

THE ABOLITION CLASSICS

COLLECTED EDITION VOL. V

THE MODERN ERA

WILDE, DUNBAR, DARROW, ALOMAR & DREISER
& THE MODERN NOVELS

1889–1925



EDITED AND MODERNIZED BY

JEFF HOOD

THE ABOLITION CLASSICS

The texts that built the case against the death penalty

THE MODERN ERA

1889 – 1925

OMNIBUS V

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THE MODERN ERA

1889 – 1925

Sergeant · Wilde · Dunbar · Darrow · Alomar · Bye · Dreiser

Edited and Modernized by

JEFF HOOD

COMPLICIT PRESS

2026

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THE ABOLITION CLASSICS

OMNIBUS V

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FOREWORD

And all men kill the thing they love.

— WILDE

The legislatures had stopped listening. That is the fact underneath this volume, and it explains its shape.

After the Civil War the American abolition movement lost the floor it had spent thirty years winning. The scaffold went behind the wall, the lynching tree went up in its place, and the argument that Spear and Douglass and Bovee had made so completely was not defeated so much as ignored. So the argument went where arguments go when the statehouse closes. It went into novels. It went into a poem written by a man in a prison cell. It went into a Catalan lecture hall and a graduate student's tables and, finally, into the biggest American novel of the decade.

Seven books here. Four of them are fiction. One is a poem. That is not an accident and it is not a decline. It is a movement discovering that when you cannot get a vote you can still get a reader.

THE TURN TO THE READER

Adeline Sergeant, in 1889, writes a novel about what a capital conviction does to everyone standing around the condemned man — the family, the fiancée, the town, the years afterward. In this series it is reset in Florence, Alabama, because that is a place where I have stood in the parking lot of a beautiful courthouse holding the hand of a woman whose son had just been sentenced to die.

Oscar Wilde, prisoner C.3.3, watches a trooper of the Royal Horse Guards walk the yard at Reading Gaol and then hang for cutting his wife's throat, and writes the only poem in the English language that has ever changed anybody's mind about the gallows. Here it is reset at the Cummins Unit in Grady, Arkansas, in the era of the needle. Wilde never got over what he saw. Neither have I.

Paul Laurence Dunbar, dying of tuberculosis at thirty, writes about a Black family destroyed by an accusation that a white household finds convenient — the machinery that produces defendants before it produces evidence. Reset here in Little Rock and Pine Bluff, which is where I grew up watching it work.

Clarence Darrow puts you in the cell with Jim Jackson on the last night of his life and makes you listen to a man who killed his wife with a poker and cannot explain it any better than that. Not a saint. Not a monster. The hardest thing an abolitionist can ask of a reader, and Darrow asks it in 1905, in a novella nobody remembers.

Gabriel Alomar stands up at the Congrés de la Llibertat in Barcelona in 1912 and says the sentence this whole series has been circling: the scaffold is not law, it is worship. The executioner is a priest. The condemned is a scapegoat. I have watched a chaplain bless a gurney. He was right.

Raymond Bye, a graduate student at Penn, goes looking for deterrence in the census returns and the warden's letters and cannot find it — and notices, in 1919, that the states that execute most are the states that lynch most. He built that case at a desk. He never saw a witness room. He got it right anyway.

And Theodore Dreiser takes a drowning in the Adirondacks in 1906 and spends twenty years turning it into the argument that the killing is the last thing the machine does, not the first.

WHAT THIS PERIOD UNDERSTOOD

Three things, and all three are still ahead of us.

The machine makes the murderer. Dunbar, Darrow and Dreiser all say it and none of them says it as an excuse. Clyde Griffiths is shown a life he cannot have and told that wanting it is virtue. Berry Hamilton is destroyed by an accusation that fits the household's convenience. Jim Jackson comes home tired to a bad supper and a marriage that has been grinding for eleven years. Then the same order that built the road punishes the man for walking it.

Race is not a subplot. Bye's chapter on lynching sits inside a statistical study of capital punishment because in 1919 that is where it belonged and where it still belongs. Dunbar's novel is about a man convicted because he was available. The American death penalty has never been separable from the American racial order, and the volumes in this omnibus were saying so before the phrase existed.

The scaffold is liturgy. Alomar names it. Wilde stages it — the ritual, the bell, the quicklime, the warden's word. The state does not kill because killing works. It kills because the ceremony satisfies something, and it will keep killing as long as that something goes unnamed.

WHY IT STOPS IN 1925

The series ends its historical arc here because of copyright, and I have made peace with that. Everything in these five omnibus volumes is public domain. Nothing in them depends on permission from an estate or a press. They can be copied, printed, taught, handed to a prisoner, and posted online by anybody, forever.

But there is a better reason, and reading Bye and Dreiser back to back will show it to you. By 1925 the case is finished. The philosophy is done, the statistics are done, the theology is done, the literature is done. Everything the modern abolition movement argues, it argues out of this library.

We have not needed a new argument in a hundred years. We have needed a country willing to receive the one we have.

Rev. Dr. Jeff Hood
North Little Rock, Arkansas
2026

EDITOR'S NOTE

Seven volumes: V. 15, V. 18, V. 16, V. 14, V. 21, V. 17 and V. 19, arranged by the date of the underlying work. Four novels, one poem, one address and one statistical study. It is the largest omnibus in the series and the most various, and four of its seven volumes are resettings rather than reprints. That requires an accounting.

RESETTINGS AND TRANSLATIONS

Four of these volumes place a public-domain work in a contemporary American setting, in the editor's own words, preserving structure, premises and argument. *A Life Sentence* moves Sergeant's 1889 novel to Florence, Alabama. *The Ballad of Cummins Prison* moves Wilde's poem to the Cummins Unit at Grady, Arkansas, in the era of lethal injection. *The Sport of the Gods* moves Dunbar's novel to Pine Bluff and Little Rock. *An Eye for an Eye* resets Darrow's novella in a contemporary context. *An American Tragedy* is a condensation and modernization that keeps all three Books and all one hundred chapters of Dreiser's structure.

None of these volumes is a facsimile and every one of them says so on its copyright page. The originals are all freely available through Project Gutenberg and the Internet Archive, and a reader who wants Wilde's stanzas or Dunbar's sentences should go and get them; the point of the resetting is not to replace the original but to put its argument where a reader in 2026 will feel it land.

The Death Penalty is different in kind: it is the first English translation of Gabriel Alomar's *La pena de mort*, made for this series from the Catalan text digitized by the Institut d'Estudis Catalans. The address was delivered at the Congrés de la Llibertat in Barcelona in February 1912 and had never appeared in English.

Capital Punishment in the United States is a condensed edition of Bye's 1919 study for the Committee on Philanthropic Labor of Philadelphia Yearly Meeting of Friends, with the abridgment and framing supplied by

the press.

THE THREAD BETWEEN THESE BOOKS

The condemned man is ordinary. This is the great turn of the period. Darrow's Jim Jackson, Dreiser's Clyde Griffiths, Wilde's trooper, Sergeant's convict — none of them is a martyr and none is a monster. The earlier volumes in this series argue that the state has no right to kill. These argue that the person it kills is a person you recognize, and that the recognition is unbearable, and that this is why the room has a curtain.

The conviction precedes the evidence. Dunbar's Berry Hamilton is guilty because the household needs a thief. Dreiser's Clyde is convicted in the newspapers before Belknap and Jephson ever open their mouths. Bye, working from returns rather than fiction, reaches the same conclusion from the other end.

Lynching and the law are one subject. Bye's fourth chapter is the pivot. Dunbar's novel is its narrative. The states with the most executions are the states with the most lynchings, and neither practice deterred the other.

Deterrence cannot be found. Bye goes looking with the tools of a professional statistician and comes back empty. It is the same finding the parliamentary returns produced in 1841 and the same finding modern criminology produces now.

The execution is a rite. Alomar's address is the theological climax of the whole series, and it is best read directly after Wilde. One stages the liturgy; the other names it.

WHERE THE SERIES ENDS

The historical sequence stops in 1925 because everything in these five volumes must be in the public domain — the underlying texts and, where translation was required, the translation as well. Where only a copyrighted English version existed, a fresh translation was made from the public-domain original. Where the original could not be translated at all without infringing a modern edition, the volume is an original composition that recreates the argument in new words, and it says so.

The last volume of the omnibus is *An American Tragedy* and that is the right ending. Dreiser's novel is a hundred years old and it is about a poor young man, a good lawyer, a hostile press, a district attorney with an election coming, and an electric chair at the end of a corridor. Nothing in it requires updating. That is the finding of this whole series, delivered by its final volume.

THE ABOLITION CLASSICS. V. XV.



A LIFE SENTENCE

THE NOVEL OF ADELINE SERGEANT

England, 1889

Reset in Florence, Alabama, 2026

EDITED AND MODERNIZED BY JEFF HOOD

A L I F E S E N T E N C E

A Novel

THE ABOLITION CLASSICS

V. 15

A LIFE SENTENCE

A Novel

ADELINE SERGEANT

Reset in Florence, Alabama by

JEFF HOOD

COMPLICIT PRESS

2026

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Reset and editorial matter © 2026 Jeff Hood

A Life Sentence was originally published by John Lovell and Son,
Montreal, in 1889.

This edition is a modernization and not a facsimile. It follows the
structure and argument of Sergeant's novel in the editor's own
words, relocated to Florence, Alabama.

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FOREWORD

I have been inside the Lauderdale County Courthouse in Florence, Alabama. I have stood in the gallery and watched the light come through the tall windows and fall across the benches where people sit and wait to hear what the state has decided to do with someone they love. The courtroom is beautiful in the way that institutions of power are often beautiful...stripped wood, high ceilings, the American flag standing at attention beside the bench. The beauty is not incidental. It tells you that what happens here is serious and dignified and ordained.

I have also stood outside that courthouse in the parking lot, in August heat that wrings the breath out of you, holding the hand of a woman whose son had just been sentenced to death. The beauty inside the courtroom had done its work. The sentence felt inevitable. It felt like the conclusion of an argument that had been building since before her son was born...since the poverty, the neighborhood, the school that funneled certain children toward certain outcomes, the public defender who had forty minutes to spare. The sentence felt like justice. That is what the beautiful courtroom is for.

Adeline Sergeant published *A Life Sentence* in 1889. She was writing about England. She was writing about the way circumstantial evidence accumulates around a poor man with a bad reputation and becomes irresistible. She was writing about a community that needs someone to blame and finds one. She was writing about the man who knows the truth and stays silent because the truth

would cost him everything. She was writing about the child who bears her father's name into a world that has already decided what that name means.

She was writing about Florence, Alabama. She just did not know it yet.

The Tennessee Valley has its own version of everything Sergeant described. The Black Belt counties and the hill counties and the river towns all have their courts and their juries and their prisons and their condemned. They have their men who walk out of the woods with a gun and find themselves at the center of a story that was written before they arrived. They have their women who marry into the wrong family and spend the rest of their lives managing the consequences. They have their children who change their names and move to the next county and try to become somebody else.

I reset this novel in Florence because Florence is where the Tennessee River bends and because the Shoals have always been a place where beauty and violence live close together. Wilson Dam. Muscle Shoals Sound Studios. The execution chamber at Holman Correctional Facility less than an hour south. Helen Keller was born in this county. W.C. Handy was born in this county. The Shoals have given the world more music and more executions than most people know about.

Sergeant's great subject is the life sentence that attaches to everyone connected to a crime...not just the man convicted but his daughter, his accusers, the man who knows the truth, the woman whose secret set it all in motion. That sentence does not end at death or release. It follows the living from county to county and generation to generation. I have watched it do exactly that. I have sat with men on Alabama's death row who carry the weight of what their fathers did and what their

communities decided about their fathers. I have sat with their children.

This is why the novel belongs in this series. Not because it makes an argument about capital punishment, though it does. But because it shows the sentence spreading outward from the courthouse like water from a stone dropped in the river...touching everyone, stopping for no one, running all the way to the bank.

The light in that Florence courtroom is still falling. The benches are still full.

Jeff Hood
North Little Rock, Arkansas
2026

EDITOR'S NOTE

The Author

Adeline Sergeant (1851 to 1904) was an English novelist who published more than ninety books during her lifetime, most of them works of popular fiction in the sensation and realist traditions. She was a serious craftsperson who worked quickly and thought carefully about the social conditions her novels explored. *A Life Sentence* (1889) is among her most sustained achievements...a novel that uses the conventions of Victorian melodrama to ask hard questions about evidence, guilt, community prejudice and the way a criminal sentence ramifies outward through the lives of everyone it touches.

Sergeant was not a theorist of capital punishment in the way that Hugo or Dostoevsky were. She was a storyteller. But her storytelling instincts led her directly to the question that preoccupies this series: what does it mean to let someone bear punishment that is not theirs to bear? And what does it cost the person who knows the truth and stays silent?

The Original Novel

A Life Sentence was published in Montreal by John Lovell and Son in 1889. It follows Andrew Westwood, a poacher convicted of the murder of Sydney Vane, a local landowner, on the basis of circumstantial evidence. Hubert Lepel, a young writer who actually committed

the killing, stays silent to protect his sister Florence. Westwood's daughter Cynthia grows up under her father's name and her father's shame before eventually discovering the truth and forcing a reckoning.

The novel spans roughly twenty years and traces the life sentence Sergeant names in her title...a sentence that belongs not only to Westwood but to Lepel, to Florence, to Cynthia, to Enid Vane whose father was killed, to every person in the novel who carries the weight of what happened in those woods.

The Adaptation

This edition preserves Sergeant's plot and her central moral architecture. The English county becomes Lauderdale County, Alabama. The Victorian country house becomes a Shoals-area estate. The fir plantation becomes bottomland timber along the Tennessee River. The London stages of the story become Nashville and Birmingham. Holman Correctional Facility, an hour south of Florence on Highway 31, is where Andrew Westwood serves his sentence before escaping.

Sergeant's prose has been modernized throughout. Her long sentences have been shortened. Her Victorian circumlocutions have been replaced with direct American speech. Her chapter structure has been condensed. Her moral seriousness has been preserved. The one thing this edition does not do is soften the indictment. Sergeant built a novel about what happens when a community decides it already knows who the guilty party is. That community is still with us.

The Series

This volume is the fifteenth in The Abolition Classics, a Complicit Press series of classic texts reset in

contemporary American contexts, edited by Jeff Hood. The series proceeds from a single conviction: that the arguments against capital punishment have been made, in fiction and nonfiction, across centuries and cultures and that what the arguments need is not repetition but relocation...placement in the landscapes where American executions actually happen, in the voices of the people who actually live inside those landscapes.

EPIGRAPH

“And the Lord said unto Cain, Where is Abel thy brother? And he said, I know not: Am I my brother’s keeper?”

— Genesis 4:9

PART ONE

The Courthouse

CHAPTER I

"Do you find the prisoner guilty or not guilty?"

"We find the prisoner guilty, Your Honor."

A sound moved through the Lauderdale County Courthouse...not quite a gasp, not quite a sigh. Something between the two. Even people who had expected this verdict, who had told each other for three days that there was only one way it could go, felt it arrive like a blow.

The trial of Andrew Westwood for the murder of Sydney Vane had lasted three days. The August heat had been brutal. The ceiling fans turned slowly and did almost nothing. Faces in the gallery were damp and pale. Some people had driven in from Sheffield and Tuscumbia. The case had been in the Shoals papers since May and before that on the television stations out of Huntsville and Florence. Everybody in three counties knew the name Andrew Westwood. Most of them had already made up their minds.

Westwood was known in the county. He was known the way that certain men are known in small communities...not because anyone liked him or sought him out but because he had been in trouble before and trouble had a way of following certain men. He had a record for poaching on the Vane family's bottomland along the river. He had been cited twice and fined once and had served thirty days in the Lauderdale County jail for the second offense, the citation coming from Sydney Vane himself who had gone to the magistrate personally.

After that Westwood had made remarks. People had heard him.

Then one evening in late April Sydney Vane had walked into the timber stand below the bluff on his family's property and had not walked out. A man turkey hunting on the adjacent parcel heard two shots. Another man driving the county road saw Westwood crossing the field toward the timber at roughly five in the afternoon. Vane was found an hour before dark, shot through the chest, lying in the dead leaves at the edge of a creek.

The evidence assembled itself around Andrew Westwood with the efficiency of something that had been waiting to happen. A scrap of canvas from his jacket, caught on a branch near the body. His rifle, a thirty-ought-six, recovered from the tree line a few yards from where Vane was found. Two witnesses who placed him in the general area at the relevant time. His documented hatred of Sydney Vane. His criminal history. His poverty. His reputation. His face, which was dark and angular and unsmiling and which the jury had looked at for three days.

