? Or threaten them with murder charges? Is there anyone they'd listen to at this point?

PROSECUTOR HULEN

The Governor, maybe?

SHERIFF BROWN

Fat chance. By the time he hitched his britches and drove here...

PROSECUTOR HULEN

I've called the girl's father. He said he'd do anything he could to stop this lynching. Why wouldn't Hamp and the rest of them listen to him, to the father of the girl Scott raped?

SHERIFF BROWN

Because they wouldn't listen to Jesus Christ himself at this point. The time for talking is past. Only force will decide this, or at least a show of force.

JUDGE COLLIER

I'm not so sure.

(At the Portcullis Corridor curious men crowd the corridor and a flashlight reveals a roll cart with two gas cylinders. A WHITE MAN WITH A BLOWTORCH focuses his flame on the remaining hinge. Then the Jailer's Kitchen door just to the men's right opens. Judge Collier, Brown and Hulen appear behind the steel grate door.)

JUDGE COLLIER (cont'd)

Men, men! Listen to me!

(No one responds.)

JUDGE COLLIER (cont'd)

Listen, please!

(Sheriff Brown comes to the grate. His voice booms.)

SHERIFF BROWN

George Barkwell, won't you listen to Judge Collier?

(Barkwell lifts one hand.)

BARKWELL

Stop now! Quiet! Quiet, everyone!

(The torch man cuts the flame back, and men near the Portcullis Grate hush one other. Farther back, men continue to shout and stamp.)

JUDGE COLLIER

Men, you don't know what you're doing. This is a bad case, a very bad case, but we should let the man have a trial by jury. I've set the trial date myself. It's less than three weeks away, and I've no doubt that it will be a speedy trial.

A MAN FROM BACK OF CROWD

Get the damned nigger!

A MAN NEAR FRONT

We're gonna hang this damned nigger, anyhow!

(In James' Jail Cell, James is now backed up against a wall, knowing that his life is possibly close to being over. Action then shifts back to the Portcullis Corridor.)

JUDGE COLLIER

Let a jury of your own people decide this man's guilt or innocence.

ANOTHER MAN NEAR FRONT

To hell with juries! We know juries! We'll be our own jury.

JUDGE COLLIER

I speak in the name of the father of the girl, who has been more wronged than any of you. He wants this man to have a trial.

(Ruby Hulen takes Collier's place at the grate.)

HULEN

At least wait long enough for the girl's father to come talk with you.

A MAN NEAR FRONT

Go ahead. Bring him down here. We'll hang him, too!

(Hulen, Judge Collier and Sheriff Brown back into the jailer's kitchen and shut the door.)

A MAN FARTHER BACK

C'mon, get that nigger out of there!

ANOTHER MAN FROM THE BACK

What's the matter up there? Are you afraid of him?

(A young man pushes forward.)

YOUNG MAN

Let me through, I'll run the damned torch.

He takes the torch from the hands of the blowtorch man, turns the flame up again, and begins to cut. In James' Jail Cell James is sweating profusely now. He's shaking and very scared. He calls to the men in the kitchen from the darkness of his jail cell.

JAMES SCOTT

You men in the kitchen, can you hear me?

In the Jailer's Kitchen the six armed men in the kitchen bend their ears to hear James' voice over the sound of the blowtorch.

JAMES SCOTT (cont'd)

You can't allow this to happen. I'm innocent. Please. Help me. Make these people go home. I did not hurt that girl!

The Sheriff, Hulen, the Jailer and Judge Collier all appear to be inspired by James' pleas but no one moves. At the Portcullis Gate, the blowtorch man cuts at the locking mechanism at the center of the door, then switches the torch off.

YOUNG MAN

That should do it, Mr. Barkwell. She's cut through.

BARKWELL

Okay. Good work.

(to rubberneckers)

Move back now. Move back and make room. Get out of the way. That gate's coming down! Move back now.

There's a stir while men pull the cutting apparatus back. Then sidekicks Lou and Red pull the grate out of its jamb. The crash of its fall echoes through the corridor. A CHEER goes up from the crowd. Foster Hailey hurries through the darkness and climbs atop James' cell. Behind him comes George Barkwell, carrying a flashlight and accompanied by sidekicks Hamp, Red, and Lou.)

BARKWELL (cont'd)

He's got to be in here.

The flashlight reveals James standing in the shadows against a far wall and Watson cowering on a cot.

RED

Is one of you James Scott? Where's Scott; he's the one we're after.

BARKWELL

Tell us straight up so we don't have to hang every nigger we find in here.

JAMES SCOTT

I'm James Scott, but I did not touch that girl!

James points directly at Watson.

JAMES SCOTT (cont'd)

THAT man! HE did it!

LOU

He's here! We got him!

Watson springs to his feet.

OLLIE WATSON

He's lying! That girl saw HIM! Not me! HE got that mustache too! Not me!

More men rush forward into the Negro Section of the jail, shouting excitedly. Their echoing voices drown James' voice.

JAMES SCOTT

You've got the wrong... I never... at work all that afternoon... Watson told me this afternoon... a white girl... wrong man... daughter of my own, I would never...

BARKWELL

(to men behind him)

Bring up the torch.

The blowtorch man rolls up his equipment, sparks the torch, and begins to cut away the locking mechanism on James' jail cell. The brilliant flame casts extreme lights and shadows. A man standing nearby switches open his pocket knife, steps up to one of the tanks, and cuts its hose.

HOSE CUTTER

Are you a bunch of idiots!? If you keep burning acetylene down in this little hole, you're going to blow us all to smithereens.

As he tries to carry the tank away an old man with a revolver in his hand confronts him.

OLD MAN

That tank is gonna stay right here until we get that lock cut off.

*The action shifts to the **West Side of Courthouse Square**, where A NATIONAL GUARD PRIVATE, uniform shirt half-buttoned, hurries along a sidewalk toward the Guard's armory. The private opens the door and enters a room where a COMMANDER (35, White, sharp, extremely stressed) in uniform stands, holding a stick phone. Without putting down the phone, the Commander signals the private inside and points him toward another room.*

COMMANDER

(into phone)

I understand, Mrs. Ottoway. If he comes home soon, please tell him that the battery is assembling at the armory, and that by order of the Governor, he is to report immediately. Thank you.

Instead of hanging up, he holds down the phone's cradle, consults a list on his desk, and clicks the cradle three times.

COMMANDER (cont'd)

Yes operator, this time try Mr. Burchfield at number 103. Thank you.

While he waits for an answer, he watches the crowd milling on the courthouse lawn.

*The action shifts back to the **Negro Section of the Jail**. James is backed away from the cell door as far as he can be as Watson cowers on his bunk. The hose has been repaired and they are furiously working on cutting through the lock on James' cell. James is screaming to anyone who will listen.*

JAMES SCOTT

You don't want me! I did not hurt that girl!

James points directly at Watson.

JAMES SCOTT (cont'd)

He did it! And he hurt that other negro girl too! He told me before!

Sheriff Brown and the others in the kitchen, listen to James' pleas. The men do not move.

JAMES SCOTT (V.O.)

Sheriff! Can you hear me?! I need help! I'm innocent!

As Watson continues to cower, the lock is cut off by the torch and immediately the cell door is opened and Barkwell leads a small group into the cell and they immediately stream toward James.

JAMES SCOTT

No! No!

As two men grab hold of James, another hits James with a club that lands squarely on his head knocking him back. All three men then proceed to strip off the shirt James is wearing.

BARKWELL

Lou! Take him!

Lou places a clothesline around James' neck and pulls him out of his cell. Other members of the mob push James out the front door to the Jailer's Porch. James yells to the men in the Jailer's Kitchen as he passes their closed door.

JAMES SCOTT

Help! No! You have the wrong man! Help me!
Sheriff! Help me!

*Inside the **Jailer's Kitchen**, we focus on Brown, Hulen, Collier, Hall and two deputies. All of whom are frozen in fear of the mob.*

***The Jailer's Porch** is packed with men; the flower boxes destroyed, the railing broken. Two men stand on the porch swing.*

Red and Hamp each land a roundhouse swing at James' head. James is bleeding from the nose and ears. People shout approval.

MAN'S VOICE 1 (O.S.)

There he is!

MAN'S VOICE 2 (O.S.)

That's the nigger! Do you see him?

WOMAN'S VOICE (O.S.)

Hang him now! Hang him right there!

MAN'S VOICE 3 (O.S.)

Give that animal what he asked for!

As another man attempts to climb onto the porch swing, it collapses. Men grab each other as they begin to fall off.

*Still inside the **Jailer's Kitchen**, amid the din, Sheriff Brown opens the door to the porch and finds men's backs pressed so solidly against the screen door that he's effectively locked in. He shoves at the screen door, but the men don't move.*

SHERIFF BROWN

Men, men! Men. I need volunteers. There's a car waiting to take this man to another jail. Men! I just need a few good men to help get him there. Men! Men! Will no one step up to help!? Men!

One of the men backed against the screen door turns to look at the Sheriff blankly, then turns away again. Hulen joins the Sheriff and shouts.

PROSECUTOR HULEN

Let the court do its work, men. Please, let the court do its work. I'll work hard for a conviction. I'm confident I'll get one. Men! Please! Let the law do its work.

There is no response. Hulen throws his shoulder against the door, tearing the mesh and driving the frame into the backs and heels of two men outside. An ANGRY MAN turns to Hulen.

ANGRY MAN

Hey! Back off, mister, or I'll teach you what trouble is!

On the Jailer's Porch, James' lips move as he talks to the men nearest him, but so loud is the crowd that his words can't be heard by anyone else.

SPECTATOR

What'd he say?

HAMP

He said something about waiting for his daddy to come.

SPECTATOR

Really?

On the Outskirts of Courthouse Square several BLACK BYSTANDERS have gathered at the edge of the crowd and are anxiously looking in the direction of the jail. Caston and Vaughn are among them.

BYSTANDER 1

It's a shame, a damn shame.

BYSTANDER 2

These people actin' like animals.

A roar goes up near the jail.