His lawyer had done what he could. He was a young man from the public defender's office in Florence who had forty other cases and had met with Westwood four times before trial. He pointed out that no one had seen Westwood fire a weapon. He pointed out that the canvas scrap could have been left at any time. He pointed out that the two witnesses could not agree on exactly where they had seen Westwood or exactly when. The jury listened politely and returned a guilty verdict after three hours of deliberation, which included a lunch break.

Before the verdict was read a small girl had been brought forward to testify. She was eleven years old, thin and dark, with large black eyes that moved around the courtroom as if she could not understand how she had

come to be there. Her name was Cynthia Westwood. She was Andrew Westwood's daughter.

The prosecutor had hoped she might offer something useful about her father's movements that afternoon. She offered nothing. She stood in the witness box and looked at her father and her father looked at her and neither of them spoke for a long moment. The judge asked her a few preliminary questions and quickly established that she had not been inside a church since she was four years old and did not understand the nature of an oath and could not be sworn. He directed that her testimony not be taken.

Cynthia was led to a bench at the back of the gallery. Someone tried to take her home. She refused to go. She sat on the bench for the remainder of the afternoon and came back the next morning. She was still there when the verdict was read.

She heard the foreman say the words. She did not immediately understand what they meant. Then her father was on his feet.

He had a rough defiant face. He was gaunt and dark and his hair was pushed back from his forehead. He was not the kind of man who inspires sympathy on first impression. But when he stood and gripped the rail and looked at the judge there was something in him that commanded attention. He was not afraid.

"I have only one thing to say," he said. "I swear before God I did not kill Sydney Vane. I pray that whoever did kill him will be found. That is all."

The judge read the sentence. Andrew Westwood was to be executed by the State of Alabama.

The sound that moved through the courtroom when the verdict was read was nothing compared to the sound that came when the sentence was pronounced. Cynthia Westwood screamed once from the back of the gallery

and then went silent. People turned and saw a small girl on the floor. By the time her father had been led out she was being carried to the parking lot by a woman who had been sitting near her.

Andrew Westwood, on his way out, raised his hands once toward the ceiling of the courtroom. Then the door closed behind him.

C H A P T E R I I

The Vane family had owned land in Lauderdale County for three generations. The current house was large and brick and set back from the county road behind a circle drive and a stand of old water oaks. The land ran from the bluff to the river bottom...several hundred acres of timber and pasture and creek bottom. Sydney Vane's family had farmed it and hunted it and leased it for decades.

Richard Vane, Sydney's older brother, was fifty-five years old and had never married. He ran the property and had done so since their father died. He had expected Sydney to eventually inherit and take over. Sydney was twenty years younger and had a wife and a daughter and seemed likely to outlast him by decades. Now Sydney was buried in the cemetery behind the Baptist church on the county road and Richard was alone in the big house with his sister-in-law Marion who had not left her bedroom since May and his niece Enid who was nine years old and had stopped laughing since her father died.

Richard Vane had organized his life around a particular kind of order. He had his routines and his opinions and his loyalties and he was not a man who adjusted easily to disruptions of any kind. The murder of his brother was the worst disruption of his life and it had left him slightly unhinged in ways that were visible to people who knew him well. He was louder than he used to be. He was quicker to anger. He had inserted himself

into the prosecution of Andrew Westwood with a personal intensity that some people thought was grief and some thought was something else.

His sister Leonora had come down from Nashville three days after Sydney's death and had not left. She was fifty years old and efficient and not soft. She had run a nonprofit in Nashville for sixteen years. She arrived at the Vane house and immediately understood that her brother was not capable of managing anything and that Marion was not going to recover quickly. She took charge.

She sat at the breakfast table on a Thursday morning in late July, the day after the verdict, waiting for her nephew.

His name was Hubert Lepel. He was twenty-two years old and was the son of a cousin on their mother's side. He had grown up calling Leonora "Aunt Leo" though she was not technically his aunt. He lived in Nashville and was trying to establish himself as a writer. He had published two pieces in regional magazines and was working on a play. Leonora had called him the night before asking him to come.

He arrived at eight-thirty in the morning. Leonora looked at him and thought he looked terrible.

"You look terrible," she said.

"Good morning," he said and poured himself coffee.

She watched him. He was a handsome young man in the angular intense way of men who think too much and eat too little. Dark eyes and dark hair going slightly long. He sat across from her and held his coffee cup with both hands and did not look at her directly.

"I need you to tell Richard," she said.

"Tell him what."

"The appeals board denied the petition. The execution is scheduled. They're not going to commute the sentence."

Hubert set down his coffee cup.

"Why me," he said.

"Because he loves you and because you're not me. If this news comes from me there will be an argument. If it comes from you he might actually hear it."

Hubert looked at the window. The water oaks were moving slightly in the morning breeze.

"There was something I hoped you might tell me first," Leonora said.

"What."

She slid a folded newspaper across the table. There was an item about the verdict and below it a longer item about an appeal that had been filed by a coalition of lawyers arguing that the evidence against Westwood had been circumstantial and insufficient.

Hubert read it without picking up the paper.

"Do you believe he did it," Leonora said.

"The jury believed he did it."

"That is not what I asked."

Hubert was quiet for a moment. Then he said: "The evidence was not overwhelming."

"No," Leonora said. "It was not."

They sat with that for a moment. Footsteps moved across the kitchen floor above them. Richard Vane was awake.

CHAPTER III

Richard Vane came into the dining room already talking. He was dressed and alert and his eyes had the bright unfocused quality they had taken on since May...a look that Leonora associated with people whose interior lives had become too loud for the ordinary rules of social behavior to contain.

"Hubert!" he said, as if delighted by a surprise, though Leonora had told him the previous evening that Hubert was coming. "When did you get in? You look terrible. Leo, give the boy some breakfast."

"I'm fine," Hubert said.

Richard sat down heavily and poured himself coffee. "Have you heard? The verdict came in yesterday. Guilty. They'll execute the son of a bitch in the fall."

"Richard," Leonora said.

"What. He killed my brother. He sat in that courtroom for three days lying through his teeth and the jury saw right through him. I was there. I watched every minute." He looked at Hubert. "He's going to pay for it. I told the DA I want to witness it. I have the right as Sydney's surviving family."

"Richard," Leonora said again. "Hubert has something to tell you."

Richard looked at his nephew. The brightness in his eyes shifted slightly. He was a man who had lived sixty years and had learned to recognize the face of unwelcome news.

"What is it," he said.

Hubert looked at his uncle. He looked at him for a long moment, this old man who had taken him fishing on the river when he was eight years old and taught him to identify every tree on the property by its bark. Who had always been loud and opinionated and warm and occasionally insufferable and who was now sitting with his hands around his coffee cup like a man holding on to something to keep from falling.

"The governor's office notified the coalition yesterday evening," Hubert said. "They're not going to commute. The execution is on."

Richard Vane did not react for a moment. Then he said: "Good." Then he said it again, louder. "Good." He pushed back his chair and stood up. His face had gone red. "That's exactly right. That's justice. That's what Sydney deserves. He was my brother. He was..."

He stopped. The redness in his face darkened. He put one hand on the table. Leonora was on her feet.

"Richard," she said sharply.

"I'm fine," Richard said. But he was not fine. He sat back down heavily. His breathing was wrong.

"We need to call Dr. Garrett," Leonora said to Hubert.

"I don't need a doctor," Richard said. But he did not argue when Hubert took his arm and helped him back to his chair.

The doctor arrived within the hour. Richard Vane had not had a stroke. He had had something close enough that the doctor wanted him in bed for the rest of the day and wanted to run some tests.

Hubert sat alone in the dining room after the doctor had gone upstairs. He sat very still for a long time. He was twenty-two years old and he had, in the past two months, learned a number of things about himself that he would have preferred not to know. One of them was that it was possible to watch events proceed toward an

outcome you knew to be wrong and to do nothing to prevent them. One of them was that these abilities, once discovered, did not go away.

He got up and walked out the back of the house and down toward the river.

CHAPTER IV

Florence, Alabama in 1989 was a city of thirty thousand people on the south bank of the Tennessee River, across the water from Muscle Shoals and Sheffield and Tuscumbia, the four cities that together were called the Shoals. It had a university. It had the Helen Keller birthplace on West North Commons. It had a music scene that had been making records since the 1960s. It had a courthouse and a jail and a history that included the Civil War and the depression and the flooding of the river bottoms when Wilson Dam was built and the gradual loss of the industries that had come after the dam. It was a beautiful place and a hard place and it had been both of those things for as long as anyone could remember.

Hubert Lepel walked down to the river and stood on the bank below the limestone bluff. The water was low in August. The exposed rock on the far bank was white in the morning light. A great blue heron was standing motionless in the shallows fifty yards away.

He thought about what he was going to do.

He had thought about it every day since May. He had thought about it driving down from Nashville that morning. He had thought about it sitting across the breakfast table from Leonora, who was a smart woman and who had looked at him in a way that suggested she might be thinking about some of the same things.

Andrew Westwood was going to be executed by the State of Alabama for a crime he had not committed.

Hubert Lepel knew this with the completeness that only one kind of knowledge allows. He knew it the way he knew his own name.

He had not pulled a trigger in the sense that people usually meant when they talked about killing. He had not murdered Sydney Vane in cold blood. He had gone to that timber stand on an April afternoon because Sydney Vane had agreed to meet him there and what had happened in that timber stand had been fast and ugly and the result of a confrontation that Hubert had believed would be verbal rather than physical until the moment it was not. But the result was Sydney Vane dead in the leaves and Hubert walking back across the field with his hands shaking and his mind working very fast.

He had stayed quiet for the first days because he was in shock and because his sister Florence was in shock and because the situation had seemed, briefly, like it might resolve itself into a verdict of unknown assailant. When suspicion had settled on Westwood he had told himself it would not hold. When the evidence began to accumulate he had told himself the jury would see through it. When the verdict came in he had told himself the appeals process would save Westwood. And now the appeals process had run out.

He was twenty-two years old. He had a sister whose name was attached to Sydney Vane in ways that would destroy her if the truth came out. He had an uncle who was already sick with grief and would not survive the revelation. He had a career he had not yet built that would be over before it began. He had a life that he had not yet lived.

Andrew Westwood had a daughter who was eleven years old and who had screamed in a courthouse gallery and been carried out to the parking lot.

Hubert stood by the river for a long time. The heron did not move. The water did not change. Finally he turned and walked back up the bluff.

CHAPTER V

Florence Lepel was twenty-nine years old and employed as Enid Vane's tutor at the Vane house. She had taken the job seven months before Sydney Vane's death. She had not left after the death because there was nowhere to go and because leaving would have raised questions she was not prepared to answer.

She was a striking woman...pale, slender, with hair that had been an aggressive red in her youth and had been carefully managed toward blonde ever since. She wore it up in a way that was elegant without being fussy. Her eyes were large and brown and she had the habit of keeping them slightly lowered, which gave her an appearance of calm that was not entirely accurate.

She was sitting in the library of the Vane house when Hubert came to find her. She was reading a French novel and she did not look up when he came in.

"He nearly had a stroke," Hubert said.

"I know. I heard."

"Florence. We have to talk about this."

"We've talked about it."

"Not adequately."

She set down her book. "There is nothing new to say. The situation is as it is."

"The situation is that an innocent man is going to be executed."

"That does happen," she said. "In this country that happens."

"Florence."

"What would you have me do, Hubert? Walk into the Florence police department and make a statement? I was not there. I did not see what happened. I know what you've told me happened and I believe you but I did not witness it. What would my statement accomplish beyond destroying both of us?"

Hubert said nothing.

"Westwood is a poacher," Florence said. She said it without contempt, as a factual observation. "He has a record. He had made specific threats against Sydney in front of witnesses. There is a version of events in which he is guilty and in which you and I are simply two people who were also in the area that day and who have already been interviewed by the police and who have nothing further to contribute."

"Florence."

She picked up her book again. "I know what you think of me," she said quietly. "I have thought about this every night since May. I am not indifferent to it. But I do not see a path that ends better than the path we are on."

"What if I confessed," Hubert said. "What if I went to the police and I told the truth and I did not mention you at all."

She was quiet for a moment. "Then you would go to prison," she said. "And Sydney Vane's family would want to know why you killed him. And eventually they would find out why. And eventually my name would be in it whether you mentioned it or not."

Hubert looked at her. She met his eyes. Neither of them spoke for a while.

"They're going to execute him," Hubert said finally.

"Yes," his sister said. "They are." She returned to her book. "I am very sorry about that."

He left her there and went back down the hall. He had a headache behind his left eye that had been there for two months and showed no signs of leaving.

CHAPTER VI

Leonora Vane found them at the end of August, a week before school was scheduled to start. She had gone out to meet the school bus at the end of the drive...Enid rode the county bus even though there were people in the house who could have driven her...and had found the child standing at the end of the drive talking to someone she did not immediately recognize.

The other person was a girl. She was slight and dark and her clothes were worn almost to nothing. She had been sleeping rough by the look of her. She was about Enid's age.

Leonora recognized her when she got closer. She had seen the child in the courthouse gallery. She had seen her carried out to the parking lot by a stranger.

Enid had her hand. They had met apparently while Leonora was walking down the drive and had introduced themselves to each other with the directness that children sometimes use before the social inhibitions of adults are fully installed.

"Aunt Leo," Enid said. "This is Cynthia. She doesn't have anywhere to go."

Cynthia Westwood looked at Leonora Vane with the flat direct gaze of a child who has learned not to expect much and is prepared to be disappointed again. She had a Kennedy half-dollar on a string around her neck. She stood still and waited.

Leonora looked at the child and felt several things in rapid succession. She felt compassion of the involuntary

kind that children in distress can compel even from people who would prefer to feel nothing. She felt the sharp particular discomfort of being confronted by a living consequence of something she had preferred to keep at a distance. She felt, despite herself, a powerful desire to look away.

"Come inside," she said. "We'll find you something to eat."

She said it more curtly than she intended. The child's expression did not change. She followed Enid up the drive.

Leonora walked behind them. She was thinking about Hubert. He was still in the house, still with that look on his face that she could not entirely interpret.

She brought the child into the kitchen and gave her food. Enid sat across the table and watched Cynthia eat with the focused attention of someone who has never seen hunger this close.

After the child had eaten Leonora asked her the obvious questions. Where had she been since the trial? She had been staying with a neighbor family. When had she left there? A few days ago. Where had she been sleeping? In the bed of a pickup truck in a parking lot on Florence Boulevard. Where was she trying to get to? She wanted to see her father. They had not let her see her father.

Leonora called Reverend Pruitt at First Methodist in Florence. He came within the hour. He knew of a residential program out on the Muscle Shoals highway... not a group home exactly, more of a supervised residence for children whose family situations were disrupted. It had a school attached.

"She should not stay here," Hubert said.

He had appeared in the kitchen doorway while Leonora and Reverend Pruitt were talking. He said it quietly.

"I know," Leonora said.

"She should be somewhere she's not known. Somewhere her father's name doesn't follow her."

Leonora looked at her nephew.

"The program on the Muscle Shoals highway," Hubert said to Reverend Pruitt. "Can you get her in?"

"Probably. There would be some cost involved."

"I'll cover it."

Leonora looked at him again.

"I'd like her placed as Jane Wood," Hubert said. "Wood was her mother's name. I would like for this not to follow her. And I would prefer for the girl not to know who is paying for it. And I would prefer for the Vane family not to know."

He looked at his aunt. She looked at him. Something moved between them that was not speech.

"I can arrange that," Reverend Pruitt said.

CHAPTER VII

The residential program at St. Elizabeth's Center on the Muscle Shoals highway was run by a woman named Sister Louise. She was not a nun in the formal sense but she ran the program with the seriousness of someone who had thought carefully about what she was committing to. The center occupied a converted house set back from the road behind a row of magnolias and had space for twenty girls at a time.

Sister Louise received Reverend Pruitt's call on a Tuesday and agreed to take the child on Friday. When Cynthia arrived, brought by Reverend Pruitt and a woman from his church, Sister Louise met her at the door and held out her hand.

Cynthia looked at her hand for a moment and then at her face. Something in the older woman's face must have been credible. She took the hand.