BYSTANDER 3

There'll be no happy ending, you can bet on that.

BYSTANDER 4

I never thought I'd see this happen in Columbia.

The mass of humanity on the lawn churns with excitement. A MAN WITH A RIFLE threads his way between parked cars and walks directly toward the black bystanders. He barks a command:

RIFLE MAN

Beat it!

He fires into the air. Chaos follows. The black men duck and hurry away. The white bystanders on the lawn scatter, squat down, and shout. When no more shots come, they begin to stand again.

BUGLE VOICE

Take him to Stewart Bridge! Lynch him there!

A SECOND VOICE

Hurry! Take him to the bridge! We can deal with the others later!

James, leashed like a dog, is encircled by half a dozen men, including Barkwell and his sidekicks Lou, Red, and Hamp. They quickly march him through a thicket of gawkers. Lou tugs at the leash maliciously. James struggles to keep his feet. Red trips him and he falls headlong on the brick-paved street. For a minute, as Lou continues to pull, he crawls along the street. A COMPASSIONATE BYSTANDER (60s, white, sympathetic) intervenes.

COMPASSIONATE BYSTANDER

(to Lou)

Here, now! There's no need for that!

The compassionate bystander steps off the curb and holds Lou back until James can regain his feet.

JAMES SCOTT

There's no need to pull me. I'll walk with you.

BARKWELL

If he'll walk, let him. Having him crawl won't get us there any faster.

Outside the jail, Brown and Hulen watch the mob leave as Hermann Almstedt, finally arrives, stands with Ruby Hulen among a group of downcast men watching the receding parade from the courthouse lawn.

PROSECUTOR HULEN

Nothing, Professor Almstedt. Nothing can be done now, except to keep the other prisoners safe. And keep you safe, too, sir. I can get a car. A deputy can drive you home.

ALMSTEDT

Thank you, no. I'll make my own way.

Almstedt steps into the street and begins to walk in the same direction the mob has taken. Lights Fade Out.

ACT I SCENE 26 STEWART BRIDGE DECK - NIGHT

(A lamppost casts a bright light at the south side of the center of the Stewart Bridge. Men on the deck jockey for position, stand on tiptoe, crane their necks. A WHITE WOMAN IN A BONNET rides on a man's shoulders to get a better view. We see a YOUNG WHITE UNDERGRADUATE playing a banjo from the porch of his nearby fraternity house. James stands with his back against the lamppost. He's bleeding from his nose and ears and is surrounded by the mob leaders, including Barkwell, Hamp, Red and Lou. Barkwell leans toward Hamp and yells into his ear.)

BARKWELL

The rope ain't right! I need to go get one! I'll be back in a minute!

(As Barkwell exits his way through the mob, Hermann Almstedt arrives at the bridge and pushes his way toward James and faces the crowd, trying to reason with them. CHARLES NUTTER stands beside him and FRANK MISSELWITZ immediately behind, both wearing "PRESS" credential tags.)

ALMSTEDT

(yelling, emotional)

Listen to what I have to say!! It was MY daughter, not one of yours! I have been wounded to the very heart by what happened to her, wounded far more than any of you! Don't besmirch your hands with this deed! I plead with you to let the law take its course with this man! I ask it of you in the name of law and order and the American flag!

Few bystanders can hear this plea, but some react.

BYSTANDER 1

Lord love a duck! What's that old fart going on about?

BYSTANDER 2

It's the girl's father. They should at least listen to him.

BYSTANDER 3

That's Professor Almstedt. I had him for German last semester.

BYSTANDER 4

He's a Kraut?! Shut up, Herr von Kraut! Go back to Germany! You lost!

LOU

Yeah, shut up old man, or we'll lynch you, too.

Lou puts his hand on Almstedt's chest and walks him backward into the crowd. Soon Almstedt has vanished among taller bystanders who push to the front and exited the scene.

MISSELWITZ

(to Scott)

Mr Scott, I'm a reporter. Did you rape that girl?

JAMES SCOTT

(exhausted)

I'm innocent, I swear. I have a fifteen year old daughter myself. I couldn't commit a crime like that. I never touched a white woman in my life.

MISSELWITZ

(to crowd of people around him)

Listen everyone! Did you hear this man?

The crowd boos and jeers Misselwitz.

NUTTER

Mr. Scott, can you prove your innocence?

JAMES SCOTT

It was Ollie Watson who done it. He told me today in our jail cell. He had a mustache like me but he shaved it off. He shaves all the time now so he don't be identified.

NUTTER

Sir, why should we believe you?

JAMES SCOTT

You don't have to. Just look at Ollie Watson's face. He got the scratches on it from the girls umbrella when she poked him. I ain't got no scratches.

NUTTER

(shouting to crowd)

Everyone! Listen! What he's saying makes sense. Don't you think it should be investigated before you continue with this?!

The crowd continues to boo and jeer both reporters. Barkwell pushes forward through the crowd, carrying a coil of stout rope. He emerges from the scrum.

HAMP

At last, the cavalry arrives! Now we can get on with it.

With Nutter and Misselwitz standing just two feet away, Hamp, Lou and Red move to the side as Barkwell grabs James by the shoulders and pins him against the bridge railing. He removes the rope from James' neck and uses it to tie his hands behind his back. He ties one end of his longer rope to the railing, fashions a hangman's knot at the other end, and loops the noose around James' neck. As he works, the crowd below the bridge clamors impatiently.

VOICE 1 (O.S.)

Say, what the hell's going on up there, anyway?

VOICE 2 (O.S.)

Time's a-wastin'.

VOICE 3 (O.S.)

You fellas getting cold feet, or what?

Lou looks down over the bridge's railing and shouts.

LOU

Get ready down there. We're almost home.

Barkwell picks James up and sits him on the bridge railing. The crowd begins to cheer, whistle, catcall.

VOICE 4 (O.S.)

Throw him down to us! We'll take care of him!

BARKWELL

(to SCOTT)

Pray if you want to, then that'll be the last of it.

JAMES SCOTT

Lord, You know the truth. Have pity on an innocent man's soul. You know my innocence. Will you allow an innocent man to suffer?

WOMAN IN BONNET

Over the edge with him!

Barkwell places both his hands against James' chest.

JAMES SCOTT

You don't need to push me. I'll ju...

Barkwell shoves James off the railing. There are cheers from the bridge; overlapping, incoherent shouts from the crowd below.

VOICE 5 (O.S)

Look out!

VOICE 6 (O.S.)

Here he comes!

Hamp puts two fingers in his mouth and whistles shrilly, like a man calling a dog. Just then the National Guard Commander and one of his men arrive at the bridge and look on in horror as the crowd continues to cheer and yelp.

ACT I SCENE 27 SARAH AND JACK BROWN HOME - NIGHT

*On a **dark street in the middle of the night**, we see Gertrude as she runs down the dark deserted street in tears. She arrives at the Brown's home and frantically knocks at their door. Initially, all the lights are off, but a couple - including one by the door - come on and Jack answers the door.*

JACK BROWN

Gertrude! What is it honey!

GERTRUDE SCOTT

They killed him! They killed him! They killed my James!

Inside the home we see Sarah Brown as she walks through the living room toward the front door. Gertrude is very upset, but she composes herself just enough to look into Sarah's eyes and speak in a hushed tone.

GERTRUDE SCOTT (cont'd)
Mamma, they just told me that James was taken from the jail tonight. That a mob
(crying)
a mob took him to the bridge...

Sarah's eyes open wide

GERTRUDE SCOTT (cont'd)
And they hung James! They hung him from the bridge!!

SARAH BROWN
(to her husband)
OH NO! OH No! No! Not my James!

Gertrude opens her arms as she and Jack envelop Sarah as she drops to her knees on the floor and continues to cry.

SARAH BROWN (cont'd)
Oh God! Lord Jesus! Not my James! He's a good boy! He never hurt anybody! Oh Lord! Let me die! Lord! Let me die!

As we continue to hear Sarah's wailing we see the home with two lights on while all the other houses are dark. Then one by one, the lights on the other houses go on until nearly the entire neighborhood is now awake.

CURTAIN
END OF ACT I

ACT II SCENE 28 BOONE COUNTY JAIL - DAY

It's now Sunday, April 29, 1923, just a few hours after the lynching. George Barkwell is alone in a jail cell at the Boone County Jail adjacent to jailbirds Pete and Joe. Irritated by Pete's banter, he pretends to sleep. The jail shows many signs of the mob assault just hours before.

JAILBIRD PETE

You're a first-rate sleeper, Barkwell. I'll give you that much. Hang a man in the morning and take a little nap in the afternoon. Not everybody has that kinda grit.

(to Joe)

Doesn't that just look like the sleep of the just, Joe? Must have a clearer conscience than you and me, I guess.

JAILBIRD JOE

Speak for yourself.

JAILBIRD PETE

Always do.

(sniffs)

Say! What's that I'm smelling? Sorta smells like sulfur and brimstone, doesn't it?

Inside the front entrance to the jail, Sheriff Brown sits at his desk. Two well dressed gentlemen enter. They are DR. S.F. CONLEY (60, white, wearing a sling on his right arm), and WILLIAM "FRED" BRIGHT (50's, white, well dressed), a bank president.

SHERIFF BROWN

Good morning gentlemen, what can I do for you?

BRIGHT

Good morning Sheriff. I'm Fred Bright President of Boone County Trust and this is Dr. Conley. We are here to post the bond for Mr. Barkwell.

SHERIFF BROWN

Is that so? Alright gentlemen

Brown pulls out some paperwork and begins to write.

SHERIFF BROWN (cont'd)

I'll need to complete some paperwork, get your signatures, and of course, your bond checks.

S.F. CONLEY

(Pulling out envelope)

Yes right here Sheriff. I think you'll see the numbers are correct, yes?

SHERIFF BROWN

(Looking at checks)

Appears to be gentlemen. It'll be a few minutes before we can release him. Is there anything else?