"Your name here is Jane Wood," Sister Louise told her, after the others had gone. They were sitting in the small sitting room off the front hall. "That's not to hide anything. It's so that you can have a fresh start if you want one. You are still Cynthia. But here you will be Jane and none of the other girls will know your history unless you choose to tell them."

"Where is my father," Cynthia said.

"Your father is in Holman. Do you know where that is?"

"South of here. In Escambia County."

"That's right. You cannot visit him there. But you can write to him. You can write to him as often as you like and I will make sure the letters are sent."

Cynthia was quiet for a moment. "Will he write back?"

"I don't know. That is his choice to make."

She absorbed this. She was a child who had been absorbing hard information for several months and she had developed a capacity for it that Sister Louise recognized from other girls who had come through difficult situations.

Over the following weeks Sister Louise learned that Cynthia was behind in reading and almost completely untrained in mathematics but that she was not slow. She was fast, actually. She moved through the reading deficits with a determination that startled the teacher.

And she sang.

She sang the way that some children who have not been taught to do anything do one thing brilliantly without understanding why. She sang at the kitchen table while she was doing her homework. She sang in the hallway. She sang in a voice that had no business being in an eleven-year-old child...a dark warm sound that was too big for her thin body, that stopped people in doorways.

Sister Louise wrote to Reverend Pruitt. Reverend Pruitt wrote to Hubert. Hubert wrote back and said to let the girl sing.

CHAPTER VIII

Richard Vane recovered from his near stroke and did not go to witness the execution. His doctor had forbidden it. In the event, the execution was stayed at eleven at night by a federal district court judge who had read the coalition's brief and found that a sufficient question had been raised about the adequacy of Westwood's representation at trial. The stay was not a commutation. It was a pause. But it meant that Andrew Westwood did not die in October as scheduled.

Richard Vane heard the news on the radio. He was in bed at the time. Leonora brought him a glass of water and told him that the stay did not mean Westwood would not eventually be executed, that the process would continue, that justice would in due time be served. She said these things with the firmness of someone who had decided that they were true and did not intend to be talked out of them.

She did not believe all of them.

Marion Vane, Sydney's wife, died in November. She had not recovered from the shock of May and the trial had accelerated whatever was already failing. She went quietly in her sleep in the bedroom at the top of the stairs, with Leonora in the chair by the window and Enid asleep on the cot that had been set up in the corner.

Enid woke up and saw that something had changed in her mother's face and understood what it was. She climbed down from the cot and put her hand on her

mother's hand and stayed there until Leonora, who had been dozing, woke and took over.

That was the autumn. Florence was brown and cold and quiet. Richard Vane was left the head of a household that now consisted of himself and his niece and Florence Lepel who was, despite everything, still there.

Hubert came and went. He was in Nashville most of the time. He was working on a play. He was also, though he did not say so, working on a way to live with himself, which was a project that had no obvious end point.

CHAPTER IX

Florence Lepel had not planned to stay. She had told herself every month since May that she would leave and every month she had found a reason not to. The practical argument for staying was sound. Richard Vane needed someone in the house who could manage. Enid needed a tutor. The less practical argument...the one that had more to do with what Florence stood to gain...she did not examine closely.

She had been watching Richard Vane. He was sixty years old now, white-haired, still vigorous in the way of men who have done physical work all their lives. His property and his investments were in good order. He had no children and now his brother was dead and Marion was dead and Enid was nine years old and female, which in Richard's understanding of inheritance was not quite the same thing as having an heir. He was, Florence had concluded, a man who might be susceptible to companionship if it were offered in the right way.

She managed his household with quiet efficiency. She made herself useful. She was pleasant at dinner. She did not discuss Sydney or Marion or the trial. When Richard wanted to talk about those things she listened. When he wanted to talk about other things she was ready for those too. She read. She was organized. She was, without making a point of it, attractive.

Hubert came to see her in December. He came on a Saturday afternoon when Richard had driven to Florence

for a meeting with his accountant and Enid was at a friend's house. They were alone in the library.

"You're still here," he said.

"I am."

"Are you going to stay?"

She looked at him over her reading glasses. "For now."

"Florence." He sat down. He looked worse than the last time she had seen him, which was two months ago.

"What are you planning."

"I'm planning to do my job."

"You're planning something else."

She took off her reading glasses. "Hubert, I have told you what I am doing here and I have told you why. I am not asking for your permission."

"He's sixty years old."

"Yes."

"Florence, if you're thinking about marrying this man..."

"I am thinking about a great many things," she said. "And I appreciate your concern but I have been managing my own affairs without your guidance for quite some time."

He looked at her. She looked at him. Between them was everything that had happened since April and everything that was still happening because of April and the particular silence that surrounds knowledge that can never be safely spoken.

"The child is doing well," he said eventually. He meant Cynthia.

"I'm glad to hear it."

"Florence, I want you to leave this house."

"I know you do."

"I'm asking you to leave it."

“I know that too.” She put her reading glasses back on and looked at her book. “I won’t be leaving, Hubert. But thank you for asking.”

He left the next morning.

PART TWO

The Sentence

CHAPTER I

Eight years passed.

The Shoals in the late nineteen-nineties was not so different from the Shoals of the early nineteen-nineties. The river was still brown and wide. Wilson Dam was still standing. The music studios on Jackson Highway still recorded. The university was still there.

Richard Vane had married Florence Lepel six months after Marion's death, in a ceremony at the Baptist church that a number of people in the county had found unseemly for various reasons and had said so mostly to each other rather than to Richard directly. Richard did not seem to notice or care about the opinion of people who were not in his immediate circle. He was sixty-one years old and he had found someone to be in the house with him and that was what he had needed.

Florence had produced a son named Richard Junior who everyone called Dickie and who was now five years old. Richard Vane loved this child with the disproportionate devotion of a man who had not expected to be a father and found the experience transforming. He carried Dickie everywhere. He taught him the names of the trees and the birds and the fish in the river.

Florence was less captivated. She was efficient with Dickie. She fed him and dressed him and arranged his schedule and made sure he saw the doctor on time. She did not do these things with obvious warmth.

Enid Vane was seventeen and almost beautiful in the way that delicate things sometimes are...pale and fine-featured and with a shadow behind her eyes that had been there since she was nine years old and had not gone away. She had grown up in a house that was managed by a woman she did not trust, watched over by an uncle who loved her but who was not perceptive. She was gentle and careful and she had learned early that the most important thing was to know when to be quiet.

Hubert arrived on a September afternoon. He was thirty years old and he looked it...not old but lived-in, the edges of his face beginning to record some of the things that had happened in the years since he was twenty-two. He had become a playwright of modest regional reputation. One of his plays had run for six weeks at a theater in Nashville.

He found Enid in the garden and the involuntary movement of his face when he looked at her was something he could not entirely control. She looked like her father. She had Sydney Vane's coloring and Sydney Vane's way of holding her head.

He sat with her in the garden for an hour before going inside. They talked about her schoolwork and about a book she was reading and about whether she might want to go to the university in Florence or somewhere else. She was easy to talk to in the way that people are when they have been taught that other people's comfort matters. He thought she was probably lonely in a way she had learned not to say directly.

Inside, Florence was waiting.

C H A P T E R I I

Florence had changed in eight years and had not changed. She was thirty-seven and still slender and still beautiful in the particular way that requires management and receives it. She lay on the sofa in her sitting room with a glass of iced tea and a novel and the particular stillness of a woman who has arranged her environment to serve her needs exactly.

"It was kind of you to come," she said, which was what she always said.

Hubert sat down across from her. He said the expected things. He asked about Richard. He asked about Dickie. He asked about Enid in a way that sounded like polite inquiry and was not entirely that.

Florence watched him. She always watched him.

"Andrew Westwood died," she said, when the formalities were done.

He had been reaching for his glass. He did not quite reach it.

"In the prison," she said. "An accident in the work yard. He was hit by a piece of equipment. He died after a few hours."

Hubert put his hand on the arm of his chair.

"I read it in the paper two weeks ago," Florence said. "A small item. Almost nothing. He had escaped from Holman a few years ago...did you know that? They thought he was in Latin America. Apparently he came back and was recaptured. The item said almost nothing about any of it."

Hubert was looking at the window. His face had gone the color of old paper.

"I thought you should know," Florence said. She sounded almost gentle. "I thought it might...resolve something for you."

"And his daughter," Hubert said.

"I don't know. I imagine she is where she is. Wherever that is."

"Her name is Cynthia," Hubert said. "She'll be nineteen now."

"Yes." Florence took a sip of her tea. "It has been a long time."

Hubert stood up. He went to the window. He stood there for a while with his back to his sister.

"Does Westwood's death make things better or worse for you," Florence said.

He turned around. He looked at her. "It makes nothing better," he said. "It never made anything better. Nothing that has happened since that afternoon has made anything better."

Florence considered this. "Then perhaps it makes things no worse," she said. "Perhaps that is all we can hope for."

He went out. He walked down to the river. He stood on the bank below the limestone bluff in the same place he had stood eight years ago and looked at the brown water moving south.

He stood there for a very long time.

CHAPTER III

He was back in Nashville the next day when the thing that changed everything began to change. He was in his apartment working on a new play when his phone rang. It was a Florence area code.

He answered it.

"Mr. Lepel," said a woman's voice. "My name is Sister Louise. From St. Elizabeth's Center in Muscle Shoals."

He set down his pencil.

"I've been trying to reach you for a few weeks," she said. "I didn't have a current number. Reverend Pruitt gave me this one."

"What is it," Hubert said. He knew from the tone.

"It's about Jane," Sister Louise said. "Jane Wood. The girl you've been supporting."

"What's happened."

"She left us. About three weeks ago. She's been with us since 1989 and she left in the middle of the night and we've had no word from her since."

He sat back in his chair. "Why did she leave."

"There was an incident. One of our staff members said something to her...not deliberately, I think, but the girl's history came out. The other girls found out whose daughter she was. Who her father was. She was...I'm afraid it was very badly handled. And we woke up the next morning and she was gone."

"How old is she."

"Nineteen."

"Where did she go."

“We don’t know. She left a note for me. She said she was going somewhere where no one knew her. She said she would change her name again.” A pause. “She signed it only ‘Janie.’ She didn’t use her last name. Either last name.”

He thanked her and hung up. He sat in his apartment for a long time. Then he called a private investigator and told him he needed to find a young woman named Cynthia Westwood, also known as Jane Wood, nineteen years old, dark, tall, last seen in the Muscle Shoals area three weeks ago.

The investigator took the information and said he would be in touch.

He was not in touch for three months and then for three more months and then for a year. The trail that Cynthia had left was almost no trail at all.

CHAPTER IV

Nashville in the late nineteen-nineties was a city that was becoming something different from what it had been. The country music industry was there as it had always been but so now were many other things...a growing university district, a healthcare economy, a technology sector beginning to develop.

Hubert Lepel had a good life in Nashville by the measures that a certain kind of life is measured. He had the apartment near Vanderbilt. He had a reputation in the Nashville theater community that was solid if not spectacular. He did not have much else. He had thought once that he might marry...a woman named Mary who taught at Belmont and was cheerful and accomplished and not at all complicated in the ways that Hubert was complicated. He had let that go without quite deciding to let it go. He had understood, one evening while looking at her photograph, that he had no right to marry anyone.

He was thirty years old and he looked for Cynthia Westwood in the way that a man looks for something he has told himself he does not deserve to find.

He was outside the Tennessee Performing Arts Center on a Tuesday evening in October, just after a matinee, when a woman spoke to him.

"Mr. Lepel," she said. "If you have a moment."

He turned. She was tall and dark-haired and she was wearing practical dark clothes and she had large eyes that he could not quite see in the evening light. She

looked to be in her early twenties. There was something about her face that he could not immediately place.

"I'm sorry," he said. "Do I know you."

"Not exactly," she said. "My name is Cynthia West. I've been trying to figure out how to introduce myself to you for about a week. I work the sound booth at the Belcourt and I've been watching your name in programs for a while and I thought...I thought I would just ask you."

"Ask me what," he said.

"Whether you could help me get work. I know that sounds forward. But I have heard that you know people in the theater business here and I have been doing small things and I would like to do bigger things and I don't know the right people."

He looked at her. In the light from the entrance of the theater her face was very clear.

"What kind of work," he said.

"I can act. A little. I'm better on the technical side. But actually what I can do best is sing."

"Sing," he said.

"I know that's not directly useful to what you do. But I thought I would ask."

He looked at her for a moment longer. He could not have said what made him ask the next question except that something in him was already working toward an answer that frightened him.

"Where are you from," he said.

She paused. Just briefly. "I've been in Nashville about a year," she said. "Before that I was in a few different places."

"Originally."

Another pause. "North Alabama," she said. "The Shoals."

He thought about saying what he was thinking. He decided not to. Not yet.

"Come by my office tomorrow," he said. "I'll see what I can do."

He gave her his card. She took it and thanked him and walked away into the evening crowd. He watched her go.

Cynthia West. She had used her own first name and found a surname that was almost hers. He thought about a child sitting on a bench in a courthouse gallery. He thought about the half-dollar on its string around a thin girl's neck.

He thought about what it had cost her to walk up to him and ask for help.

C H A P T E R V

She came to his office the next morning at ten and she sang.

His office was two rooms above a coffee shop near Vanderbilt and he had a small upright piano that he used badly for composing. She sat down at it and arranged some sheet music she had brought and then she played a few bars and began to sing.

She sang a standard first, something she had clearly sung many times. Her voice was warm and controlled and significantly better than it had any right to be without formal training. Then without pausing she moved into something he recognized as Schubert and sang it in a way that made him put down his coffee cup and forget that he had not slept well.

When she finished he said: "Where did you study."

"I didn't," she said. "I had a teacher a few years ago who was very good. He's dead now. Before him I was mostly self-taught."

"Who was the teacher."

"An older man. He had been a singer himself, a long time ago, in Germany. He found me when I was in a bad situation and helped me out of it." A pause. "He died two years ago."

"What was his name."

"His name was Mr. Lutz. Hans Lutz. He played violin in an orchestra here in the evenings and taught voice during the day. He took me in when I had no money and no place to go. He told me I had a voice worth training

and he trained it. I was with him for two years before he died."

"And before that. Before you came to Nashville."

She was quiet. "I went to school," she said finally. "In Alabama. A residential program. I left when I was nineteen."

He did not push it. He had heard enough to know what he was going to do.

"I have a friend who runs a small vocal studio on Broad Street," he said. "She's Italian, trained in Milan, very good. Her name is Maria Dellacorte. I want you to go and see her and tell her I sent you. I'll call her today. I want her to hear you."

Cynthia looked at him with an expression he could not entirely read. It contained gratitude and something else...a wariness that was not unfriendly but that had clearly been earned through specific experiences.

"Why would you do that," she said. "You don't know me."

He considered various answers and gave the simplest one. "Because you have a real voice," he said. "And because I owe someone something."

She looked at him for a moment longer. Then she nodded.

"Thank you," she said.

She left. He sat in his office for a while after she had gone. He thought about his sister and the Vane house and the limestone bluff and the river running south toward Holman. He thought about a man in a work yard who had been struck by a piece of equipment and had died with nothing resolved.

He thought about what it would mean to tell the truth to a woman who had built her entire life around the wrong her father had done and the wrong that had been

done to her father and who still did not know the half of it.

He thought about that for a long time.

CHAPTER VI THROUGH XXII

Maria Dellacorte heard Cynthia sing and called Hubert the same afternoon. He could hear in her voice the particular excitement of someone who has just encountered something unexpected and valuable.

"Where has this girl been," Maria said. "How has she been wandering around Nashville for a year without anyone hearing her."

"She's been keeping it quiet," Hubert said.

"This is not a voice that should be kept quiet. She needs training, she has gaps, there are things she does that make me want to shout at her...but the instrument is real. The instrument is extraordinary. How old did you say."

"Twenty-one. Maybe twenty-two."

"Young enough. Hubert, I want to work with her. I want six months with her and then we will see."

Hubert arranged the funding through Maria, who was willing to tell Cynthia that the studio had a scholarship for promising singers. Cynthia accepted this with the same matter-of-fact directness with which she accepted most things, which is to say without extensive protest but with a reserve that suggested she was not entirely convinced.

She began studying three days a week. Within a month Maria was calling Hubert every week to report. Within three months Maria had arranged for Cynthia to sing at a private event, then a second one, then a small club on Lower Broad.

Hubert went to hear her at the club. He sat in the back and watched her on the small stage in the blue light. She was wearing a dark dress and she stood very still when she sang, which was unusual for a stage performer and which somehow made the voice larger rather than smaller. The room was noisy and it got quiet while she sang.