BRIGHT

Well yes, yes there is Sheriff. If you decide to arrest any more of the men who were in that mob, send them to my office at the bank! I'll make bond for all of them until you fellows holler "enough!"

Fade Light Out.

ACT II SCENE 29 MISSOURI STATE CAPITOL - DAY

At the Rotunda of the state capitol in Jefferson City, Missouri. GOVERNOR HYDE (50, white, glasses, grey hair), stands at a podium as he finishes his speech. Seated behind are AAG HENRY DAVIS (40's, white, outspoken), and Ruby Hulen. Facing them are dozens of REPORTERS.

GOVERNOR HYDE

And so we must provide our negro citizens opportunities equal to ours, legal protections equal to ours, and justice equal to ours. Assistant Attorney General Davis?

Assistant Attorney General HENRY DAVIS steps to the podium and begins speaking.

AAG HENRY DAVIS

The people of Boone County need to understand that Missouri law makes no distinction between murder and accessory to murder. The men who encouraged this act by word or deed are as guilty of murder under the law as the man who threw the negro from the bridge. Anyone who shouted encouragement is as guilty as the leaders and can be charged with first degree murder.

Many flash bulbs go off. The reporters write furiously.

ASS'T A.G. DAVIS

Those who hear these words and understand the peril they lie under should come forward immediately and offer their honest testimony about what they saw in Columbia yesterday. If they do so, they can hope for leniency in return. If they fail to come forward, there will be no hope of leniency, and they open themselves to the harshest punishments our laws allow.

As the news conference breaks up, an experienced REPORTER buttonholes RUBY HULEN and shouts a question.

REPORTER

Mr. Hulen, they say that some of the men in that lynch mob plan to deal with you the way they dealt with Scott. Is that true? Do you have any comment?

HULEN turns to answer.

PROSECUTOR HULEN

Tell them that if they come looking for me, they needn't bother to bring a blowtorch.

The news conference breaks up and reporters and photographers continue to press the elected officials. Fade Light Out.

ACT II SCENE 30 JAMES SCOTT HOME - NIGHT

It's Monday night at the Scott home. GERTRUDE, HELEN and CARL, SARAH and JACK, James' brother AKERS SCOTT (39, black, well built, calm) and Gertrude's parents are gathered in their dimly lit living room weeping when there's a SLOW KNOCK at the door. Gertrude slowly opens the door. REVEREND CASTON is in the doorway with a group of CHURCH MEMBERS, some bearing food and baked goods.

GERTRUDE SCOTT

Good evening Reverend Caston. Would you like to come inside?

REV. CASTON

(Standing outside)

Oh Gertrude, we all wanted to come here tonight to be with you and your family.

Caston nods to the children, James' mother and the others.

REV. CASTON (cont'd)
Mrs. Brown, children.

AKERS SCOTT moves forward to shake CASTON'S hand.

AKERS SCOTT
Reverend, I'm James' brother Akers. I arrived today from St. Louis. James' older daughter Anna is also on her way here from Chicago.

Gertrude noticing the people behind Caston walks out to her porch while the children and James' mother follow. Dozens of people are all gathered, many bearing food gifts, some with candles lit. We rejoin the conversation on the porch.

GERTRUDE SCOTT
Thank you Reverend.
(louder to everyone gathered)
Thank you everyone!
(begins to cry)
You are all such a blessing!

As Gertrude breaks down into Reverend Caston's shoulder, nearby church members rush in to hold her and the entire group slowly pulls in closer to Gertrude and the family. Fade Lights Out.

ACT II SCENE 31 GEORGE'S RESTAURANT - DAY

There are few customers in George's Restaurant. RUBY HULEN and REV. CASTON sit side-by-side in a booth. A WAITRESS and a MALE CUSTOMER (both black) sit across from them.

CUSTOMER
No, Mr. Scott wasn't a regular, but Ollie Watson, yes, he's was here most every day. Right, Bess?
The waitress nods emphatically and points out the window.

WAITRESS
See, right out there on that curb, that's where Ollie parked his taxi cab. Liked to sit right here, downin' all the coffee I can bring.

CUSTOMER
People know if they want a cab, they can find him here.

WAITRESS
Or they can call that phone right there, see?

She points to a wall-mounted phone.

HULEN

Good, thank you so much, ma'am. Now, do you remember that day when the dogs came in.

WAITRESS

None of us likely to forget that day!

REV. CASTON

And do you remember if either Mr. Scott or Mr. Watson was here that day, Bess? It's very important that we know.

WAITRESS

Not Mr. Scott, Reverend. Like John says, he ain't here that often, so I'd remember. Ollie Watson, now, he definitely around. His taxicab broke down, and all mornin' he tinkerin' under the hood. Got so greasy and gas-smellin', I took a sandwich out there at lunch time, so he wouldn't come in and mess up a booth.

HULEN

And was he still here when the dogs came in?

WAITRESS

Not unless he cleaned up some, I can tell you that!

REV. CASTON

Yes, but was he here? It's very important that we know.

WAITRESS

He sure come and go that afternoon, but I believe he cleared out 'fore the hounds start all that ruckus. That sound right, John?

CUSTOMER

That's the way I remember it. Had that car runnin' again and took off. Fade Out Lights.

ACT II SCENE 32 COLUMBIA POLICE DEPARTMENT - DAY

At the Police Station, ASSISTANT AG DAVIS and CHIEF ROWLAND sit at a small conference table.

ASS'T A.G. DAVIS

Just so I can cross the T's and dot the I's then, your conclusion was that the dogs were following a false scent?

CHIEF ROWLAND

Well, yes, there were negroes aplenty in that restaurant, and maybe one of them belonged to those coveralls. But none of the men fit the girl's description. None had that funny little mustache.

ASS'T A.G. DAVIS

Um-huh, got it. So let's go on to the next morning, Saturday morning, that is, April 21. You say that before you took Scott to Miss Almstedt's house, you had taken two other negroes there? And she said neither man was her attacker.

CHIEF ROWLAND

Right.

ASS'T A.G. DAVIS

And did either of those men have the funny little mustache?

CHIEF ROWLAND

(pauses, cautious)

No.

ASS'T A.G. DAVIS

Well, mustaches come and go, don't they?

CHIEF ROWLAND

Well, yes. The girl was acting strange. I began to think that she was just confused about the mustache. And these men I brought, they were exactly the sort of negroes who might, you know . . . They were the bad kind.

ASS'T A.G. DAVIS

Yes, I follow you. But when she didn't identify either of those, you decided that maybe the mustache was an important clue, after all?

CHIEF ROWLAND

Correct. It was important because it was all we had left after the hounds failed. We had to use what we had.

ASS'T A.G. DAVIS

And so you and your men started looking for negroes known to have such a mustache.

CHIEF ROWLAND

Correct.

ASS'T A.G. DAVIS

And you went to Mr. Scott's house yourself?

CHIEF ROWLAND

Correct.

ASS'T A.G. DAVIS

And how did you know that Mr. Scott had a Charlie Chaplin mustache?

CHIEF ROWLAND

Oh, he was pretty well known around the town. City boy, nappy dresser, led their Emancipation Day Parade in his fancy car, that sort of thing. The mustache seemed to suit his style.

ASS'T A.G. DAVIS

I see. And did you at any point present Miss Almstedt with any other negroes who had a Charlie Chaplin mustache, individually or in a lineup.

CHIEF ROWLAND

No, and I doubt there's another nig....

(he catches himself)

negro in this town has a mustache like that. Might be a Chicago thing, a big-city thing.

ASS'T A.G. DAVIS

If we found another negro today with a Charlie Chaplin mustache, would that shake your confidence that Scott was the man who committed the crime?

CHIEF ROWLAND

No. Not at all. You know better than anyone how many ways we got the girl to identify him. Two eyeball lineups. And the voice lineup, and that damned stinky iodoform lineup. We got the right man. It's a damn pity what happened after that, but we got the right man.

ACT II SCENE 33 BACK PORCH AT RUBY HULEN HOUSE - DAY

It's Wednesday, July 4th and we are on the back porch at the Hulen residence. RUBY HULEN and his wife ANNA HULEN (30's, white, brunette, plain, clever) sit on their back patio, a pitcher of ice tea between them. She knits as he reloads his hand gun and continues shooting at a paper attached to a post about thirty feet away.

PROSECUTOR HULEN

Anna, I'm afraid what Davis has said in the newspapers is right. It's being repeated and talked about on the streets. Scott deserved to be lynched because I'd already declared him guilty.

(MORE)

PROSECUTOR HULEN (cont'd)

When push came to shove, I let myself be rushed to judgment on some pretty thin evidence.

ANNA HULEN

Ruby, it was Chief Rowland's investigation. When you had some doubts about the lineup he did, you insisted that he do a proper one.

PROSECUTOR HULEN

Not very impressive honey. She managed to identify the man she already ID'd before. And the voice and smell tests? Probably a sham too. Professor Ellwood from the university told us how Regina's identifications may have been influenced.

Hulen's gun loaded, he aims and takes another shot.

ANNA HULEN

What are you talking about?

PROSECUTOR HULEN

The Chief stood right next to Regina during both tests. He knew Scott's voice and she picked up on Rowland's subtle motions and tone. The same thing happened on the smell test. As he handed her each vial to smell, he asked if that was the smell of her attacker's clothing. Again, she picked up on the Chief's subtle tone. Subconsciously she knew which voice and vial he wanted her to pick. It's called the Clever Hans Effect.

ANNA HULEN

The Clever Hans Effect? What on earth is that?!

PROSECUTOR HULEN

There was a horse named Hans that everyone thought could do math. Someone would ask him what seven plus two was and he'd stomp his hoof exactly nine times. Well it turns out Hans wasn't doing math at all. He was reading his owner's face. When Hans saw the owner's expression change he stopped pounding his hoof. Fooled everybody - even his owner!

ANNA HULEN

So you can't trust the tests or IDs?

Hulen fires off another shot. It hits its target.

PROSECUTOR HULEN

Apparently not. But you can trust the dogs. One of the dogs followed a scent from the bridge to Ollie Watson's cab stand outside George's Restaurant.