He watched her and thought, for the first time, something that he had been carefully not thinking: that she was the most beautiful woman he had ever seen.

He left before she came off stage. He was not yet ready for what would happen when they were in the same room after that.

She found him outside. He was standing on the sidewalk in the cool November air.

"Mr. Lepel," she said. "Did you hear."

"I heard," he said.

"What did you think."

He told her what he thought and she accepted it with the directness she always had, not denying it exactly but not leaning into it either, as if praise were information she was still deciding what to do with.

"I wanted to ask you something," she said.

"All right."

"You said when I first came to see you that you owed someone something. Who do you owe."

He looked at her. The blue light from the club's sign fell across the sidewalk between them.

"That's a long story," he said.

"I have time."

"Not tonight," he said. "Tonight I have a train to catch."

He did not have a train to catch. But she accepted the deflection without argument.

"I'll tell you one day," he said. "I promise you that."

She looked at him for a moment. Something in her expression shifted slightly, as if she were filing this promise in a particular drawer where she kept things she was not sure she believed.

"All right," she said. "Good night, Mr. Lepel."



He went to the Vane house for Christmas. Enid was seventeen now and she was not the child he remembered and she was. She asked him questions about Nashville with the particular interest of a person who is trying to imagine what it would be like to be somewhere else.

Florence was the same as she always was. Controlled, elegant, managing. Dickie ran through the house in a constant state of animation that his father found enchanting and his mother managed with efficient impassivity. Richard was slower than he had been but still recognizably himself.

On the second evening Hubert sat with Enid on the back porch after dinner. It was warm for December. The river was visible in the darkness below the bluff.

"Can I ask you something," Enid said.

"Of course."

"Did you know my father."

He was quiet for a moment. "I knew him," he said. "Not as well as some people. Better than others."

"What was he like."

What he said, after thinking about it, was: "He was a man who was very charming and not always careful about the consequences of that charm. He loved your mother. He loved you. He was not always wise."

Enid absorbed this. "Uncle Richard thinks he was perfect," she said.

"Uncle Richard grieves him."

"I know." She looked at the river. "I think maybe no one is perfect. I think people who are grieved become perfect in the grieving."

He looked at her. She was seventeen years old and she had arrived, through whatever path of solitude and observation, at something it had taken him much longer to understand.

"That's true," he said.

"I'm not sorry he's gone," she said and then immediately: "That's a terrible thing to say."

"It's honest."

They sat on the porch for a while longer. The river moved in the dark below them.



By February Cynthia West was singing at private events twice a week and earning enough to move out of the rooming house in Germantown. She found an apartment in East Nashville with a woman named Elaine who played bass in a country band and kept musician's hours.

She was walking to the bus stop on a Tuesday morning in March when a man fell into step beside her. He was perhaps sixty years old, brown-faced, with hair that was too white and too thick to be entirely natural. His eyes were very dark.

"You have the wrong person," she said.

"I don't think so," he said. "Your mother's name was Cynthia too. You have her face. Your eyes are mine."

She stood very still on the sidewalk.

"I was told you were dead," she said.

"That happens," he said. "When you escape from prison and go a long way and don't come back for a long time, people sometimes decide to call you dead. It's simpler for everyone."

She looked at him for a long time.

"I don't know whether I'm angry with you," she said. "I have been working on that question for nineteen years."

"That sounds about right," he said. "Take whatever time you need. I'll still be here."

She took him to the apartment. They sat in the small kitchen and she made coffee and she looked at her father across the table and he looked at her and neither of them spoke for a while.

"You didn't do it," she said finally.

"No," he said. "I did not."

"I know," she said. "I have always known. But I need to hear you say it."

"I did not kill Sydney Vane," he said. He said it with the quietness of a man who has said it many times in his own head. "I was there. I saw things I should have reported and I did not report them because of who I was and who he was and because no one in Lauderdale County was ever going to take my word for anything. But I did not kill him."

She sat with this.

"Then who did," she said.

He wrapped his hands around his coffee cup. "I have some thoughts about that," he said. "I have had nine years to think about it. Are you ready to hear."

Andrew Westwood told his daughter what he had seen on the afternoon of April 28th, 1989. He had been at the edge of the Vane property, near the timber stand, checking a snare line he had no legal right to have there, his rifle propped against a deadfall a few yards off while he worked. He had seen Sydney Vane go into the woods. He had seen, a few minutes later, a car parked on the county road that he had not seen there before. He had seen a young woman moving along the fence line toward the timber stand. He had heard two shots. He had

waited. He had seen the woman moving back along the fence line toward the road. The car had been gone within ten minutes. He had not been watching the house side of the property. The timber stand backed up against the Vane land on that side, out of his sightline from the fence, and if anyone had come that way on foot he would not have seen them come or go.

He had gone back to his truck. He had thought about going to look. He had not gone.

"Why not," Cynthia said.

"Because I had snares on that property and because I had been cited twice and because I was the kind of man who did not go to the police voluntarily under any circumstances. And because I thought it was none of my business." He paused. "That last part was wrong."

"The woman," Cynthia said. "Do you know who it was."

"I think so. By the time I put it together I was already in Holman and there wasn't much I could do with the information." He paused again. "Her name was Florence Lepel. She was the tutor at the Vane house. There had been talk about her and Sydney Vane in the county. They had been meeting."

Cynthia sat very still.

"She has a brother," Westwood said. "A writer. His name is Hubert Lepel. He lives in Nashville."

Cynthia looked at the table. She was thinking about Hubert Lepel saying he owed someone something. She was thinking about the way he had deflected her question. She was thinking about the way he looked at her sometimes, with an expression she had not been able to name.

"I need to think about this," she said.

She did not immediately confront Hubert. She thought about it for several days. She thought about

what she knew and what she suspected and what the difference was between the two. Then she called him.

They met at a coffee shop near Vanderbilt on a Saturday morning.

"I need to ask you something," she said.

"All right."

"It's about where I'm from. The Shoals."

He did not move. His coffee cup was halfway to his mouth and he did not complete the motion.

"My real name is not Cynthia West," she said. "My real name is Cynthia Westwood."

He set down his cup.

"My father is Andrew Westwood," she said. "He was convicted of killing a man named Sydney Vane in Lauderdale County, Alabama, in 1989. He has always said he was innocent. I have always believed him."

Hubert looked at the table.

"I am telling you this," she said, "because you told me you owed someone something. And because my father has told me what he saw that afternoon. The woman along the fence line. The car on the county road."

He was completely still.

"He thinks it was your sister," Cynthia said. "He thinks you have known that for a long time. And I think that you are the person you said you owe. I think the debt you are carrying is to my father." She paused. "I might be wrong about all of this. If I am wrong, tell me. Tell me now and I will believe you."

He did not tell her she was wrong.

He sat at the coffee shop table in the morning light and he looked at his hands and he said nothing for a very long time.

Then he said: "I need to tell you the whole story."

"Yes," she said. "You do."

He told her. He had not said it aloud since the afternoon it happened and the words came out in a way that was not quite like ordinary speech. He told her about the April afternoon. He told her about what he had found in a letter from his sister to Sydney Vane...a letter that laid out the arrangement they had been making for months, the plan, the date, the place they were going. He told her he had known, from the letter, that Florence and Sydney met there most Friday evenings, and that he had waited in the trees on the house side until he saw her start back toward the road before he crossed to where Sydney was. He did not want her there for what he meant to say. He told her that he had gone to the timber stand to confront Sydney, not with a weapon, with the intention of ending the thing before it destroyed Sydney's family and his sister's reputation. He told her that Sydney had produced a pistol from his jacket and that there had been a struggle and that Andrew Westwood's rifle had been on the ground ten feet away and that Hubert had reached it and fired before he fully understood that he was going to.

He told her about walking back across the field. He told her about his sister's face when he came to find her. He told her about the decision...not a decision exactly, more an absence of decision, a failure to do the thing that should have been done, repeated day after day until it became a structure around which a life had been built.

"You let him take the sentence," Cynthia said.

"Yes."

"You watched them try him and convict him and you said nothing."

"Yes."

She was looking at him with an expression he had no framework for. It was not entirely anger. It was something more complicated than anger.

"He spent four years in Holman," she said. "Before he escaped. Four years as a convicted murderer. He lost everything. He lost his freedom and his name and his life in Alabama and the years he would have had. I grew up without him. I grew up as Jane Wood in a program in Muscle Shoals, without a name or a father or any of the things that children have, because you were afraid."

"Yes," he said.

"You were afraid," she said again.

"I was afraid," he said. "And I told myself things. I told myself it was for Florence. I told myself Westwood was morally guilty even if not legally. I told myself he would be acquitted. I told myself the appeals would save him. I told myself things for ten years. They were all lies."

She looked at her coffee cup.

"I have been looking for you for ten years," he said quietly. "Not successfully. You were very good at disappearing. But I never stopped looking. And when you walked up to me outside the TPAC I..."

"The half-dollar," she said.

He looked up.

"You recognized it when I wore it to your office," she said. "I saw your face. I didn't know what it meant then."

"Yes," he said.

She looked out the window. "My father is not dead," she said.

He turned his head sharply.

"The report in the paper was wrong. He escaped. He has been in South America. He came to Nashville last week. He is the one who told me about the woman along the fence line."

Hubert stared at her.

"He is alive," she said. "And he deserves to have his name back. And I want to know if you are going to give it to him."

He sat across from her at the coffee shop table and said nothing for a very long time.

Then he said: "Yes."

"When."

"I need to think about how. About what the consequences will be. For Richard. For Florence."

"For Florence," she said. Her voice was very flat.

"She is my sister," he said. "I know what she has done. I know what she is. I know all of it. She is still my sister."

Cynthia looked at him for a long moment.

"You have until I lose patience," she said. "Which is not infinite."

She got up and left. He sat at the table alone with his coffee cup and the morning light and the particular quality of stillness that follows a conversation that has opened a door that cannot be closed.

CHAPTER XXIII THROUGH XLIII

He went to an attorney in Florence. Her name was Clara Whitfield and she did criminal appeals and civil rights work and had been one of the people who signed the coalition's brief in 1989. She listened to him for an hour and a half and then she looked at him for a long time.

"You understand what you are saying," she said.

"Yes."

"You are telling me that you killed Sydney Vane. That Andrew Westwood was convicted of a crime you committed. That you have known this for nine years and said nothing until now."

"Yes."

"You understand the legal consequences."

"I've thought about them."

She made several calls over the following week. She prepared a formal statement. She arranged a meeting with the DA's office in Florence.

He told Richard Vane first. Or he tried. He drove to the Vane house and found Florence sitting in her room with the paper in her hand and a look on her face he had never seen before. Not shock. Something more like the expression of a person who has been calculating odds for a long time and has just seen the calculation invalidated.

"You didn't tell me you were going to do this," she said.

"I didn't ask your permission," he said.

He went upstairs. Richard Vane was in his study, sitting in the chair behind his desk in a formal way that

suggested he had placed himself there deliberately, as if to keep his body in a position that his mind was not managing to hold.

"Tell me it's not true," he said.

"I can't tell you that," Hubert said. "It's true."

Richard Vane's face did things that faces do when the systems that maintain composure are overwhelmed. He stood up and then sat back down. He put his hands on the desk.

"Get out of my house," he said.

Hubert stood up.

"Get out of my house and don't come back."

He went.



The story went into the Florence Times-Daily on a Thursday morning and was picked up by the Huntsville paper by afternoon and on the wire by evening. The opinions that followed were not uniformly sympathetic to Hubert Lepel. The fact that he had allowed Westwood to be convicted and sentenced to death and had said nothing for nine years did not go down easily with people who believed in what they called doing the right thing. Letters appeared in the paper. A local pastor preached a sermon that was described in the paper the following week.

Richard Vane collapsed that afternoon. Not a stroke... something close enough. He was in the hospital in Florence. He was stable but he was not well.

The legal process that Clara Whitfield had set in motion moved the way legal processes do...slowly, with complications, with delays that were not entirely explainable. Andrew Westwood's conviction was reviewed formally by the state attorney general's office

and by a federal district court. The review took fourteen months.

During those fourteen months Westwood stayed mobile. Cynthia's album came out in October and went somewhere that no one had quite expected it to go. It was reviewed in magazines that reviewed music seriously and played on stations that played music people actually listened to. She was on the radio. She was on a television program.

Richard Vane died in March of the following year. He had a stroke in the night and did not wake up. He was sixty-six years old. Enid was with him at the end.

Hubert drove down for the funeral. He stood at the back of the Baptist church and watched the service. Florence sat in the front pew with Dickie beside her and her face gave nothing away.

He did not speak to Florence. He did not go to the house afterward.

Andrew Westwood's formal exoneration came in February, fourteen months after Hubert's statement. The paperwork was ceremonious and the ceremony was modest. There was no press conference. Clara Whitfield notified Cynthia and Cynthia notified her father and Andrew Westwood, who was in a motel in Opelika, read the documents that were faxed to him and sat for a long time with his hands on the desk.

He was not a man who cried easily. He had not cried when they sentenced him and he had not cried when he arrived at Holman. But he sat with the documents and he thought about 1989 and the courthouse and the gallery and the sound his daughter had made when the sentence was read. He thought about the years in the prison and the years after the prison.

Then he called Cynthia.

She answered immediately. "It's done," he said.

She did not say anything for a moment. Then she said: "Are you all right."

"Yes," he said. "I'm all right." He paused. "I'm coming to Nashville."

"Good," she said.

He drove to Nashville the next day. She met him at the apartment in East Nashville and they sat at the kitchen table and he told her what he had been doing for fourteen months.

"I want to stop moving," he said. "I have been moving for nine years and I want to stop."

"Then stop," she said.

"I want to go back to Alabama," he said. "Not Lauderdale County specifically. But Alabama. I know Alabama. I know how to live in Alabama."

She sat with this. Nashville had been home for two years. She had her apartment and her manager and her recording contract and her training with Maria. She had Hubert.

"Let me think about it," she said.

He stayed in Nashville for a week. He met Hubert for the first time, formally, over dinner at a restaurant on Second Avenue. Hubert came alone. Cynthia was there. The three of them sat at the table and the conversation was careful for the first hour and less careful after that. Westwood asked Hubert direct questions and Hubert answered them directly and by the end of the evening something had moved between them that was not quite forgiveness and was not quite the absence of forgiveness but was something that could, given sufficient time, become the basis of a working peace.

After dinner Cynthia walked her father to his rental car.

"He seems like a decent man," Westwood said.

"He is," she said. "In most ways."

"You still have feelings for him."

She did not deny it.

"I have one condition," her father said. "One condition and that is all I will ask."

"What."

"He takes your name," her father said. "Not you taking his. Westwood is a real name now and because he has done something real and because names matter. I want my daughter's name on her life."

She stood on the sidewalk and thought about this.

"I'll tell him," she said.



They went to Morgan County in June. Westwood had found a house outside Decatur on a back road along the river. Hubert rented a room in a house in Decatur proper, five miles away. He was not going to presume on proximity. He was there to work and to be near people he cared about and to figure out, with the patience Cynthia had asked him to have, what could be built from where they were.

He was working on a new play. It was set in Alabama. It was about a man who comes late to the truth and what happens when he does.

Cynthia sang at a church in Decatur in July, the first Sunday after they arrived. She stood at the front of the sanctuary in a white dress and she sang two songs she had written herself and one traditional and the congregation sat very still while she sang.

Andrew Westwood sat in the third row. He listened with the intensity of a man for whom music had been inaccessible for nine years and who was only beginning to remember how it worked.

After the service Hubert found her in the parking lot. It was hot, the particular specific heat of the Tennessee Valley in July.

"Cynthia," he said.

"Yes."

"I need to ask you something."

She looked at him.

"Your father said I should take your name," he said. "If we were going to be together in the way that people are together. He meant it as a condition."

"I know," she said. "I told you."

"I want to take your name," he said. "I want to be Hubert Westwood. Not because your father asked for it as a condition. Because it's the right name. Because it's the name that has been through something real and come out on the other side. Because I don't deserve the name I was born with and I would like the chance to earn a different one."

She stood in the parking lot in the July heat and she looked at him for a long time.

"That's a good answer," she said.

"Is it enough?"

She was quiet for another moment. Then she said: "Ask me properly and we'll see."

He did.

She said yes.