ANNA HULEN

The same Watson who's in jail for raping that young negro girl?

PROSECUTOR HULEN

The EXACT same one Anna. People at the restaurant told us Watson was there the day Regina was raped, and that HE had a Charlie Chaplin mustache that he shaved off right after Regina's attack. I think I indicted the wrong man Anna.

ANNA HULEN

Ruby, you're a good and honest man. This isn't your fault.

PROSECUTOR HULEN

(firing again) My Prosecution. My fault, Anna.

ANNA HULEN

And the poor Almstedt girl?

PROSECUTOR HULEN

Might have to be dragged through everything her father wanted to spare her. And worse this time if she IDs Watson at the lineup I set up for tomorrow. Watson's defense will hammer her.

*HULEN fires another bullet into the letter.
Lights Fade Out.*

ACT II SCENE 34 AUDRAIN COUNTY COURTHOUSE - DAY

It's Thursday July 5, 1923 at the Audrain County Courthouse. We see RUBY HULEN, REGINA ALMSTEDT and her MRS. ALMSTEDT enter a room with a large one-way mirror on one wall. SHERIFF ALEXANDER (40s, white, quiet) steps into the room to oversee the proceedings.

SHERIFF ALEXANDER

(quietly to Hulen)

Sorry Mr. Hulen, I just checked and for some reason Ollie Watson's upper lip has refused to grow any hair. My deputy thinks he has been doing everything he can to stop a mustache from growing.

PROSECUTOR HULEN

That's alright sheriff. It is what it is.

PROSECUTOR HULEN (cont'd)

(turning to Regina)

Now Regina, I know it's difficult to go through this again after all that you've been through, but I need to know if it's possible the man who hurt you is in this group. Could you take a look and tell me if you see the man who attacked you? Each one is holding a card with a number on it.

HULEN points to the two-way mirror REGINA will look through.

PROSECUTOR HULEN (cont'd)

Regina, this is a special window where you can see them, but they can't see - or hear - you, OK?

REGINA

OK.

PROSECUTOR HULEN

Are you ready?

REGINA

Yes...yes sir.

HULEN knocks twice on the window and a group of men, OLLIE WATSON among them, enter the room and stand against a wall facing the window. WATSON is #6.

PROSECUTOR HULEN

Take your time Regina. Look at each man carefully.

REGINA stares through the window, moving her eyes slowly over each man and simultaneously re-living the rape in her mind. She suddenly stops. She tightly closes her eyes. Her mother squeezes her hand and both begin to cry.

PROSECUTOR HULEN (cont'd)

Regina, do you see him?

REGINA

SIX! He is number six!

REGINA suddenly stops crying. She freezes. She begins to shake. She shrieks at the thought of her misidentification of James and his resulting fate.

REGINA (cont'd)
Oh my God! Mother! What have I done!

MRS. ALMSTEDT
No Regina! It's not your fault!

REGINA
(crying)
It is! It's ALL my fault!

PROSECUTOR HULEN
No, you're wrong Regina. What happened was not your fault. It was MY fault. I am to blame, not you Regina.

SHERIFF ALEXANDER
Mr. Hulen, how do you want me to proceed?

PROSECUTOR HULEN
Let's just keep this under wraps for the time being. We need to figure out where we go from here, OK Sheriff?

(to Regina)
And Regina, you are such a brave young girl. I only wish that we could all be as brave as you. Let me take you and your mom back home.

ACT II SCENE 35 PROSECUTOR RUBY HULEN'S OFFICE - DAY

It's Friday, July 6, 1923 at Ruby Hulen's office. We see HULEN walk toward his office and glance at his secretary who tells him that she has seated his visitors in his office.

HULEN'S SECRETARY
They are waiting in your office.

PROSECUTOR HULEN
Thank you Mary.

HULEN opens the door to his office and we follow him inside where SARAH BROWN and GERTRUDE SCOTT sit in the chairs facing his desk.

PROSECUTOR HULEN (cont'd)
Mrs. Brown, Mrs. Scott I want to thank you both for coming in today. I would...

SARAH BROWN
(interrupting)
Mr. Hulen, we did not come here because you asked us. We came because we wanted to know if what we read in the newspapers today was true.

(MORE)

SARAH BROWN (cont'd)

Did that young girl identify a different man as her attacker?

PROSECUTOR HULEN

(hesitating)

Yes. Yes mamn she did.

GERTRUDE SCOTT

And because she previously identified my husband, you indicted him, and the mob killed him. While you and five other men stood by!

PROSECUTOR HULEN

Yes mamn, I know. I'm so very sorry. We did what we could that night but it wasn't enough. Not nearly enough.

SARAH BROWN

Mr. Hulen, I have three grand children so I know that sometimes they make mistakes. I forgive that young white girl for what she did. I feel terrible for what happened to her. She was a child and she probably never saw a black man up close in her whole life. But Mr. Hulen, you and Chief Rowland and Sheriff Brown are adults. You should have known the danger my son was in. Your jobs were to protect him, with your own lives if need be. People spit on my son! They struck him with fists and sticks! They laughed and whistled and sang songs while he suffered and begged for his life. (pause) And then they killed him. HE was innocent, and THEY were guilty! My son should be alive AND FREE today, and he would be if all of you had just done your jobs.

PROSECUTOR HULEN

Mrs. Scott, Mrs. Brown, I cannot bring James back. But we will get justice for him at next week's trial, I promise you.

SARAH BROWN

You'll have to forgive me if I've lost faith in any promises of justice, Mr. Hulen. I've lived too many years and never seen anything resembling justice in my lifetime. Unless of course, you're white.

Lights Fade Out.

ACT II SCENE 36 BOOCHE'S POOL PARLOUR - NIGHT

It's a busy Saturday night at Booche's Pool Parlour before the trial of George Barkwell begins on Monday. Along one wall WHITE KIBITZERS sit nursing their drinks. Emmett Smith and the Man with Cigar have a newspaper open. WHITE POOL PLAYERS from the nearest table pause their game to join in the conversation.

MAN WITH CIGAR

Paper says there may be more to come. Five so far, but lemme see, yes, here it is: "The statement made it clear that the Grand Jury has not been dissolved and that it may reconvene at any time to issue additional indictments."

POOL PLAYER 1

Jeez-Louise! How many men they gonna charge with murder? A hundred? Two hundred? A thousand?

MAN WITH CIGAR

Well, just one so far. George Barkwell's the only one they charged with murder. Hamp and the others are charged with obstructing justice.

POOL PLAYER 1

Well, that makes some sense, anyway. Barkwell's the only one who put the rope around the colored boy's neck, after all.

There's an uncomfortable silence. Smith and the Man with Cigar exchange glances.

SMITH

Were you on the bridge that night?

POOL PLAYER 1

Well, yes. I got there in time to see...

SMITH

(interrupting)

Let me stop you right there, young man. If you were there I can tell you exactly what you saw. You saw my friend George and me standing clear on the other side of the bridge when somebody else put a rope around that boy's neck.

POOL PLAYER 1

But what I was gonna say was.

MAN WITH A CIGAR

(interrupting)

What I was gonna say is that a closed mouth catches no flies.

SMITH

Exactly. That colored boy got what was coming to him. The less said about how that came about, the better. Period.

POOL PLAYER 2

(to Player 1)

Back off, Jesse. Sounds like it's time to circle the wagons.

POOL PLAYER 1

Yeah, but don't get me wrong. All I was gonna say was

(Pool Player 3 bangs his cue stick on a table.)

POOL PLAYER 3

I believe the man said "period"!

Lights Fade Out.

ACT II SCENE 37 BOONE COUNTY COURTROOM - DAY

(It's Monday, July 9, 1923 and there are five hundred spectators inside the oven-like Boone County courtroom. They fill the benches and stand two or three deep along the walls.)

JAMES SCOTT (V.O.)

Jury selection for the trial of George Barkwell was intended to take half a day. It ended up taking four times that long. In fact, settling on a supposedly impartial jury took longer than the trial itself.

HULEN sits at the prosecution table, flipping through his notes. ASSISTANT A.G. DAVIS stands nearby, talking to newspaper reporters who have claimed the front row.

ASSISTANT A.G. DAVIS

Yes, we expect to show by evidence that Barkwell was the man who placed the rope around James Scott's neck and pushed him from the railing of Stewart Bridge.

REPORTER

And is it true that the Almstedt girl has changed her mind, and has identified another negro as the man who attacked her?

ASSISTANT A.G. DAVIS

I understand that Prosecutor Hulen now intends to file charges against another man with the crime for which the mob lynched Mr. Scott. He doesn't want to do so until the cases against Barkwell and the others involved in the lynching are disposed of.

The court's BAILIFF stands and strikes his gavel on its wooden block.

BAILIFF

All rise. Hear ye, hear ye, hear ye! The Court of the Eighth Judicial Circuit is now in session in Boone County, the Honorable Judge Ernest Gantt presiding. You may be seated.

ASSISTANT A.G. DAVIS takes his place beside HULEN at the prosecution table. JUDGE HENRY GANTT (45, white, heavy, cranky) enters and is seated at the bench.

JUDGE GANTT

Good morning. Are the prosecution and defense ready?

HULEN

Yes, your honor.

ATTORNEY GEORGE STARRETT (40, white, black hair, slickly dressed) rises from the defense table. ATTORNEY FRANK HARRIS (50, white, glasses) remains seated beside him.

ATTORNEY STARRETT

Yes, your honor.

JUDGE GANTT

It is customary for a judge to ignore the spectators in the courtroom. However, I want to address you spectators directly. You are most welcome to watch. You are not welcome to participate in any way. Neither should you expect anyone to put on a show for your sake. Bailiff, bring in the first twelve prospective jurors.

The BAILIFF opens a door

BAILIFF

One through twelve. Come in and take a seat.

Twelve white men enter the jury box, each carries a card with a large red number printed on it. A clock behind them shows the time: 9:08.