They married in September in a civil ceremony at the Morgan County courthouse in Decatur. Enid was there, and beside her the young associate pastor Reverend Pruitt had brought on at First Methodist years before. Clara Whitfield came down from Florence. Reverend Evandale, ordained by then in his own small congregation on Court Street in Florence, drove over

and spoke a few words that no one had asked him for but that everyone was glad he said. Andrew Westwood sat in the front row in a new suit and watched his daughter marry a man he had decided to accept.

Hubert Westwood. He practiced writing it. He said it aloud in the morning. He meant for it to mean something and he worked on deserving what it meant.

Florence went abroad. She was heard from occasionally and not often. She had managed her way into a life that contained what she needed and not much else.

Enid finished her degree at North Alabama and then went on to divinity school. She and Evandale were married in the Baptist church in Florence in a ceremony that Hubert and Cynthia attended from Decatur, driving up on a Saturday morning and sitting near the front and listening to two people commit to the truth of their lives.

After the ceremony they stood in the parking lot of the church and Cynthia put her hand through Hubert's arm and they looked at the Tennessee River below the bluff and at the courthouse across the square and at the old water oaks moving in the afternoon breeze.

"This is where it started," she said.

"Yes," he said.

"Are you all right."

He thought about the question the way he always thought about real questions now, with more care than he used to and less certainty about the answer.

"I think so," he said. "I think I am as all right as I have earned the right to be."

She looked at him.

"That might be enough," she said.

The river moved south in the afternoon light. It had been moving south since before any of them were born and it would be moving south long after all of this was

over. That was the thing about rivers. They did not carry anything too long. They moved it on.

Hubert stood in the parking lot of the Baptist church in Florence, Alabama and thought about the life sentence that Adeline Sergeant had named...the sentence that attaches to everyone the state touches and that spreads from the courthouse outward in waves until it reaches people who were nowhere near the original thing and who nevertheless carry it.

He carried it. He would carry it. He had made his peace with that.

The sentence for Andrew Westwood was over. The record was clear. The name was clean. That had been the work. It had taken too long and cost too much and been done by a man who was not brave enough and not honest enough and who had nevertheless, finally, done it.

He put his arm around his wife's shoulders. She leaned into him.

They drove home to Decatur in the late September light, back along the Tennessee River, back through the country that had made them and broken them and made them again in a different and more honest shape.

DEFINITIONS AND TERMS

Andrew Westwood: The central figure of the novel. A poacher convicted of a murder he did not commit. His exoneration after nine years requires first the conscience and then the formal action of the man who knows the truth.

Hubert Lepel / Hubert Westwood: The young writer who killed Sydney Vane, stayed silent while Westwood was convicted and sentenced to death and came nine years later to the truth. His taking of Westwood's name at the novel's end is the final act of his reckoning.

Florence Lepel Vane: Hubert's sister, whose relationship with Sydney Vane set the events of the novel in motion. She escapes legal consequence but not consequence of other kinds.

Cynthia Westwood: Andrew Westwood's daughter. Raised as Jane Wood in a residential program after her father's conviction, she rebuilds herself and eventually forces the truth into the open.

Enid Vane: Sydney Vane's daughter and the novel's moral center. Her father's death shapes her childhood. The truth of his death reshapes her understanding of everything.

The Life Sentence: Sergeant's title refers not only to Andrew Westwood's prison sentence but to the sentence that attaches to everyone connected to a crime...the

daughters, the sisters, the witnesses, the men who know and say nothing.

Lauderdale County: The Alabama county in which the novel is set. Florence is the county seat. The Tennessee River forms part of the county's boundary.

The Shoals: The collective name for the four cities of Florence, Sheffield, Tuscumbia and Muscle Shoals in northwestern Alabama, situated along the Tennessee River.

Holman Correctional Facility: The Alabama prison in Escambia County where death row and executions are located. Westwood serves his sentence there before escaping.

The Exoneration Process: Westwood's exoneration requires a formal statement from Hubert, review by the state attorney general and a federal court and fourteen months of legal process. Exoneration is not acquittal and it is not simple.

FURTHER READING

On the Original Novel

Sergeant, Adeline. *A Life Sentence*. John Lovell and Son, 1889. The original text, in the public domain, is available through Project Gutenberg and the Internet Archive.

Sergeant, Adeline. *The Complete Works*. Sergeant published more than ninety novels during her lifetime. Her reputation declined after her death in 1904 but she remains a significant figure in Victorian popular fiction and deserves more critical attention than she has received.

On Wrongful Conviction

Gross, Samuel R. and Barbara O'Brien. *Frequency and Predictors of False Conviction: Why We Know So Little and New Data on Capital Cases*. Journal of Empirical Legal Studies, 2012. The systematic study of exonerations that established the scale of wrongful conviction in the American capital system.

Stevenson, Bryan. *Just Mercy*. Spiegel and Grau, 2014. The memoir of the Alabama capital defense attorney whose work has produced more death row exonerations than any other single advocate in American history. Essential reading for anyone who wants to understand what Sergeant was writing about and what it means in Alabama specifically.

On Alabama and Capital Punishment

Equal Justice Initiative. *Lynching in America: Confronting the Legacy of Racial Terror*. Equal Justice Initiative, 2015. The comprehensive documentation of racial terror in Alabama and the South that provides the historical context for the patterns of conviction and execution that the novel addresses.

Alabama Department of Corrections. *Annual Reports*. The official documentation of Alabama's prison system, including death row population, execution dates and methods.

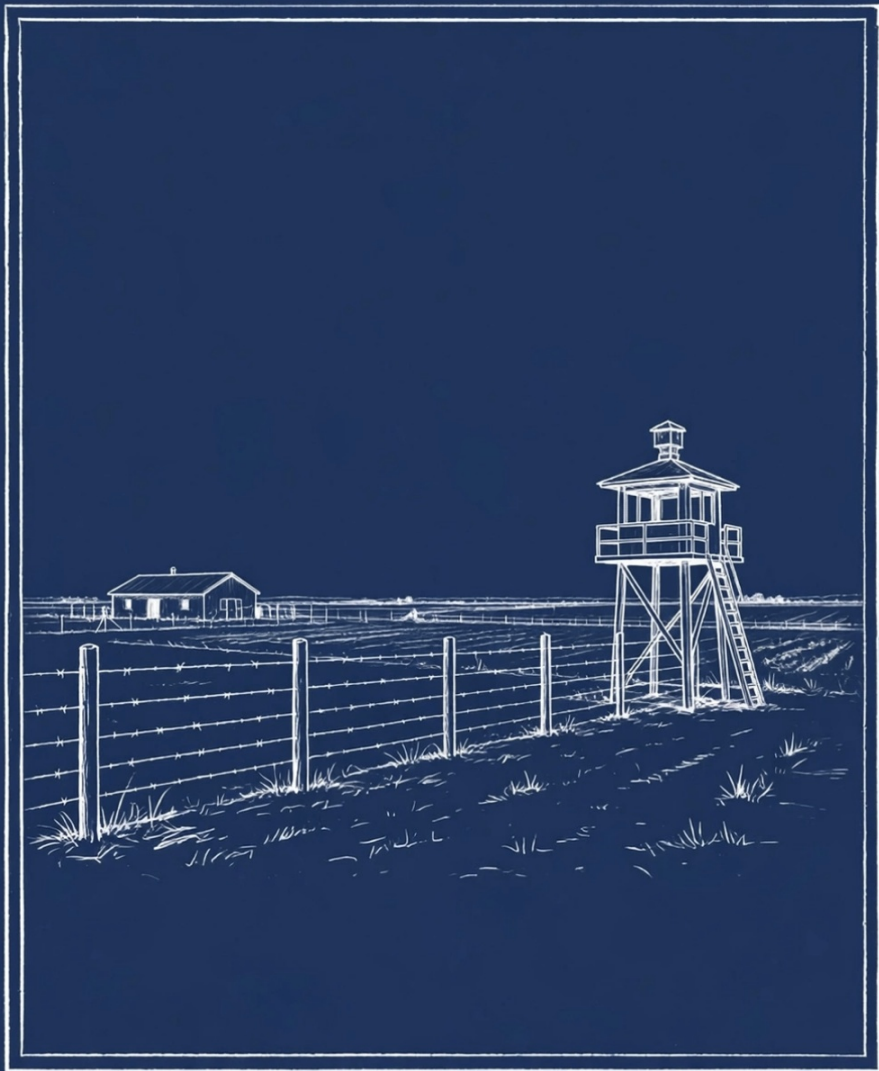
Related Volumes in This Series

Hugo, Victor. *Under Sentence of Death*. 1829. Edited and reset by Jeff Hood. Complicit Press, 2026. The first-person diary of a condemned man...the original source text for the tradition of which this novel is a part.

Darrow, Clarence. *An Eye for an Eye*. 1905. Edited and reset by Jeff Hood. Complicit Press, 2026. The working-class counterpart to Sergeant's middle-class examination. Where Sergeant's condemned man is a poacher on a squire's land, Darrow's is a factory worker. The argument is the same.

Dostoevsky, Fyodor. *Crime and Punishment*. 1866. Edited and reset by Jeff Hood. Complicit Press, 2026. The novel that asks most precisely what it costs a man to carry a secret he should have confessed. Hubert Lepel's nine years of silence is the subject of that novel stated in different terms.

Livingston, Edward. *Argument Against Capital Punishment*. 1833. Edited and modernized by Jeff Hood. Complicit Press, 2026. The legal argument that what Sergeant narrates in fiction is wrong in fact and in law.



THE BALLAD OF CUMMINS PRISON

AFTER THE BALLAD OF READING GAOL
OSCAR WILDE

England, 1898
Grady, Arkansas, 2026

EDITED AND MODERNIZED BY JEFF HOOD

THE BALLAD OF
CUMMINS PRISON

THE ABOLITION CLASSICS

*a Complicit Press series of classic texts
reset in contemporary American contexts*

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THE ABOLITION CLASSICS

V. 18

THE BALLAD OF
CUMMINS PRISON

after The Ballad of Reading Gaol

OSCAR WILDE

Reset in Grady, Arkansas by

JEFF HOOD

COMPLICIT PRESS

2026

The Ballad of Reading Gaol was first published by Leonard Smithers in 1898 under the name C.3.3 and is in the public domain. The original text is available through Project Gutenberg and the Internet Archive.

This volume is not a reprint of Wilde's poem. It is an original composition that resets the poem at the Cummins Unit, Grady, Arkansas, in the era of lethal injection.

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In Memoriam

C.T.W.

Sometime Trooper of the Royal Horse Guards.

Obiit H.M. Prison, Reading, Berkshire,

July 7th, 1896

and for every man with a date

FOREWORD

Oscar Wilde watched a man wait to die. So have I.

Wilde watched from a cell in Reading Gaol. He was prisoner C.3.3... Block C, landing three, cell three. The State took his name before it took anything else. From that cell he watched Charles Thomas Wooldridge walk the yard. Wooldridge was a trooper of the Royal Horse Guards. He had cut his wife's throat. On July 7, 1896 the prison hanged him and buried him in quicklime inside the walls.

Wilde never got over it. Neither have I.

I have sat with the condemned in their last hours. I have prayed with them through the glass and past the glass. I have watched eleven human beings die at the hands of the State. I have watched the gurney. I have watched the straps. I have watched the line run clear and then run death. I have watched chests heave. I have watched eyes refuse to close. There is no clean way to kill a human being. There is only killing.

We tell ourselves the needle is progress. We retired the rope. We retired the chair. We kept the killing. The Ballad knows better. The Ballad knows the machinery is a costume. The machinery changes... the sin does not. Each age dresses death in its own uniform and calls the tailoring mercy.

So I brought the poem home. To Arkansas. To the Delta. To the farm at Cummins where my state does its killing. The men there wear white. The fields there grow food. The chamber there

waits. In April of 2017 Arkansas set out to kill eight men in eleven days because its drugs were expiring. It killed four. Sit with that sentence. The clock on the poison mattered more than the men.

Wilde wrote that each man kills the thing he loves. I believe the State kills the thing it fears. And what the State fears most is the truth that the man on the gurney is its brother.

Read this poem slowly. Read it like a vigil. When you reach the stroke of eight... stop. Somewhere a clock is always striking eight.

The condemned taught me how to pray. This book is one of those prayers.

Jeff Hood

North Little Rock, Arkansas

EDITOR'S NOTE

THE POET

Oscar Wilde was the most celebrated writer in London when the State took him. In May 1895 he was convicted of gross indecency and sentenced to two years at hard labor. He served the last eighteen months of that sentence in Reading Gaol, where the system erased his name and issued him the address of his cell: C.3.3, third cell, third landing, Block C. In the summer of 1896 the prison hanged Charles Thomas Wooldridge, a thirty-year-old trooper of the Royal Horse Guards who had killed his wife. Wilde never spoke with him. He saw him in the exercise yard, a man in shabby clothes looking up at the sky, and the sight never left him. Released in May 1897, Wilde crossed to France that same night and never returned to England. He wrote the Ballad that summer and fall in Berneval and Naples. Leonard Smithers published it in February 1898 with C.3.3 printed on the cover where the author's name should have been. It was the last work Wilde completed. He died in Paris in November 1900.

THE POEM

The Ballad runs one hundred nine stanzas in six sections. Its stanza is the old English ballad quatrain grown to six lines, alternating four beats and three, rhyming on the even lines. The

form is a folk form... the meter of the broadsides once sold in the crowds at public hangings... and Wilde chose it deliberately: a poem against execution written in the meter of execution entertainment. Its argument moves outward in rings, like the prisoners circling the yard, from one man's death to the watching men, to the prison, to the Law, to Christ. Its most famous line indicts every reader before the first death occurs: each man kills the thing he loves.

THE ADAPTATION

This volume is not a reprint and it is not a translation. It is a resetting, and the resetting goes all the way down into the language. The poem here speaks the plain American English of a modern execution, because the reader should never be allowed the comfort of distance... the comfort of believing this happened long ago, in another country, in another tongue. The lines every reader carries, each man kills the thing he loves, the little tent of blue which prisoners call the sky, the kiss of Caiaphas, stand essentially untouched, because they were already written in the language of forever. Around them, the Victorian furniture has been carried out: the casque and the anodyne, the gyves and the seneschal, the demirep and the rigadon are gone, and in their place stand the deathwatch log, the alcohol swab before the needle, the warrant, the witnesses behind the glass and the whisper that travels every American row... that fellow's got a date.

The machinery has been brought forward with the language. The rope becomes the line. The scaffold becomes the gurney. The hangman's gardener's gloves become latex. The drop becomes three drugs pushed in sequence. The dawn hanging becomes the

evening execution, and the stroke of eight becomes eight o'clock at night, when American states do their killing. The quicklime grave inside the walls becomes the fresh-turned delta clay of a prison cemetery and a marker with a number where a name should be. Reading Gaol becomes the Cummins Unit outside Grady, Arkansas, a working prison farm where men still walk the line in the fields and where the State of Arkansas keeps its death chamber. The trooper's scarlet coat becomes Army greens.

One liberty should be named. In Arkansas the men under sentence of death are held at the Varner Unit and moved to Cummins to be killed. The poem sets condemned man and narrator inside one set of walls, sharing one yard, because the poem's theology requires it. Wilde took the same liberty. He and Wooldridge never shared a yard either. Witness compresses distance. That is what witness is for.

Wilde's gothic machinery, the dancing phantoms, the cock-crow, the kiss of Caiaphas, the pilgrim's staff that bloomed in the Pope's sight, has been kept and set in today's speech. It is doing theological work that no update could improve, and it needed no antique words to do it.

A NOTE ON THE FORM

The stanza count, the six-line stanza and the ballad music of the original are preserved throughout... one hundred nine stanzas here for one hundred nine there, ring for ring. The rhymes are kept wherever modern English would carry them and allowed to loosen into slant rhyme where an exact rhyme would have dragged the old diction back in. The reader who sets this volume beside the 1898 text will find the two poems walking the same yard, stanza for stanza, one in rope and one in needle, one in

Victorian dress and one in county-issue gray.

THE SERIES

This volume is the eighteenth in The Abolition Classics, a Complicit Press series of classic texts reset in contemporary American contexts, edited by Jeff Hood.

THE BALLAD OF CUMMINS PRISON

THE BALLAD OF
CUMMINS PRISON

I

He wasn't wearing Army greens,
For blood and wine are red,
And blood and wine were on his hands
When they found him with the dead,
The poor dead woman that he loved,
Murdered in her bed.

He walked among the sentenced men
In county-issue gray;
A ball cap pulled across his eyes,
His step still light some way;
But I never saw a man who looked
So hungry for the day.

I never saw a man who looked
With such a longing eye
Up at that little tent of blue
The prisoners call the sky,
At every drifting cloud that went
Dragging its silver by.

I walked with other souls in pain
 Inside another gate,
Wondering what the man had done,
 Something small or great,
When a voice behind me whispered low,
 “That fellow’s got a date.”

Dear Christ! the very prison walls
 Seemed to spin and reel,
And the sky above my head came down
 Like a helmet of hot steel;
And though I was a soul in pain,
 My pain I could not feel.

I only knew what haunted thought
 Quickened his step, and why
He stared so hard at the plain gray day
 With such a longing eye;
The man had killed the thing he loved,
 And so he had to die.

Yet each man kills the thing he loves,
 By each let this be heard,
Some do it with a bitter look,
 Some with a flattering word,
The coward does it with a kiss,
 The brave man with a sword!

Some kill their love when they are young,
 And some when they are old;
Some strangle it with wanting flesh,
 And some with wanting gold:
The kindest use a knife, because
 The dead so soon grow cold.

Some love too little, some too long,
 Some sell, and others buy;
Some do the deed with many tears,
 And some without a sigh:
For each man kills the thing he loves,
 Yet each man does not die.

He does not die a death of shame
 On a scheduled, printed date,
Strapped down against a padded board
 While the witnesses sit and wait,
Staring up at ceiling tile
 And the cameras of the State.

He does not sit with silent men
 Who log him night and day;
Who watch him when he tries to weep,
 And when he tries to pray;
Who watch him so he cannot rob
 The prison of its prey.

He does not wake at dawn to find
 The team inside his room,
The chaplain shaking with his book,
 The Warden gray with gloom,
The Director in a pressed black suit
 With the yellow face of Doom.

He does not stand in paper clothes
 While a doctor maps his veins,
Noting every twitch he makes
 On a clipboard, taking pains,
Checking a watch whose little ticks
 Fall on him like chains.

He does not know that sickening thirst
 That sands your throat before
The tie-down team in latex gloves
 Comes through the steel-framed door
And cinches down the nylon straps
 So the heart can beat no more.

He does not bow his head to hear
 His own death warrant read,
Or, while the terror in his soul
 Screams that he isn't dead,
Ride his own gurney down the hall
 Into that hideous shed.

THE BALLAD OF CUMMINS PRISON

He does not stare into the lights
 Above the one-way glass;
He does not pray with lips of clay
 For his agony to pass;
Or feel upon his shuddering cheek
 The kiss of Caiaphas.

I I

Six weeks our soldier walked the yard
 In county-issue gray:
His ball cap pulled across his eyes,
 His step still light some way,
But I never saw a man who looked
 So hungry for the day.

I never saw a man who looked
 With such a longing eye
Up at that little tent of blue
 The prisoners call the sky,
At every wandering cloud that trailed
 Its unraveled cotton by.

He did not wring his hands like men
 Too frightened for despair,
Who try to raise the child called Hope
 In a cave with no more air:
He only lifted up his face
 And drank the morning air.

He did not wring his hands or weep,
 He did not mope or whine,
But drank the air as if it ran
 Like an IV in his line;
With open mouth he drank the sun
 As if the sun were wine!

And I and all the souls in pain,
 Who tramped inside the gate,
Forgot whatever we had done,
 The small things and the great,
And stood and watched, amazed and dumb,
 The man who had a date.

And it was strange to see him walk
 So easy in the light,
And strange to see him drink the day
 With such an appetite,
And strange to think of what he owed
 And how they'd call it right.

For oak and elm grow pleasant leaves
 That every springtime shoot:
But grim to see is the death house wall
 With its razor-wire root,
And, green or dry, a man must die
 Before it bears its fruit!

The highest seat in all the land
Is the one the mighty try:
But who would lie in nylon straps
On a gurney cranked up high,
And through fluorescent glare take in
His last look at the sky?

It's sweet to dance to violins
When Love and Life are fair:
To dance to fiddles, dance to flutes
Is delicate and rare:
But it is not sweet, with strapped-down arms,
To drown in open air!

So with curious eyes and sick unease
We watched him day by day,
And wondered if each one of us
Would go the self-same way,
For no one knows to what red Hell
His blinded soul may stray.

At last the dead man walked no more
Out with the sentenced men,
And I knew that he was lying down
In the death house holding pen,
And that I would never see his face
In God's sweet world again.

Like two doomed ships that pass in storm
 We had crossed each other's way:
But we made no sign, we said no word,
 There was nothing we could say;
For we did not meet in the holy night
 But in the shameful day.

A prison wall was around us both,
 Two outcast men were we:
The world had pushed us from its heart,
 And God had let us be:
And the iron trap that waits for Sin
 Had closed on him and me.

I I I

In the death house yard the ground is hard,
And the chain-link fence is high,
So that was where he took his air
Under a leaden sky,
And an officer walked on either side
For fear the man might die.

Or else he sat with those who logged
His anguish night and day;
Who watched him when he rose to weep
And when he knelt to pray;
Who watched him so he couldn't rob
Their table of its prey.

The Warden knew the protocol
Down to the smallest fact:
The Doctor said that death was just
A medical act:
And twice a day the Chaplain came
And left a little tract.

And twice a day he called his folks
And kept his voice steady and clear:
His soul was set, and there was no place
Left in him for fear;
He'd tell you he was glad, almost,
That the needle's day was near.

But why he said a thing like that
No officer dared to ask:
For the man whose shift it is to watch
Is given a single task,
To keep a lock upon his lips
And make his face a mask.

Or else he might be moved to try
To comfort or console:
And what is Human Pity worth
Penned up inside the Hole?
What word of grace, in such a place,
Could help a brother's soul?

With slouch and swagger around the ring
We walked our fool's parade!
We did not care: we knew we were
The Devil's Own Brigade:
Shaved heads, dead eyes and feet of lead
Make a fine masquerade.

We hoed the rows, we picked the beans,
 With split and bleeding nails;
We mopped the floors and wiped the doors
 And polished the steel rails:
And rank by rank we walked the line
 And rattled with the pails.

We baled the hay, we broke the ground,
 We turned the dusty drill:
We banged our trays and hollered hymns
 And sweated on the hill:
But in the heart of every man
 Terror was lying still.

It lay so still that every day
 Crawled like a weed-choked wave:
And we forgot the bitter end
 That waits for fool and knave,
Till once, as we tramped in from work,
 We passed an open grave.

With yawning mouth the yellow hole
 Was begging for a thing;
The very mud cried out for blood
 To the thirsty gravel ring:
And we knew before another dusk
 The State would have its killing.

In we went, our souls locked down
 On Death and Dread and Doom:
The medical team with little bags
 Went shuffling through the gloom:
And every one of us shook as he stepped
 Into his numbered tomb.

That night the empty corridors
 Were full of shapes of Fear,
And up and down the iron block
 Walked feet we could not hear,
And through the bars that hide the stars
 White faces seemed to peer.

He lay like someone lying down
 In a soft and open land,
The watchers watched him while he slept
 And could not understand
How anyone could sleep that sweet
 With the death house close at hand.

But there's no sleep when men must weep
 Who never yet had wept:
So we—the fool, the fraud, the thief—
 That endless vigil kept,
And through each brain on hands of pain
 Another man's terror crept.

It is a fearful thing to feel
 Another man's guilt!
For, right inside, the blade of Sin
 Sank down to its hilt,
And the tears we cried were molten lead
 For blood we never spilt.

The officers in soft-soled shoes
 Slipped past each bolted door,
And peeked in and saw, amazed,
 Gray shapes along the floor,
And wondered why men knelt to pray
 Who never prayed before.

All through the night we knelt and prayed,
 Mad mourners of a corpse!
The troubled black of midnight hung
 Like the curtains of a hearse:
And bitter wine on a cotton swab
 Was the taste of our remorse.

The gray rooster crowed, the red one crowed,
 But the day refused to break:
And crooked shapes of Terror crouched
 In the corners, wide awake:
And every evil thing that walks by night
 Played there for our sake.

They slid on past, they slid on fast,
Like travelers through a mist:
They mocked the moon the way the drunk will,
With a delicate turn and twist,
And with formal step and hideous grace
The phantoms kept their tryst.

Grinning and bowing as they went,
Thin shadows hand in hand:
Around, around, in a ghost parade
They danced to no band:
And the damned grotesques drew arabesques
Like wind across the sand!

With the jerking snap of marionettes
They spun on pointed tread:
But they filled the ear with flutes of Fear
As their grisly dance they led,
And loud they sang, and long they sang,
For they sang to wake the dead.

“Oho!” they cried, “the world is wide,
But shackled men go lame!
And once or twice to throw the dice
Is a gentleman’s game,
But he does not win who plays with Sin
In the secret House of Shame.”

These weren't tricks of the empty air
That frolicked with such glee:
To men who lived their lives in chains,
Whose feet could not go free,
Christ's wounds! they were living things,
Most terrible to see.

Around, around, they waltzed and wound;
Some wheeled in smirking pairs;
With mincing step and painted lip
Some sidled up the stairs:
And with a sneer, and a fawning leer,
Each helped us at our prayers.

The morning wind began to moan,
But still the night dragged on:
Through its giant loom the web of gloom
Crept till each thread was spun:
And as we prayed we grew afraid
Of the Justice of the Sun.

The moaning wind went wandering round
The weeping prison wall:
Till like a wheel of turning steel
We felt the minutes crawl:
O moaning wind! what had we done
To have you guard us all?

At last I saw the shadow-bars,
Like a grid of molded lead,
Slide across the whitewashed wall
That faced my steel-frame bed,
And I knew that somewhere in the world
God's terrible dawn was red.

At six o'clock they racked us in,
At seven all was still,
But the hush and sweep of a mighty wing
Seemed to make the whole block chill,
For the Lord of Death with icy breath
Had entered in to kill.

He did not come with pomp and flags,
He did not need a steed.
Three drugs, a line, a strapped-down board
Are all the chamber's need:
So with a signed warrant the Herald came
To do the secret deed.

We were like men feeling through a swamp
Of filthy dark for a rope:
We did not dare to breathe a prayer
Or give our anguish scope:
Something had died in each of us,
And the dead thing was Hope.

For Man's grim Justice goes its way
And will not step aside:
It kills the weak, it kills the strong,
It has a deadly stride:
With an iron heel it kills the strong,
Its own blood, its own pride!

We waited for the stroke of eight:
Every tongue was thick with thirst:
For the stroke of eight is the stroke of Fate
That leaves a man accursed,
And Fate will use a running line
For the best man and the worst.

There was nothing else for us to do
But wait for the sign to come:
So, like stones in a dried-out valley,
We sat there quiet and dumb:
But every heart in every man
Was beating like a drum!

With a sudden shock the prison clock
Hammered the shivering air,
And from the whole prison rose a wail
Of powerless despair,
Like the sound the frightened marshes hear
From a leper in his lair.

And as you see the most fearful things
 In the crystal of a dream,
We saw the white-sheet gurney wait
 Under the fluorescent beam,
And heard the prayer the pushing drugs
 Smothered into a scream.

And all the grief that moved him so,
 That made him give that cry,
The wild regrets, the bloody sweats—
 No one knew them like I:
For the man who lives more lives than one
 More deaths than one must die.

I V

There is no chapel on the day
The State puts down a man:
The Chaplain's heart is far too sick,
His face too pale and wan,
Or there is something in his eyes
Nobody should look upon.

So they kept us racked till nearly noon,
And then they rang the bell,
And the officers with jingling keys
Unlocked each listening cell,
And down the iron stairs we came,
Each from his private Hell.

Out into God's sweet air we went,
But not the usual way,
For this man's face was white with fear,
And that man's face was gray,
And I never saw sad men who looked
So hungry for the day.

I never saw sad men who looked
 With such a longing eye
Up at that little tent of blue
 We prisoners called the sky,
At every careless cloud that passed
 In its easy freedom by.

But there were some among us there
 Who walked with lowered head,
Who knew that, if the score were fair,
 They should have died instead:
He had only killed a living thing,
 While they had killed the dead.

For the man who sins a second time
 Wakes a dead soul to pain,
Drags it out of its stained shroud
 And makes it bleed again,
Makes it bleed in heavy drops,
 And makes it bleed in vain!

Like apes or clowns, in jumpsuit gray
 With numbers stenciled hard,
Silently we went round and round
 The slippery asphalt yard;
Silently we went round and round,
 And nobody said a word.

Silently we went round and round,
And through each hollow mind
The memory of terrible things
Blew like a terrible wind,
And Horror stalked in front of each man,
And Terror walked behind.

The officers strutted up and down
And herded us like brutes,
Their uniforms were pressed and clean,
They wore their Sunday suits,
But we knew the work they had been at
By the grave-dirt on their boots.

For where a grave had opened wide
There was no grave at all:
Only a stretch of mud and sand
By the hideous prison wall,
And a mound of fresh-turned delta clay
To serve him as a pall.

For he has a pall, this wretched man,
Like few men ever claim:
Deep down beneath a prison yard,
With no rites and no name,
He lies inside a plywood box,
Wrapped in a sheet of shame!

And all the while the heavy clay
 Wears flesh and bone away,
It wears the brittle bone at night
 And the soft flesh by day,
It takes the flesh and bone in turns,
 But it eats the heart always.

For three long years they will not plant
 A root or seedling there:
For three long years that unblessed spot
 Will be sterile and bare,
Staring up at the wondering sky
 With an unreproachful stare.

They think a murderer's heart would spoil
 Every seed they sow.
It isn't true! God's patient earth
 Is kinder than men know,
And the red rose would only bloom more red,
 The white rose whiter grow.

Out of his mouth a red, red rose!
 Out of his heart a white!
For who can say by what strange way
 Christ brings His will to light,
Since the dry staff the pilgrim carried
 Bloomed in the great Pope's sight?

But neither milk-white rose nor red
 Can bloom in prison air;
Gravel, pebble, brick and flint
 Are what they give us there:
And flowers have been known to heal
 An ordinary despair.

So no wine-red rose, and no white rose,
 Will petal by petal fall
On that stretch of mud and sand that lies
 By the hideous prison wall,
To tell the men who walk the yard
 That God's Son died for all.

And yet, though the hideous prison wall
 Still rings him round and round,
And a spirit cannot walk by night
 When it is shackle-bound,
And a spirit can only weep that lies
 In such unholy ground,

He is at peace—this wretched man—
 At peace, or will be soon:
There is nothing left to drive him mad,
 No Terror walks at noon,
For the lampless earth in which he lies
 Has neither Sun nor Moon.

They put him down like a dog is put down:

They did not even toll
A bell, or say a requiem
To rest his startled soul,
But hurried him out on a rolling cart
And hid him in a hole.

They stripped him out of the paper gown
And gave him to the flies:
They mocked the taped and bruised-up arms
And the fixed and staring eyes:
And with laughter they heaped up the shroud
In which their convict lies.

The Chaplain would not kneel to pray
By his dishonored grave:
Would not mark it with the blessed Cross
That Christ for sinners gave,
Because the man was one of those
Christ came down to save.

Yet all is well; he has only crossed
To the border none return:
And strangers' tears will fill for him
Pity's long-broken urn,
For his mourners will be outcast men,
And outcasts always mourn.

V

I don't know whether Laws are right,
Or whether Laws are wrong;
All we know, who lie in jail,
Is that the wall is strong;
And that every day is like a year,
A year whose days are long.

But this I know, that every Law
That men have made for Man,
Since the first man took his brother's life
And the sad world began,
Throws out the wheat and keeps the chaff
With the most evil fan.

And this I know—and wish to God
Everyone knew the same—
That every prison men have built
Is built with bricks of shame,
And barred so Christ can't see inside
How men their brothers maim.

With bars they blur the gracious moon
And blind the good warm sun:
And they do well to hide their Hell,
For inside it things are done
That neither Son of God nor son of man
Should ever look upon!

The vilest deeds, like poison weeds,
Bloom well in prison air:
It is only what is good in a man
That wastes and withers there:
Pale Anguish keeps the heavy gate,
And the Keeper is Despair.

For they starve the small and frightened kid
Till he cries both night and day:
And they cuff the weak, and gas the sick,
And mock the old and gray,
And some go mad, and all go bad,
And no one gets a say.

Each narrow cell in which we live
Is a foul and dark latrine,
And the rotten breath of living Death
Chokes every window screen,
And everything, except for Lust,
Turns to dust in the machine.