JUDGE GANTT

(addressing jurors)

As many of you know already, this case involves an incident of mob violence that happened in Columbia on the night of April 28 and morning of April 29. Were any of you present during that incident? If so, please raise your card.

One card is raised.

JUDGE GANTT

That's number 7?

JUROR 7 nods, and the judge makes a note, as do HULEN and ATTORNEY STARRETT.

JUDGE GANTT (cont'd)

In the case before the court, the defendant is a white man accused of committing a crime against a negro. Is there anyone here who feels that the race of the men involved would affect their decision if they were to serve on the jury.

#7 raises his card immediately, #3 raises his more slowly. Again the judge and lawyers make a note.

JUDGE GANTT (cont'd)

That's #3 and #7. Thank you. Is there anyone who believes that in some circumstances, citizens should take the law into their own hands in order to punish a wrongdoer?

Seven cards go up. ONE OF THE SPECTATORS lets out a yip, and several others cheer and applaud. JUDGE GANTT gavels for order. Attorney Harris questions JUROR #4, a farmer.

ATTORNEY HARRIS

Have you heard the case discussed by anyone who was present or who might appear as a witness?

JUROR #4

No.

ATTORNEY HARRIS

Have you formed any opinion of the guilt or innocence of the defendant that couldn't be altered by evidence if you were to serve on the jury?

JUROR #4

(after a pause)

I don't know how to answer that question. What I know is that this case should never have come to trial at all.

A half dozen spectators express their approval of this statement, two of them loudly.

SPECTATOR 1

That's right!

SPECTATOR 2

You tell 'em, Joe!

Hulen stands up.

HULEN

I think, your honor, that this man is disqualified for cause.

JUDGE GANTT

The court will hear all answers from all the men in this group before considering any disqualifications.

Fade out lights, change twelve prospective jurors, fade lights up.

JUROR #11

The man killed was an American. The man accused of killing him is an American. That's all that matters to me.

ASSISTANT A.G. DAVIS interviews JUROR #9

ASSISTANT A.G. DAVIS

Have you formed an opinion about Mr. Barkwell's guilt or innocence?

JUROR #9

I have. It is my definite, strong opinion that George Barkwell is innocent.

A smattering of applause breaks out. Judge raps his gavel once.

ASSISTANT A.G. DAVIS

And have you contributed to Mr. Barkwell's defense fund?

JUROR #9

I have. And I will contribute again if necessary.

ASSISTANT A.G. DAVIS glances meaningfully at the judge.

ASSISTANT A.G. DAVIS

Nothing further, your honor.

DAVIS sits and ATTORNEY STARRETT rises.

ATTORNEY STARRETT

Number nine, is your opinion of Mr. Barkwell's innocence so fixed that you would be unable to change it, regardless of the evidence presented in court?

JUROR #9

Not at all. If I served on the jury, I'm sure I would be broad enough to consider all the evidence.

ASSISTANT A.G. DAVIS and STARRETT stand motionless and JUROR 3 speaks out

JUROR #3

Makes no difference to me if the fellow was black, white, or yellow. Or green, for that matter. The law's the law.

Now Juror 4 speaks out

JUROR #4

I'm not in favor of mob law, but if it had been my daughter, there'd have been no need for a mob.

Fade Out Lights

JAMES SCOTT (V.O.)

By noon, Judge Gantt had disqualified so many men that he was forced to send out officers to summon others for immediate service. But so many of those last-minute recruits were disqualified during the afternoon that the process dragged out for another day.

During the voice over a new set of JURORS is seated. Fade Lights Up.

JUROR #71

Just logically, I don't see how it's possible to think that one member of a mob is guiltier than all the rest.

JUDGE GANTT

So you feel that you couldn't try George Barkwell separately, and that you would need to try everyone involved, all together, all at one time?

JUROR #71

No, I could try Barkwell separately, but there's no way I could sentence him separately.

JUROR #80

The way this danged court system drags things on is reason enough for men to do the job themselves. I think that mob did the right thing.

JUDGE GANTT

Is there any one of you who believes that white citizens sometimes have a right to take the law into their own hands when a black man has attacked a white girl?

All twelve men put up their cards. One of the spectators lets out a loud guffaw, then widespread laughter fills the courtroom.

JUDGE GANTT

Stop that laughing! This is not a frolic! A man is being tried here for his life and liberty! Bailiff, if there is another demonstration of that kind, bring them forward and the court will deal with them!

Lights Fade Out.

ACT II SCENE 38 BOONE COUNTY COURTROOM - DAY

Inside the Courthouse, SPECTATORS fill the benches and stand two or three deep along the walls. The defense and prosecution teams gather their paperwork as reporters are squeezed against the front gate. Hulen notices a sudden quieting in the gallery. He rises and turns standing next to Davis as he watches Sarah and Jack Brown and Gertrude Scott, accompanied by Rev. Caston and George Vaughn, come through the courtroom door.

They walk down the center aisle and step through the crush of reporters to take the first row behind the prosecution table. They nod to the prosecution team who look at them with quiet reverence and nod back. Hulen and Davis then turn to face forward, as the Bailiff gavels the proceedings to order.

PROSECUTOR HULEN

(under his breath)

I'd call that "motivation" Mr. Davis.

ASS'T A.G. DAVIS

(smiling)

More like "inspiration" Mr. Hulen.

BAILIFF

All rise. Hear ye, hear ye, hear ye! The Court of the Eighth Judicial Circuit is now in session in Boone County, the Honorable Judge Ernest Gantt presiding. You may be seated.

JUDGE GANTT enters the courtroom and sits down at the Judge's bench.

JUDGE

You may proceed, Mr. Hulen.

HULEN rises and walks forward to face the jury.

PROSECUTOR HULEN

The evidence we will present to you will show that on the night of April 28th and the early morning hours of April 29th, the defendant, George Barkwell, assisted by other men, came to the Boone County jail and took James Scott from it, for no other reason than that he intended to murder him, or to have him murdered by others. The removal and murder took hours to accomplish. In the process of committing these crimes, Barkwell defied pleas from a respected judge, from law enforcement officers, and even from the father of the girl Scott had been accused of attacking. The murder was utterly cold-blooded. Reliable testimony will show that George Barkwell personally placed the rope around James Scott's neck and pushed him over the railing to his death.

We see GERTRUDE wiping a tear with her handkerchief.

JUDGE GANTT

And for the defense? Mr. Harris?

SENATOR FRANK HARRIS (60, White, glasses, silver and astute) rises from the defense table and approaches the jury.

HARRIS

(rising, walking forward)

George Barkwell is a man known in Boone County for his spotless reputation in business and for his recent term of service on the City Council. Square dealing, that's what George Barkwell is known for. Square dealing is all he expects of you. Now, I believe that in this case the evidence will show that the deceased man was a negro. Soon before the alleged lynching, he was accused of the heinous crime of rape. I think the evidence will show that the brutal offense was committed on a 14- year-old white girl.

SARAH and JACK BROWN react with anger and disgust.

HULEN

I object, your honor! Any crime Mr. Scott may or may not have committed is irrelevant to the case against Mr. Barkwell.

HARRIS

It is relevant, certainly, to the defendant's state of mind. It is relevant because the prosecutor has alleged that my client acted in cold blood.

JUDGE GANTT

Objection overruled. Proceed.

HARRIS

Miss Regina Almstedt encountered a negro man on Stewart Bridge on the afternoon of April 20th. That negro lured her into the ravine below, removed his belt and wrapped it around her neck. He choked this innocent girl.

GERTRUDE, SARAH AND JACK BROWN, REVEREND CASTON and ATTORNEY VAUGHN all simultaneously react with disgust.

PROSECUTOR HULEN

Objection your honor!

ASS'T A.G. DAVIS

May we approach?

Judge nods. All five lawyers stand at the bench.

ASS'T A.G. DAVIS (cont'd)

This is clearly unnecessary and inflammatory, your honor. What the defense is doing here is suggesting that that negro deserved killing, so no harm was done.

HARRIS

Nonsense, your honor. What we are doing is countering the prosecution's claim that our client acted in calm cold blood. That the whole community was heated by the heinousness of the crime proves otherwise.

JUDGE GANTT

I'll allow, Senator, but keep it brief, and don't play it to the gallery.

The LAWYERS retake their seats.

HARRIS

He wrapped his belt around her neck and threatened to kill her if he couldn't have his way. He drew out a knife and cut away her underpants. Then, gentleman, he accomplished his purpose.

He pauses. The courtroom is silent, the jurors and the spectators riveted. VAUGHN and REV. CASTON exchange glances, plainly appalled.

HARRIS (cont'd)

Two colored men were taken to the girl's home the next day, and the girl said that neither of them was guilty. Then the third was brought, and the girl went into hysterics.

PROSECUTOR HULEN

Objection, your honor! James Scott is not on trial here.

JUDGE GANTT

Overruled.

HARRIS

She went into hysterics and said that he was the man. That third man was the negro James Scott. There were other identifications. There were two lineups. The victim identified Scott by the smell of chemicals on his clothing. She even identified him by the sound of his voice. The Chief of Police supervised these identifications. A statement that her identification was certain and unmistakable was given to the press, and the Columbia Tribune came out with a statement that Scott was guilty. By Saturday night, feeling was running high.

(MORE)

HARRIS (cont'd)

The crowd grew and grew, and there were at least fifteen hundred people at the jail when Scott was brought out. Ruby Hulen, the Prosecutor himself, stepped out of the jail that night and asked the crowd a question.

HARRIS lifts his notepad from the table to read the question, running his finger under the words as he reads, slowly.

HARRIS (cont'd)

"Is there one person here," Mr. Hulen asked, "who does not think that this man should be hanged?!"

HULEN jumps to his feet, upset.

PROSECUTOR HULEN

I didn't say that!

HARRIS

Oh, I'm sorry. There seems to be some confusion. I thought... Two eyewitnesses said...

HARRIS looks again at the pad, quizzically, and slowly returns it to the table.

HARRIS (cont'd)

But I apologize and withdraw my statement

(beat)

So sorry, where was I?