The brackish water that we drink
 Crawls with a filthy slime,
And the bitter bread they weigh on scales
 Is full of chalk and lime,
And Sleep won't lie down in this place, but
walks
 Wild-eyed, cursing Time.

But though lean Hunger and green Thirst
 Fight in us like snakes at night,
It isn't prison food that kills—
 What chills and kills outright
Is that every stone you lift by day
 Becomes your heart at night.

With midnight always in your heart
 And twilight in your cell,
We walk the yard or work the fields,
 Each in his private Hell,
And the silence is more terrible
 Than any warning bell.

And never a human voice comes near
 To say one gentle word:
And the eye that watches through the door
 Is pitiless and hard:
And forgotten by everyone, we rot,
 Body and soul both scarred.

And so we rust life's iron chain
 Degraded and alone:
And some men curse, and some men weep,
 And some men make no moan:
But God's eternal Laws are kind
 And break the heart of stone.

And every human heart that breaks,
 In prison cell or yard,
Is like that broken jar that poured
 Its treasure out for the Lord,
And filled the unclean leper's house
 With perfume thick as nard.

Happy the ones whose hearts can break
 And win their pardon in!
How else can a man set straight his plan
 And clean his soul of sin?
How else but through a broken heart
 May Lord Christ enter in?

And he of the taped and bruised-up arms
 And the fixed and staring eyes
Waits for the holy hands that took
 The Thief to Paradise;
And a broken and a contrite heart
 The Lord will not despise.

The man in black who read the Law
 Gave him three weeks of life,
Three little weeks in which to heal
 His soul of his soul's strife,
And wash from every drop of blood
 The hand that held the knife.

And with tears of blood he washed the hand,
 The hand that held the steel:
For only blood can wash out blood,
 And only tears can heal:
And the crimson stain that was the mark of
Cain
 Became Christ's snow-white seal.

V I

In Cummins prison by Grady town
 There is a pit of shame,
And in it lies a wretched man
 Beneath a small steel frame,
In a nameless winding-sheet he lies,
 And his grave has got no name.

And there, till Christ calls forth the dead,
 In silence let him lie:
No need to waste a foolish tear
 Or heave a windy sigh:
The man had killed the thing he loved,
 And so he had to die.

And all men kill the thing they love,
 By all let this be heard,
Some do it with a bitter look,
 Some with a flattering word,
The coward does it with a kiss,
 The brave man with a sword!

DEFINITIONS AND TERMS

Cummins Unit. The Arkansas Division of Correction prison farm outside Grady, in Lincoln County, in operation since 1902. The State's execution chamber is here. Arkansas electrocuted men at Cummins until it adopted lethal injection in 1990.

Varner Unit. The prison adjacent to Cummins where Arkansas houses the men under sentence of death. Men are moved from Varner to Cummins to be killed.

the date. Row idiom for an execution date set by warrant. The whisper of Wilde's yard, that fellow's got to swing, has become the whisper of every American row: that fellow's got a date.

deathwatch. The final period before execution, when the condemned is moved to a cell beside the chamber and observed around the clock... lest he rob the State of its killing.

the line. The intravenous line through which the drugs are pushed. Wilde's running noose becomes the running line.

three drugs. The common American protocol: a sedative, a paralytic, and potassium chloride to stop the heart. Arkansas's sedative is midazolam. It was the approaching expiration of the State's midazolam supply that drove the schedule of April 2017, when Arkansas set eight executions in eleven days and carried out four.

racked in. Prison idiom for locked down in one's cell.

the Hole. Punitive isolation. Wilde's Murderers' Hole required no modernization at all.

walking the line. Field labor under armed supervision... the working life of the Cummins farm for over a century.

C.3.3. Wilde's cell address in Reading Gaol, third cell, third landing, Block C, and the only name printed on the poem's first edition in 1898.

quicklime. Victorian prisons buried the hanged inside the walls in quicklime, believed to hasten the destruction of the body. The modern State buries its dead in ordinary clay, under a number. The forgetting is the same.

the kiss of Caiaphas. Caiaphas was the high priest who presided over the arrest of Jesus. The phrase binds the State's ritual courtesy toward the condemned to the kiss of betrayal in Gethsemane.

nard. The costly ointment poured from the broken alabaster box over the head of Jesus in the house of Simon the leper (Mark 14). Wilde's figure for the broken heart.

the pilgrim's staff. From the Tannhäuser legend: the Pope declares the pilgrim's forgiveness as impossible as his dry staff blooming. Three days later the staff blooms.

the man in black. The sentencing judge. Wilde's man in red wore the scarlet robes of an English criminal-court judge.

FURTHER READING

ON THE ORIGINAL POEM

Wilde, Oscar. *The Ballad of Reading Gaol*. Leonard Smithers, 1898.

The original text, in the public domain, is available through Project Gutenberg and the Internet Archive.

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ON THE DEATH PENALTY IN AMERICA

Prejean, Helen. *Dead Man Walking*. Random House, 1993. The spiritual advisor's account of accompaniment to the chamber... the modern witness tradition this volume stands in.

Stevenson, Bryan. *Just Mercy*. Spiegel and Grau, 2014. The memoir of the capital defense attorney whose work has produced more death row exonerations than any other single advocate in American history.

Death Penalty Information Center. *deathpenaltyinfo.org*. The essential clearinghouse for data on American executions, including the Arkansas schedule of April 2017.

RELATED VOLUMES IN THIS SERIES

Hugo, Victor. *Under Sentence of Death*. 1829. Edited and reset in contemporary Iran by Jeff Hood. Complicit Press, 2026. V.9 of this series.

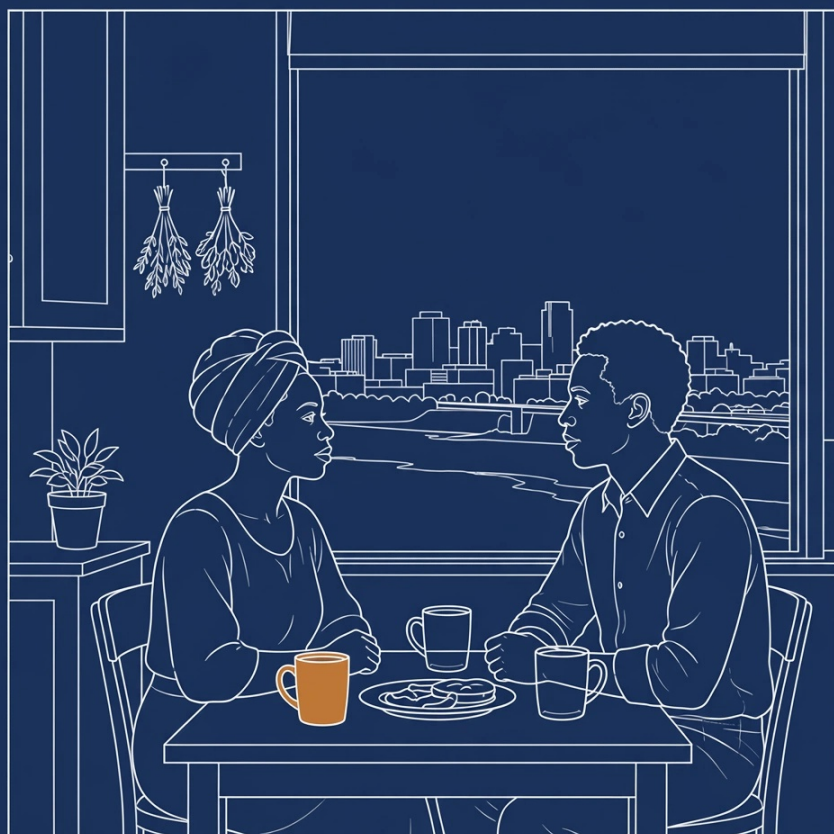
Sergeant, Adeline. *A Life Sentence*. 1889. Edited and reset in Florence, Alabama by Jeff Hood. Complicit Press, 2026. V.15 of this series.

Dunbar, Paul Laurence. *The Sport of the Gods*. 1902. Edited and reset in Pine Bluff and Little Rock, Arkansas by Jeff Hood. Complicit Press, 2026. V.16 of this series. The men of that novel serve their time at Cummins... the same fence line as this poem.

ABOUT THE EDITOR

Jeff Hood is an author, activist and death row spiritual advisor. He is the founder of the Execution Intervention Project and serves as Dean of The New Theology School, where he holds the Rev. Charles Moore Professor of Prophetic Theology chair. He has accompanied condemned men across multiple states and has witnessed eleven executions. He lives in North Little Rock, Arkansas.

THE ABOLITION CLASSICS. V. XVI.



THE SPORT OF THE GODS

THE NOVEL OF PAUL LAURENCE DUNBAR

America, 1901

Reset in Little Rock, Arkansas, 2026

EDITED AND MODERNIZED BY

JEFF HOOD

THE SPORT OF THE GODS

Paul Laurence Dunbar

A Novel

Reset in Little Rock, Arkansas

Edited and reset by

Jeff Hood

V. 16

THE ABOLITION CLASSICS

The texts that built the case against the death penalty

Complicit Press

THE SPORT OF THE GODS

A Novel

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Editorial matter and contemporary setting © 2026 Jeff Hood

Paul Laurence Dunbar's *The Sport of the Gods* was first published serially in *Lippincott's Magazine* in 1901 and in book form by Dodd, Mead & Company, New York, in 1902. It is in the public domain. This volume is not a reprint of that text. It is an original composition by the editor that resets Dunbar's novel in a contemporary context, preserving its structure, premises and argument.

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THE ABOLITION CLASSICS

The texts that built the case against the death penalty

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FOREWORD

I grew up not far from where this novel is set. Not in Pine Bluff exactly, but close enough that the geography of Dunbar's story feels to me like memory rather than fiction. The long flat Delta roads. The smell of the Arkansas River in summer. The way a Black family's good name could be taken from them in an afternoon and handed back as wreckage. I know those things not because I read about them but because I was present for some version of them, again and again, in the work I have done.

Paul Laurence Dunbar published *The Sport of the Gods* in 1902. He was thirty years old and he was dying of tuberculosis and he was angry in a way that the polite conventions of the era could barely contain. He had written poems that white America loved for their pastoral sweetness, their dialect charm, their apparent acceptance of the way things were. And then he wrote this novel, which is something else entirely. It is a novel about what the South does to Black families who have done everything right and still get destroyed. It is a novel about what the city does to people the South has already broken. It is a novel about systems that grind people down and then blame the ground-down for their own condition.

He wrote it in a Southern city and set it in a Southern city and then followed his characters north to a place that promised something different and delivered a different kind of destruction. Dunbar was not romantic about either place. He did not think the South was home in any way that deserved the name. But he also did not think the city was salvation. He thought the gods were cruel and that the sport they played was with human lives and

that the particular targets of their sport were Black people in America who had made the mistake of believing that good work and decent living would protect them.

He was right. He is still right.

I reset this novel in Little Rock because Little Rock is where Dunbar's story lives now. The city sits at the center of a state with one of the highest per-capita execution rates in the country. The Cummins Unit, the Arkansas Department of Corrections' death farm south of Pine Bluff, sits on land that was once a plantation and was worked by convict labor for most of the twentieth century. The continuity is not subtle. The same soil, the same system, the same logic: that certain people exist to be used and discarded by others who are never held accountable for the using.

No one is executed in this novel. That is worth saying plainly, since this series is about the death penalty. But Berry Hamilton is sent to the place where Arkansas kills people, by the same courts that send people there to be killed, on the word of a man who knew he was innocent. The rope is not in the book. The hands that would tie it are on every page.

Berry Hamilton is the man who does everything right and gets destroyed anyway. His son Joe is the boy who the city gets hold of. His daughter Kitty is the girl who finds that the stage is a door that only opens one way. His wife Fannie is the woman who survives by giving up what she should not have to give. None of them deserved what happened to them. All of them are recognizable. I see them every time I go to a prison unit in Arkansas, every time I sit in a courtroom in Little Rock and watch the machinery of the law process the bodies of Black people who had the misfortune to be poor and Southern and visible.

Dunbar wrote this novel and then he died. He was thirty-three years old. He never saw it change. He knew it would not change

quickly. He wrote the novel anyway, because sometimes the only thing left to do is to tell the truth about what is happening, clearly and without sentiment, so that no one can say they were not told.

This is what was happening then. This is what is happening now. The sport continues.

Jeff Hood
North Little Rock, Arkansas
2026

EDITOR'S NOTE

The Author

Paul Laurence Dunbar (1872–1906) was born in Dayton, Ohio, the son of two formerly enslaved people who had escaped from Kentucky before the Civil War. He began publishing poetry in his teens and achieved national recognition with the publication of *Lyrics of Lowly Life* in 1896, with an introduction by William Dean Howells. He was celebrated in his lifetime for his dialect poetry, which captured the speech and humor and sorrow of Black Southern life with an accuracy that made white readers comfortable and Black readers ambivalent. He knew this ambivalence and wrote about it. *The Sport of the Gods* (1902) is the work in which his anger at the American racial order finds its most sustained and least sentimental expression. He died of tuberculosis at thirty-three.

The Original Novel

The Sport of the Gods was first published serially in *Lippincott's Magazine* in 1901 and then as a book in 1902. It tells the story of the Hamilton family—Berry, the butler, his wife Fannie, and their children Joe and Kitty—who are shattered when Berry is falsely convicted of theft by his white employer Maurice Oakley, who knows his brother Francis is the real thief but refuses to acknowledge it. Driven from their home and community, the family migrates north to New York City, where the city's particular machinery takes them apart in a different way. Joe descends into dissolution and eventually kills a woman. Kitty goes on the stage. Fannie

remarries. Berry returns from prison years later to find everything gone. The ending offers a partial restoration that Dunbar clearly does not believe in.

The novel is one of the earliest sustained critiques of both the Southern racial order and the false promise of Northern urban migration as salvation. It anticipates by decades the Great Migration literature of Richard Wright, Ralph Ellison and others. Dunbar's bitterness is structural, not personal. He is not mourning a better past. He is anatomizing a system.

The Adaptation

This edition preserves Dunbar's plot, his characters and his moral architecture entirely. The unnamed Southern city becomes Pine Bluff, Arkansas. The migration north becomes a migration to Little Rock, Arkansas's capital and largest city. The prison becomes the Cummins Unit of the Arkansas Department of Corrections, in Lincoln County south of Pine Bluff. The Banner Club in New York becomes a club on West Ninth Street in Little Rock's entertainment district. The yellow journalism of Skaggs's paper becomes the *Arkansas Courier*.

Dunbar's dialect is preserved throughout. His characters speak as he gave them voice, because that voice is part of the novel's meaning. The prose surrounding the dialogue has been modernized. The chapter structure has been preserved. The darkness of the ending has been preserved, because to soften it would be to betray everything Dunbar was doing.

One thing should be said about why this novel belongs in a series of death penalty texts. No one dies at the hands of the state in *The Sport of the Gods*. Berry Hamilton is sentenced to ten years, not to die, and he is alive at the end of the book. But the machinery

that takes him is the same machinery, and in Arkansas it runs to the same address: the state's execution chamber stands at Cummins, inside the fence where Berry serves his sentence. Dunbar's subject is a legal system that can be told the truth and decline to hear it, that convicts on evidence it knows is thin, and that will not correct itself until a newspaper embarrasses it into moving. That is the system that also kills. Everything the death penalty requires in order to function — the confident jury, the incurious judge, the community that has already made up its mind, the innocent man nobody quite believes — is in this novel in its non-lethal form. Dunbar is showing the reader the apparatus with the killing switched off. It is the same apparatus.

The Series

This volume belongs to The Abolition Classics, the Complicit Press series of texts that built the case against the death penalty, reset in contemporary American contexts and edited by Jeff Hood. The series proceeds from a single conviction: that the arguments against capital punishment and the American carceral system have been made, across centuries and cultures and forms, and that what those arguments need is not repetition but relocation—placement in the landscapes where American executions and American incarceration actually happen, in the voices of the people who actually live inside those landscapes.

“Whom the gods would destroy they first make mad.”

Attributed to Euripides

I. THE HAMILTONS

Fiction has said so much in regret of the old days when there were plantations and overseers and masters and slaves, that it was good to come upon such a household as Berry Hamilton's, if for no other reason than that it afforded a relief from the monotony of tiresome iteration.