(beat)

Yes, the evidence

(beat)

The evidence will show that George Barkwell did nothing more at the jail than any of the other spectators. Testimony will show that he didn't touch James Scott at Stewart Bridge. I hardly know why the prosecutor has elected to pursue Mr. Barkwell. It's as if he has decided that the whole town is guilty, and that some prominent citizen should be offered up to pay the price.

HARRIS returns to his seat. JURORS and SPECTATORS talk among themselves. JUDGE GANTT raps his gavel once again.

JUDGE GANTT

Is the prosecution ready to proceed.

PROSECUTOR HULEN

Yes, your honor.

JUDGE GANTT

You may call your first witness.

JAMES SCOTT (V.O.)

The prosecution case was based on eyewitness accounts from a judge, a sheriff and his deputy, and three reporters who were on the scene.

JUDGE COLLIER is on the stand.

JUDGE COLLIER

Yes, Mr. Barkwell was standing very close to Mr. Scott's cell, at the forefront of the men gathered in the jail corridor.

PROSECUTOR HULEN

Thank you, Judge Collier. And is the man you are referring to in this courtroom today? Can you point him out?

JUDGE COLLIER

That is the man. That is George Barkwell.

SHERIFF BROWN is on the stand.

SHERIFF BROWN

I shouted George Barkwell's name and pleaded with him to listen to Judge Collier. Barkwell held up his left hand and called for attention. The man running the torch switched it off and the others up front stopped shouting.

JAILER HALL is on the stand.

JAILER HALL

It looked to me like Barkwell was kind of directing the boys. I heard someone shout, "Don't let them out-talk you, George," and then Barkwell dropped his hand and the mob fired up again.

FOSTER HAILEY is on the stand.

PROSECUTOR HULEN

Could you state and spell your name and provide your occupation for the court please?

HAILEY

My name is Foster Hailey, that's F-O-S-T-E-R H-A-I-L-E-Y and I am currently a journalism student at the university and I also work as a reporter for the Daily Missourian newspaper.

PROSECUTOR HULEN

Very good, thank you. So from your perch on top of Scott's cell, you heard and saw George Barkwell telling others that James Scott was inside.

HAILEY

Yes, sir.

PROSECUTOR HULEN

And after he did that, a man brought forward a blowtorch and began to cut away at the locking mechanism of the cell.

HAILEY

Exactly.

PROSECUTOR HULEN

And did you see Barkwell handling the torch?

HAILEY

Well, sir, that depends on what you mean by handling. Another man was doing the cutting, but then some fellow cut the hose and tried to carry the tank away. At first no one could get the torch working again, but then Mr. Barkwell started monkeying with the gas tank. And after he got done, they were able to light the torch again, and they cut their way into the cell.

PROSECUTOR HULEN

Thank you, Mr. Hailey.

(to Judge Gantt)

Nothing further your honor.

Hulen sits and CONGRESSMAN SAMUEL MAJOR (55, white, a giant) rises to cross examine.

CONGRESSMAN MAJOR

"Monkeying with the tank," Mr. Hailey? Monkeying? What exactly do you mean by "monkeying"? Could you actually see what the man you supposed to be Mr. Barkwell did to the tank?

HAILEY

Well, no sir. But I assumed he was fixing it.

CONGRESSMAN MAJOR

And did he have any tools in his hands?

HAILEY

No, sir, none that I could see.

CONGRESSMAN MAJOR

And so you assumed that a man with no tools was somehow repairing an acetylene tank, even though you never saw exactly what he was doing? No further questions, your honor.

ATTORNEY MAJOR sits.

PROSECUTOR HULEN

Redirect, your honor?

JUDGE GANTT nods. HULEN rises.

PROSECUTOR HULEN (cont'd)

To be clear, Mr. Hailey, you saw that the equipment wasn't working before Barkwell tinkered with it. And then you saw him tinkering with it. And after this tinkering, the equipment worked again. And so you drew the logical conclusion that he had fixed it. Correct?

HAILEY

Yes, sir.

FRANK MISSELWITZ is on the stand.

ASS'T A.G. DAVIS

Mr. Misselwitz could you please state and spell your name and provide your occupation for the court please ?

MISSELWITZ

My name is Francis Misselwitz, that's F-R-A-N-C-I-S M-I-S-S-E-L-W-I-T-Z. A graduated from the Missouri School of Journalism last year and I have worked for the Kansas City Star, and currently for the St. Louis Post Dispatch as a field reporter.

ASS'T A.G. DAVIS

And Mr. Misselwitz as you arrived at the Stewart Bridge the night of the lynching, what did you see?

MISSELWITZ

Well, when I stepped out of the car, I saw a couple of men leading Prof. Almstedt away, and then I began to wade through the crowd to get to the lamppost. That wasn't easy, but when I got to the front, I saw that things were sort of standing still.

ASS'T A.G. DAVIS

And you could see James Scott clearly?

MISSELWITZ

Oh, yes, sir. I finally got so close to him that I could hear every word he said.

ASS'T A.G. DAVIS

And what was he saying?

MISSELWITZ

He said that he was an innocent man. That he had a fifteen year old daughter of his own and he couldn't possibly commit a crime like that. He said he had never touched a white woman and he swore that Ollie Watson had attacked the girl.

ASS'T A.G. DAVIS

Did he offer any proof for his accusation?

MISSELWITZ

Yes, he said that he was told the girl had stabbed her attacker's neck with her umbrella and that while he had no such marks, Ollie Watson did. He said that Watson directly told him that he had raped the Almstedt girl and that he was constantly shaving his mustache several times a day to avoid being identified at her attacker.

GERTRUDE and SARAH both cry.

ASS'T A.G. DAVIS

And then what happened Mr. Misselwitz?

MISSELWITZ

Charles Nutter, another reporter at the bridge, and I did everything we could to get the crowd to consider all this. I told the men that what Scott said made sense, and that he should be heard out. But nobody listened.

ASS'T A.G. DAVIS

And then?

MISSELWITZ

And then this big man came crashing through the crowd with a bigger rope and put a noose around Scott's neck and pushed him over the railing of the bridge.

SARAH breaks down into her husband's shoulder.

ASS'T A.G. DAVIS

And did you get a look at this man? Is he in the courtroom today?

MISSELWITZ

(hedging)

Well, he was a big man, for sure, big like Mr. Barkwell there, but honestly, I'd be reluctant to identify anyone. The man was a stranger to me, and most of the time he was facing the other way. If this summer has taught me anything, it's that a person needs to be careful about pointing a finger at the wrong man.

ASS'T A.G. DAVIS

I appreciate that, Mr. Misselwitz. So let me ask you this. Before the big man pushed through the crowd and put the noose around Scott's neck, did you see Mr. Barkwell on the deck of the bridge?

MISSELWITZ

Oh, no sir. Mr. Barkwell is a big man and hard to miss, even in a crowd. There was no one like him in sight when I got there.

ASS'T A.G. DAVIS

And the man you saw putting the rope around Mr. Scott's neck was the first and only man you saw there that night who closely resembled Mr. Barkwell.

HARRIS

Objection, your honor.

JUDGE GANTT

Overruled. Seems a fair question to me.

MISSELWITZ

Yes, he was the only one there who looked like Mr. Barkwell, so far as I could see.

CHARLES NUTTER is on the stand.

PROSECUTOR HULEN

Mr. Nutter could you please state and spell your name and provide your occupation for the court?

NUTTER

My name is Charles Nutter. That's C-H-A-R-L-E-S N-U-T-T-E-R. I'm a student at the Missouri School of Journalism and I work as a reporter for the Evening Missourian here in Columbia.

PROSECUTOR HULEN

Mr. Nutter, you were born in Nebraska, is that right?

NUTTER

Yes sir, about twenty years ago.

PROSECUTOR HULEN

So how is it that you ended up here in Columbia?

NUTTER

Well sir, I wanted to come to this university since I was sixteen, but my parents couldn't pay the cost so I moved here by myself four years ago, got a job and saved up for school. I hope to graduate in a couple of years.

PROSECUTOR HULEN

Very commendable sir. And can you tell the court what you saw at Stewart Bridge on the night of the lynching?

NUTTER

I was standing in front of another reporter, Frank Misselwitz, right next to Scott. I would talk with him and then plead with the crowd. Mr. Scott was calm, and protested his innocence coolly. He told us that it was Ollie Watson, a negro who was confined in the same cell with him, who committed the crime. He said Watson had confessed it to him that very afternoon. Then he prayed, and his prayer moved me deeply. It was the outpouring of an absolutely innocent spirit.

REVEREND CASTON AND ATTORNEY VAUGHN well up tears. CASTON bows his head in prayer.

PROSECUTOR HULEN

And then?

NUTTER

Then George Barkwell came rushing in with a thicker rope. I saw Barkwell put the rope around Scott's neck, lift him to the railing of the bridge and push him over. I looked down and saw his body clear of the ground, and then I hurried away.

GERTRUDE weeps openly.

PROSECUTOR HULEN

Could you clarify your position relative to George Barkwell? How close were you?

NUTTER

I was right up against him. To get to Scott, Barkwell shoved me back against Misselwitz's chest.

PROSECUTOR HULEN

Thank you, Mr. Nutter, for that courageous testimony. Nothing further.

In the jury box and in the gallery, PEOPLE exchange glances and whisper.

JUDGE GANTT

Does the Defense wish to cross examine?

CONGRESSMAN MAJOR stands.

CONGRESSMAN MAJOR

Yes, your honor.

MAJOR walks toward the jury box and stares down at NUTTER before he poses his first question.

CONGRESSMAN MAJOR (cont'd)

Did you even know George Barkwell's name before the evening of the lynching?

NUTTER

No, sir.

MAJOR looks toward the jury more often than toward the witness as he continues.

CONGRESSMAN MAJOR

Could you describe the clothing the man carrying the rope that night wore?

NUTTER

No, sir.

CONGRESSMAN MAJOR

Well, if it was too dark to see his clothing, how can you be so confident about the man's identity?

NUTTER

It wasn't too dark at all. The moonlight and the arclight made everything clear. I had already seen Barkwell's face at the jail and had heard him called George then. And when I saw the same face again at the bridge, I heard someone call him Barkwell, so I turned to another man and double-checked both the first and last name. As far as the clothes go, he was in shirtsleeves, but I didn't study the clothing more closely because it didn't seem necessary.

MAJOR walks to the witness stand and stares down at NUTTER before proceeding.

CONGRESSMAN MAJOR

Well, if you were so very sure that George Barkwell was the man who hanged Mr. Scott, why didn't you report that fact in your newspaper story? Wouldn't that have been an important detail?

NUTTER

Because Barkwell might have sued the paper for libel.

CONGRESSMAN MAJOR

But truth is an absolute defense in a case of libel. A truthful reporter should have nothing to fear.

NUTTER

Perhaps so, but naming names in this kind of story just isn't done. It would smack of frontier justice.

CONGRESSMAN MAJOR

Well, then, why didn't you give Barkwell's name to the police the night of the lynching rather than waiting for the grand jury investigation?

NUTTER

I did report the name that night. I reported it to officer Plez King when I saw him standing in front of Boone Tavern.

CONGRESSMAN MAJOR

Nothing further your honor.

As MAJOR walks back toward the defense table, HULEN stands.

PROSECUTOR HULEN

The prosecution rests.

JUDGE GANTT

Alright, will the Defense call your first witness please?

HARRIS

The Defense calls Mr. Emmett Smith to the stand.

JUDGE GANTT

Emmett Smith, please approach the witness stand.

Emmett Smith walks down the center aisle and sits in the witness chair.

HARRIS

And so you know the town and its residents well. And you were at the bridge on the night of the lynching.

SMITH

Oh, absolutely.

HARRIS

And did you see George Barkwell there?

SMITH

Yes, indeed, Senator. I saw him standing by the railing on the north side, so I waddled my way over to talk with him.

HARRIS

Do you remember what you talked about?

SMITH

I sure do. I told him that the night was getting away from us, and that I was afraid I'd be late for a lecture.

HARRIS

(feigning befuddlement)

Did you say a lecture?

SMITH

That's right, I told George I was going to be late for a lecture, and then he asked what was the lecture about? And I said that, well, it was about how wrong it was for a man to stay out late smoking tobacco and drinking hard liquor.

HARRIS

Really! And do you remember what Mr. Barkwell said to that?

SMITH

Well, you know George. He asked "what kinda goddam idiot would give that kind of lecture at 1A.M. on a Sunday morning?" So I told him...

SMITH pauses to build suspense and the attorney takes the bait.

HARRIS

You told him what?

SMITH

I told him I'd appreciate it if he'd stop calling my wife a goddam idiot.

(Laughter comes from both the GALLERY and the JURY box. JUDGE GANTT frowns and raps his gavel once. GERTRUDE, SARAH and JACK BROWN, REVEREND CASTON and ATTORNEY VAUGHN all look incredulous that the people in the courtroom are laughing at a murder trial.)

HARRIS

No further questions your honor.

JUDGE GANTT

Cross examination Mr. Davis?

HARRIS sits down as DAVIS rises.

ASS'T A.G. DAVIS

Mr. Smith, the jury might benefit from knowing how well you know Mr. Barkwell. Let's think about a typical week, for instance. Would you say that you typically talk with Mr. Barkwell at least once a week?

SMITH

Oh, certainly.

DAVIS

Maybe two, three times a week?

SMITH

About that, maybe more.

(grins)

He enjoys my company.

ASS'T A.G. DAVIS

And for how many years have you been friends?

SMITH counts the years on his fingers.

SMITH

Lordy, twenty or more, I guess. We're getting older, aren't we George?

ASS'T A.G. DAVIS

So you would call him a close friend?

SMITH

Absolutely.

ASS'T A.G. DAVIS

Are you aware that a fund has been collected to pay the cost of Mr. Barkwell's defense?

SMITH

Yes, sir.

ASS'T A.G. DAVIS

And did you contribute to this fund?

SMITH

Yes, sir. I did. And if you legal geniuses manage to drag out this trial for another day, I'll likely need to kick in more.

A couple of the JURORS smile. VAUGHN stares at SMITH indignantly. A SECOND ALIBI WITNESS (30, white, crafty) is on the stand.

HARRIS

So you were talking with George Barkwell and Emmett Smith on the north side of the bridge at the time when Mr. Scott was lynched from the south side?

SECOND ALIBI WITNESS

That's right. We couldn't see what was happening on the other side very well, but then we heard someone shout out "There he goes!"

HARRIS

And so your firm testimony is that Mr Barkwell could not have been the man who put the noose around Mr. Scott's neck and pushed him from the bridge?

SECOND ALIBI WITNESS

Absolutely impossible. Not unless he can be in two places at once.

SECOND ALIBI WITNESS glances at BARKWELL. BARKWELL meets his eye and gives the slightest of "that'll do" nods.

A THIRD ALIBI WITNESS (25, white, not bright) is on the stand.

HARRIS

And so you were talking with Mr. Barkwell, Mr. Smith and Mr. Niedermeyer on the north side of the bridge when Scott was killed on the south side.

THIRD ALIBI WITNESS

(visibly nervous)

Yes, sir. I'll never forget it. I heard someone yell, "There he goes!" I remember it all perfectly. We were all on our tiptoes trying to get a look, and Mr. Barkwell there kinda propped me up under one arm to help.

HARRIS

Your witness, Mr. Hulen.

As HARRIS sits, HULEN rises.

PROSECUTOR HULEN

Let me make sure I understand you. When you reached Stewart Bridge, you decided that rather than watch the lynching, you would go to the north side to have a chat with Mr. Barkwell?

THIRD ALIBI WITNESS

That's about the size of it. When I saw him, I just thought, "Well, I should see what George has to say about all this."

PROSECUTOR HULEN

I see, and do you remember having any discussions with Mr. Barkwell between that night in April and this morning?

The WITNESS is uneasy, and glances at BARKWELL, who eyes him steadily, poker-faced.

THIRD ALIBI WITNESS

Well, yes, I'm sure we happened to meet on the street or somewhere.

PROSECUTOR HULEN

And when you happened to meet, were you aware that Mr. Barkwell had been indicted for murder?

THIRD ALIBI WITNESS

The whole town knew that, didn't they?

The WITNESS glances at the jury, hoping to see sympathetic faces.

PROSECUTOR HULEN

When you met, did he happen to bring up the topic of where he was standing when the murder took place?

THIRD ALIBI WITNESS

Well, I wouldn't put it that way. He asked did I remember seeing him on the bridge that night. That's all. And I answered yes.

PROSECUTOR HULEN

And you talked about it for awhile?

THIRD ALIBI WITNESS

Sure.

PROSECUTOR HULEN

Thank you. Now I think I understand the situation perfectly. I believe the jury understands as well.
(to judge)

Nothing further, your honor.

JUDGE GANTT

We've had a long day, and the heat is growing oppressive. Unless I hear an objection, we'll adjourn at this point and resume at 10:00 tomorrow morning.

JUDGE GANTT bangs his gavel. Lights Fade Out.

ACT II SCENE 39 BOONE COUNTY COURTROOM - DAY

(It's now Thursday, July 12, 1923 at the Boone County Courthouse and HOLLIS EDWARDS, the Daily Tribune editor is on the stand.)

HARRIS

Please begin by reminding the jury of your name and occupation.

HOLLIS EDWARDS

I'm Hollis Edwards, H-O-L-L-I-S E-D-W-A-R=D-S and I'm the city editor of the Columbia Daily Tribune.

HARRIS

Thank you, Mr. Edwards I'd like to show you what is already received in evidence as Defense Exhibit 1: the front page of the Columbia Daily Tribune for Friday, April 27.

(HARRIS shows the newspaper to EDWARDS.)

HARRIS (cont'd)

Does that front page contain a story about Miss Regina Almstedt having repeatedly identified her attacker?

HOLLIS EDWARDS

It does.

HARRIS

Did you write this story, Mr. Edwards?

HOLLIS EDWARDS

Yes.

(EDWARDS' answer overlaps HULEN'S loud objection.)

PROSECUTOR HULEN

Objection, your honor. This line of questioning is entirely irrelevant.

JUDGE GANTT

Sustained. Strike both question and answer. Jurors, please disregard.

HARRIS

Very well, your honor. I'd like to show the jury what is already received as Defense Exhibit 2: the front page of the Columbia Daily Tribune for Saturday, April 28. Here we find a story that says,

(pointing to the words)

"men of sound judgment who do not believe in mob law are of the opinion that if it is positively proven that the negro committed the crime, the taxpayers should be saved any costs that might accrue from a trial and that summary justice should be dealt to him."

(addressing the editor)

Tell me, Mr. Edwards, did you write that story?

PROSECUTOR HULEN

Objection, your honor! This whole line of questioning has nothing at all to do with the case before the jury.

JUDGE GANTT

Sustained. Counsel for both sides will approach.

(ALL FIVE LAWYERS step up to the judge's bench. JUDGE GANTT wipes his neck and looks irritated.)

JUDGE GANTT (cont'd)

Just what in hell are you up to, Mr. Harris?!

HARRIS

As I've said before, Judge, I'm defending a man accused of cold-blooded, murder. I need to show that no one in the town, including my client, was exempt from the passions of the moment.

ASS'T A.G. DAVIS

That, your honor, is not at all what Mr. Harris is doing. What he's doing is planting in the jurors' minds the idea that lynching a man is perfectly acceptable in a case where

(making air quotes)

"men of sound judgment" give the go-ahead.

CONGRESSMAN MAJOR

Judge Gantt, this jury needs to know what was being said.

PROSECUTOR HULEN

(cutting him off)

Which is why we were willing to accept the newspapers themselves in evidence, but now the defense is asking for information that was never in the newspapers.

HARRIS

This is crucial, your honor. I can't let this go. If I could be allowed just one more question, you'd see the importance clearly.

JUDGE GANTT

Since the witness is present and under oath, I'll allow you one more question, Mr. Harris, and we'll see where it leads. But until I'm convinced of the propriety, the jury will be sequestered. Step back.

(The FIVE LAWYERS return to their seats.)

JUDGE GANTT (cont'd)

Gentlemen of the jury, we're pausing our proceedings here for a few minutes. I'm sure you'll welcome the break, but I'll caution you again that you must not discuss the case among yourselves.

(As the JURORS exit, we hear them talking with each other.)

JUROR 1

What the heck do you think that was all about? Could you hear them?

JUROR 2

Not very well. That prosecutor looked pretty worked up.

JUROR 3

I'm just happy for the break. I gotta pee in the worst way.

(Once the JURY exits. the questioning of Edwards resumes. ATTORNEY HARRIS holds up the front page of the newspaper once again.)

HARRIS

Who provided you with information for this article Mr. Edwards?

HOLLIS EDWARDS

I had three sources. Chief Ernest Rowland, Sheriff Fred Brown, and Prosecutor Ruby Hulen.

HARRIS

Just to be clear...

JUDGE GANTT

You've asked your one question, Mr. Harris. I deem it improper and sustain Mr. Hulen's objection. Both question and answer will be stricken from the record. Bailiff, the jury may return.

(GERTRUDE looks to SARAH, VAUGHN to CASTON. All very dismayed at hearing who "the men of sound judgement" are. The JURY returns and settles into the jury box.)

HARRIS

With the court's permission, I am going to read Defense Exhibit 3, a document Prosecutor Hulen filed with the court on April 28, regarding charges against James T. Scott, the negro who was lynched in the early morning of April 29.

(JUDGE GANTT nods his permission. The ATTORNEY HARRIS comes close to the jury box and recites from memory the document in his hand.)

HARRIS (cont'd)

Now comes the prosecuting attorney for the state and files his information charging the defendant with rape.

(ATTORNEY HARRIS pauses to let the statement have its impact. ATTORNEY VAUGHN drops his head.)

HARRIS (cont'd)

The defense rests.

JUDGE GANTT

Mr. Hulen for the Prosecution, would you please begin your closing argument?

(HULEN now rises from his seat at the prosecution table, walks toward the jury and speaks.)

PROSECUTOR HULEN

Yes, your Honor, thank you. The evidence in the case is clear.

(MORE)

PROSECUTOR HULEN (cont'd)

It shows that Mr. Barkwell brought men together to form a lynch mob, directed them while they attacked the jail, pointed out Mr Scott as their victim, assisted those who cut him from his cell, marched alongside him as he was dragged to Stewart Bridge, and remained on the spot until he was certain that the murder had been accomplished. Clearly, this evidence proves that Mr. Barkwell murdered the man.

BARKWELL turns to look at GERTRUDE and their eyes meet.

PROSECUTOR HULEN (cont'd)

Now there is the matter of the noose. Compelling evidence from an impartial witness shows that Barkwell personally put the noose around Scott's neck and pushed him over the edge of the bridge. To counter this evidence, the defense attorneys have elected to put three close friends of Mr. Barkwell's on the stand to say that he was standing several steps away from Scott when the noose was fastened. To which I am inclined to respond "what difference does it make?" Plainly someone must be lying, and I will point out that, unlike Mr. Barkwell's close friends, Mr. Nutter has no conceivable reason to do so. He was neither a friend nor an enemy. He was a neutral observer. Were I on the jury, I would certainly believe him. But even if someone else put the noose around Scott's neck, that doesn't lessen Barkwell's guilt. Barkwell orchestrated this lynching and directed it at every stage. He was the leader of the lynch mob, its general. To say that he didn't murder Mr. Scott because he didn't put the rope around his neck is the equivalent of saying that because General Lee didn't fire a shot at the battle of Gettysburg, he didn't attack the Union army there. Over and over that night, at every critical juncture, Mr. Barkwell took the leader's role. He is responsible for Mr. Scott's murder, whether he fastened the noose himself or left that hideous unholy chore to one of his henchmen.

JUDGE GANTT

And closing argument for the defense...

HULEN returns to the prosecution table. ATTORNEY GEORGE STARRETT rises for the defense, approaches the jury and speaks.

STARRETT

Those of us who live in Columbia know it as a peaceful place, and a safe one for men and women alike, for adults and for children. But on April 20 of this year that peace was shattered by a fiendish crime. A white girl was ravished and despoiled by a black man.

PROSECUTOR HULEN

Objection, your honor.

JUDGE GANTT

We've discussed this. I'll allow.

STARRETT

A week later, Mr. Hulen there charged James Scott with that hideous crime. You've heard the charge: "Now comes the prosecuting attorney for the state and files his information for the crime of rape." Now, I used to be a prosecuting attorney myself, and I know that a prosecuting attorney is bound by his oath of office only to bring charges that he believes to be true. An honest man wouldn't make the charge unless he found the evidence convincing. Was Mr. Barkwell present when Mr. Scott was lynched? Yes, as were hundreds of others. Because he was present at the jail and at the bridge, Mr. Hulen and Mr. Davis have chosen to try him for first degree murder. But what did he do at the jail? He did exactly what the Sheriff and the Probate Judge asked him to do: he held up his hand for silence so that they could plead with the mob. A young man has testified that he also monkeyed with the torch, but there's no evidence that he did anything other than monkeying with it. Another boy has testified that he put a rope around the negro's neck and threw him from the bridge. Gentlemen, someone is lying, but who is it? Who is Nutter? He's a stranger in this town, a mere passerby. He's one of those reporters who is always running around after news. All of them feed on publicity. I do not believe a word of what Nutter said. If you are to believe him, you will have to call W. E. Smith, one of our best citizens, a liar. As for me, I'd rather believe a man I know than a man I don't know. I'd rather believe W. E. Smith than a whole basketful of Nutters. So let's think this through, gentlemen. What is going on? A lynching took place in Columbia in April. The Governor, the Attorney General and Mr. Hulen here were outraged, as many people were. They wanted to make it clear that this sort of thing wouldn't be tolerated, so they looked around for someone to punish.

(MORE)

STARRETT (cont'd)

They might have picked a dozen people, or two dozen, or more. As Mr. Davis said at the time, everyone who shouted "Take him to Stewart Bridge!" or "Throw him over!" could have been charged with the murder. But they decided to focus on just one man, George Barkwell, not because they had good evidence against him, but because he was a convenient target. He was a prominent citizen, a former city councilman. Naturally, people remembered seeing him around that night. Mr. Barkwell isn't on trial today because he committed murder. He is here because the authorities needed a scapegoat. He is here as a human sacrifice, offered up to atone for the sins of Columbia's entire white community. But the age of human sacrifice, the age of offering up scapegoats, has passed. Jesus ended that era with a single phrase: "Let him among you who is without fault cast the first stone."

Lights fade Out.

JAMES SCOTT (V.O.)

It took the jury eleven minutes to arrive at its verdict.

Lights Fade In.

We see but do not hear the action JAMES now describes. As the verdict is read by the JURY FOREMAN, nearly everyone in the courtroom erupts in joy. A young WHITE WOMAN pushes her way to BARKWELL and gives him a big hug. Others also gather around BARKWELL to shake his hand and congratulate him.

JAMES SCOTT (V.O.) (cont'd)

When the foreman said "not guilty," a celebration began in the courtroom. Mister Barkwell's daughter rushed up to throw her arms around him. A lot of men cheered and lined up to shake his hand.

(GERTRUDE, SARAH and JACK BROWN, CASTON and VAUGHN get up from their bench and leave the courtroom together quietly.)

JAMES SCOTT (V.O.) (cont'd)

For Momma and Gerty, well, they would continue to live the rest of their lives without seeing justice done. Mister Barkwell and everyone who believed in mob law now controlled the streets of Columbia.

Ollie Watson, shackled, is escorted across the stage by Sheriff Alexander.

JAMES SCOTT (V.O.) (cont'd)

A week after Barkwell was acquitted, Mister Hulen convicted Ollie Watson for raping Ernestine Huggard. He sought the death penalty but the jury sentenced Watson to twenty four years in prison instead. Mister Hulen decided to spare Regina from a difficult trial so he never tried Ollie Watson for her rape. But sparing Regina did not provide justice for my family. And it did not bring me back to life.

ACT II SCENE 40 JUDGE RUBY HULEN'S HOUSE - DAY

A BLACK GARDENER prunes a hedge in the expansive back yard of Ruby Hulen's new, opulent home. In the background a man exits the house and sits on the back porch. It's a much older RUBY HULEN.

JAMES SCOTT (V.O.)

After two terms as Boone County Prosecutor Mister Hulen became involved in politics and he was rewarded with a job as a federal judge.

HULEN is alone in a rocking chair. He's 65-years-old now, heavier and more grey but wearing the same kind of eye glasses as before. He's cleaning his handgun and then loading it, notably with just one bullet.

JAMES SCOTT (V.O.) (cont'd)

In 1956, after Momma and Gerty had both gone to the great beyond, and thirty three years to the day I was taken from my jail cell, Mister Hulen was honored with the Distinguished Service Award, presented by the Law Alumni Association of Missouri University. A few months later Judge Ruby Hulen gave me about the only justice I would ever receive.

HULEN rises from his rocker and steps off the porch into the grassy back yard, still carrying his gun. He looks to the sky, soaks in the sun brightly shining down upon him and takes a deep breath. HULEN then places the gun to his left temple and pulls the trigger. He immediately falls to the ground. The gardener runs to Ruby's aid as he bleeds out from the head.

BLACK OUT:

ACT II SCENE 41 CLOSED STAGE CURTAIN

(Super quote over cheesecloth curtain.)

"Nations reel and stagger on their way; they make hideous mistakes; they commit frightful wrongs; they do great and beautiful things. And shall we not best guide humanity by telling the truth about all this, so far as the truth is ascertainable?"

W. E. B. Du Bois, Co-Founder, NAACP, 1935

BLACK OUT

THE END