The little cottage in which he lived with his wife Fannie, who was housekeeper to the Oakleys, and his son and daughter Joe and Kit, sat back in the yard some hundred paces from the mansion of his employer. It was somewhat in the manner of the old cabin in the quarters, with which usage as well as tradition had made both master and servant familiar. But unlike the cabin of the elder day it was a neatly furnished modern house, the home of a typical good-living family. For twenty years Berry Hamilton had been butler for Maurice Oakley. He was one of the many Black men who upon their accession to freedom had not left the South but had wandered from place to place in their own beloved section, waiting, working, and struggling to rise with its rehabilitated fortunes.

The first faint signs of recovery were being seen when he came to Maurice Oakley as a servant. Through thick and thin he remained with him, and when the final upward tendency of his employer began his fortunes had increased in like manner. When, having married, Oakley bought the great house in which he now lived, he left the little servant's cottage in the yard, for as he said laughingly, "There is no telling when Berry will be following my example and taking a wife unto himself."

His joking prophecy came true very soon. Berry had long had a tenderness for Fannie, the housekeeper. As she retained her post under the new Mrs. Oakley, and as there was a cottage ready to his hand, it promised to be cheaper and more convenient all around to get married. Fannie was willing, and so the matter was settled.

Fannie had never regretted her choice, nor had Berry ever had cause to curse his utilitarian ideas. The stream of years had flowed pleasantly and peacefully with them. Their little sorrows had come, but their joys had been many.

As time went on, the little cottage grew in comfort. It was replenished with things handed down from the house from time to time and with others bought from the pair's earnings. Berry had time for his lodge and Fannie time to spare for her own house and garden. Flowers bloomed in the little plot in front and behind it; vegetables and greens testified to the housewife's industry. Over the door a fine Virginia creeper bent and fell in graceful curves, and a cluster of insistent morning-glories clung in summer about its stalwart stock.

It was into this bower of peace and comfort that Joe and Kitty were born. They brought a new sunlight into the house and a new joy to the father's and mother's hearts. Their early lives were pleasant and carefully guarded. They got what schooling the town afforded, but both went to work early, Kitty helping her mother and Joe learning the trade of barber.

Kit was the delight of her mother's life. She was a pretty cheery little thing and could sing like a lark. Joe too was of a cheerful disposition, but from scraping the chins of aristocrats came to imbibe some of their ideas, and rather too early in life bid fair to be a dandy. But his father encouraged him, for said he, "It's de p'opah thing fu' a man what waits on quality to have quality

mannahs an' to waih quality clothes."

"'Tain't no use to be a-humo'in' dat boy too much, Be'y," Fannie had replied, although she did fully as much humoring as her husband. "Hit sho' do mek' him biggety, an' a biggety po' niggah is a 'bomination befo' de face of de Lawd; but I know 'tain't no use a-talkin' to you, fu' you plum boun' up in dat Joe."

Her own eyes would follow the boy lovingly and proudly even as she chided. She could not say very much either, for Berry always had the reply that she was spoiling Kit out of all reason. The girl did have the prettiest clothes of any of her race in the town, and when she was to sing for the benefit of the A.M.E. church or for the benefit of her father's society, the Tribe of Benjamin, there was nothing too good for her to wear. In this too they were aided and abetted by Mrs. Oakley, who also took a lively interest in the girl.

So the two doting parents had their chats and their jokes at each other's expense and went bravely on, doing their duties and spoiling their children much as white fathers and mothers are wont to do.

What the less fortunate people of the community said of them and their offspring is really not worth while. Envy has a sharp tongue, and when has not the aristocrat been the target for the plebeian's sneers?

Joe and Kit were respectively eighteen and sixteen at the time when the preparations for Maurice Oakley's farewell dinner to his brother Francis were agitating the whole Hamilton household. All of them had a hand in the work: Joe had shaved the two men; Kit had helped Mrs. Oakley's maid; the mother had fretted herself weak over the shortcomings of a cook that had been in the family nearly as long as herself, while Berry was stern and dignified in anticipation of the glorious figure he was to make in serving.

When all was ready peace again settled upon the Hamiltons. Mrs. Hamilton, in the whitest of white aprons, prepared to be on hand to annoy the cook still more; Kit was ready to station herself where she could view the finery; Joe had condescended to promise to be home in time to eat some of the good things; and Berry was gorgeous in his evening suit with the white waistcoat, as he directed the nimble waiters hither and thither.

II. A FAREWELL DINNER

Maurice Oakley was not a man of sudden or violent enthusiasms. Conservatism was the quality that had been the foundation of his fortunes at a time when the disruption of the country had involved most of the men of his region in ruin.

Without giving any one ground to charge him with being lukewarm or renegade to his cause, he had yet so adroitly managed his affairs that when peace came he was able quickly to recover much of the ground lost during the war. With a rare genius for adapting himself to new conditions, he accepted the changed order of things with a passive resignation but with a stern determination to make the most out of any good that might be in it.

It was a favorite remark of his that there must be some good in every system, and it was the duty of the citizen to find out that good and make it pay. He had done this. His house, his reputation, his satisfaction, were all evidences that he had succeeded.

A childless man, he bestowed upon his younger brother Francis the enthusiasm he would have given to a son. His wife shared with her husband this feeling for her brother-in-law, and with him played the role of parent which had otherwise been denied her. It was true that Francis Oakley was only a half-brother to Maurice, the son of a second and not too fortunate marriage, but there was no halving of the love which the elder man had given to him from childhood up.

At the first intimation that Francis had artistic ability, his brother had placed him under the best masters in America, and later, when the promise of his youth had begun to blossom, he sent him to Paris, although the expenditure just at that time de-

manded a sacrifice which might have been the ruin of Maurice's own career. Francis's promise had never come to entire fulfillment. He was always trembling on the verge of a great success without quite plunging into it. Despite the joy which his presence gave his brother and sister-in-law, most of his time was spent abroad, where he could find just the atmosphere that suited his delicate artistic nature. After a visit of two months he was about returning to Paris for a stay of five years. At last he was going to apply himself steadily and try to be less the dilettante.

The company which Maurice Oakley brought together to say good-bye to his brother on this occasion was drawn from the best that this fine old Southern town afforded. There were men there whose families went back several generations in Jefferson County; there were brilliant women there who had reigned in Little Rock, Memphis, and New Orleans; and there were younger ones there of wit and beauty who were just beginning to hold their court. For Francis was a great favorite both with men and women. He was a handsome man, tall, slender, and graceful. He had the face and brow of a poet, a pallid face framed in a mass of dark hair. There was a touch of weakness in his mouth, but this was shaded and half hidden by a full mustache that made much forgivable to beauty-loving eyes.

It was generally conceded that Mrs. Oakley was a hostess whose guests had no awkward half-hour before dinner. Her brother-in-law was the life of the assembly; he had wit and daring, and about him there was just that hint of charming danger that made him irresistible to women. The guests heard the dinner announced with surprise, an unusual thing, except in this house.

Both Maurice Oakley and his wife looked fondly at the artist as he went in with Claire Lessing. He was talking animatedly to the girl, having changed the general trend of the conversation to a

manner and tone directed more particularly to her. While she listened to him her face glowed and her eyes shone with a light that every man could not bring into them.

As Maurice and his wife followed him with their gaze the same thought was in their minds, and it had not just come to them. Why could not Francis marry Claire Lessing and settle in America instead of going back ever and again to that life in the Latin Quarter? They did not believe that it was a bad life or a dissipated one, but from the little that they had seen of it when they were in Paris, it was at least a bit too free and unconventional for their traditions. There were too many temptations which must assail any man of Francis's looks and talents.

The men lingered over their cigars. The wine was old and the stories new. Some discussion came up which sent Francis running up to his room for a bit of evidence. When he came down it was not to come directly to the dining-room. He paused in the hall and dispatched a servant to bring his brother to him.

Maurice found him standing weakly against the railing of the stairs. Something in his air impressed his brother strangely.

"What is it, Francis?" he questioned, hurrying to him.

"I have just discovered a considerable loss," was the reply in a grieved voice.

"If it is no worse than loss, I am glad; but what is it?"

"Every cent of money that I had to secure my letter of credit is gone from my bureau."

"What? When did it disappear?"

"I went to my bureau tonight for something and found the money gone; then I remembered that when I opened it two days ago I must have left the key in the lock, as I found it tonight."

"It's a bad business, but don't let's talk of it now. Come, let's go back to our guests. Don't look so cut up about it, Frank, old

man. It isn't as bad as it might be, and you mustn't show a gloomy face tonight."

The younger man pulled himself together and re-entered the room with his brother.

III. THE THEFT

Frank was very pale when his brother finally came to him at the appointed place. He sat limply in his chair, his eyes fixed upon the floor.

"Come, brace up now, Frank, and tell me about it."

"I don't know what you'll think of me, Maurice," he said; "I have never before been guilty of such criminal carelessness."

"Don't stop to accuse yourself. Our only hope in this matter lies in prompt action. Where was the money?"

"In the oak cabinet in my bureau drawer. Such a thing as a theft seemed so foreign to this place that I was never very particular about the box. But I did not know until I went to it tonight that the last time I had opened it I had forgotten to take the key out."

"Don't worry. How much was there in all?"

"Nine hundred and eighty-six dollars, most of which, I am ashamed to say, I had accepted from you."

"You have no right to talk that way, Frank; you know I do not begrudge a cent you want."

They talked. When Maurice finally asked who had last been in Frank's room, the chain of circumstance began to settle, link by link, around Berry Hamilton's neck. Joe had shaved him. Hamilton had been up. The window overlooked the side of the house where the servant's cottage sat.

Maurice went to the telephone and rang up the police station. A detective was detailed to take charge of the case and was started immediately. He came and insisted upon questioning the robbed man and searching his room at once. They raised the lid of the cabinet. They examined the hall-ways without. The detective

paused knowingly at a window that overlooked the flat top of a porch.

"What else is out that way?"

Frank and Maurice looked at each other. The younger man hesitated and put his hand to his head. Maurice answered grimly, "My butler's cottage is on that side and a little way back."

"Uh huh! and your butler is, I believe, the Hamilton whom the young gentleman mentioned."

"Yes."

Frank's face was really very white now. The detective nodded.

"I think I have a clue," he said simply. "I will be here again to-morrow morning."

When they rejoined the ladies, even their quick eyes could detect in Francis's demeanour no trace of the annoying thing that had occurred. His face did not change until, with a wealth of fervent congratulations, he had bade the last guest good-bye.

Then he turned to his brother. "When Leslie is in bed, come into the library. I will wait for you there," he said, and walked sadly away.

"Poor, foolish Frank," mused his brother, "as if the loss could matter to him."

In the seclusion of his chamber he was later saying to his wife: "To think of that black hound's treachery! I'll give him all that the law sets down for him."

He found Mrs. Oakley asleep when he reached the room but he awakened her to tell her the story. She was horror-struck. It was hard to have to believe this awful thing of an old servant, but she agreed with him that Hamilton must be made an example of when the time came. Before that, however, he must not know that he was suspected.

They fell asleep, he with thoughts of anger and revenge, and she grieved and disappointed.

IV. FROM A CLEAR SKY

The inmates of the Oakley house had not been long in their beds before Hamilton was out of his and rousing his own little household.

"You, Joe," he called to his son, "git up f'om daih an' come right hyeah. You got to he'p me befo' you go to any shop dis mo'nin'. You, Kitty, stir yo' stumps, miss. Ef she ain't, I bet I'll be aftah huh in a minute, too. You all layin' 'roun', snoozin' w'en you all des' pint'ly know dis is de mo'nin' Mistah Frank go 'way f'om hyeah."

It was a cool autumn morning, fresh and dew-washed. The sun was just rising, and a clear breeze was blowing across the land. The blue smoke from the house, where the fire was already going, whirled fantastically over the roofs. It was just the morning to doze in comfort, and so thought all of Berry's household except himself.

The good-humor of all of them returned when they were seated about their table with some of the good things of the night before set out, and the talk ran cheerily around.

"I do declaih," said Hamilton, "you all's as bad as dem white people was las' night. De way dey waded into dat food was a caution." He chuckled with delight at the recollection.

"I reckon dat's what dey come fu'. I wasn't payin' so much 'tention to what dey eat as to de way dem women was dressed. Why, Mis' Judge Hampton was des' mo'n go'geous."

"Oh, yes, ma, an' Miss Lessing wasn't no ways behin' her," put in Kitty.

Joe did not condescend to join in the conversation but contented himself with devouring the good things and aping the manners of the young men whom he knew had been among last night's guests.

"Well, I got to be goin'," said Berry, rising. "There'll be early breakfas' at de house dis mo'nin', so's Mistah Frank kin ketch de fus' train."

He went out cheerily to his work. No shadow of impending disaster depressed his spirits. He was a simple, easy man, and he saw nothing in the manner of the people whom he served that morning at breakfast save a natural grief at parting from each other. He did not even take the trouble to inquire who the strange white man was who hung about the place.

When it came time for the young man to leave, with the privilege of an old servitor Berry went up to him to bid him good-bye. He held out his hand, and with a glance at his brother, Frank took it and shook it cordially. "Good-bye, Berry," he said. Maurice could hardly restrain his anger at the sight, but his wife was moved to tears at her brother-in-law's generosity.

The last sight they saw as the car rolled away towards the station was Berry standing upon the steps waving a hearty farewell and god-speed.

"How could you do it, Frank?" gasped his brother, as soon as they had driven well out of hearing.

"Hush, Maurice," said Mrs. Oakley gently; "I think it was very noble of him."

"Oh, I felt sorry for the poor fellow," was Frank's reply. "Promise me you won't be too hard on him, Maurice. Give him a little scare and let him go. He's possibly buried the money, anyhow."

"I shall deal with him as he deserves."

The detective was waiting on the lawn when Maurice Oakley returned.

"Well?" was the impatient man's question as soon as the door closed upon them.

"I have some more information that may or may not be of importance."

"Out with it; maybe I can tell."

"First, let me ask if you had any reason to believe that your butler had any resources of his own, say to the amount of three or four hundred dollars?"

"Certainly not. I pay him thirty dollars a month, and his wife fifteen dollars, and with keeping up his lodges and the way he dresses that girl, he can't save very much."

"You know that he has money in the bank?"

"No."

"Well, he has. Over eight hundred dollars."

"What? Berry? It must be the pickings of years."

"And yesterday it was increased by five hundred more."

"The scoundrel!"

Oakley struck the bell, and Berry himself answered it.

"You're just the man we want," said Oakley, shortly.

Berry looked astonished.

"Berry, you deposited five hundred dollars at the bank yesterday?"

"Well, suh, Mistah Oakley," was the grinning reply, "ef you ain't de beatenes' man to fin' out things I evah seen."

The employer half rose from his chair. His face was livid with anger. But at a sign from the detective he strove to calm himself.

"You had better let me talk to Berry, Mr. Oakley," said the officer.

"Berry," the officer pursued, "you admit having deposited five hundred dollars in the bank yesterday?"

"Sut'ny. Dey ain't no reason why I shouldn't admit it, 'ceptin' erroun' ermong dese jealous niggahs."

"Uh huh! well, now, where did you get this money?"

"Why, I wo'ked fu' it, o' co'se, whaih you s'pose I got it? I've been savin' dat money fu' mo'n fo' yeahs. I tol' Fannie dat some day I'd put it in, an' fin'lly I listened to huh an' sposited it yistid-dy."

"You're a liar! you're a liar, you black thief!" Oakley broke in impetuously. "You have learned your lesson well, but you can't cheat me. I know where that money came from."

Berry had suddenly turned ashen.

"You say you know whaih dat money come f'om? Whaih?"

"You stole it, you thief, from my brother Frank's room."

"Stole it! My Gawd, Mistah Oakley, you believe a thing lak dat aftah all de yeahs I been wid you?"

Fannie was summoned, and when the matter was explained to her she first gave evidences of giving way to grief, but when the detective began to question her she calmed herself and answered directly just as her husband had.

"Send the woman away."

"I won't go," cried Fannie stoutly; "I'll stay right hyeah by my husband. You sha'n't drive me away f'om him."

Berry turned to his employer. "You b'lieve dat I stole f'om dis house aftah all de yeahs I've been in it, aftah de caih I took of yo' money an' yo' valybles? Now, can you b'lieve dis?"

His voice broke, and he ended with a cry.

"Yes, I believe it, you thief, yes. Take him away."

Berry's eyes were bloodshot as he replied, "Den, damn you! damn you! ef dat's all dese yeahs counted fu', I wish I had a-stoled

it.”

Oakley made a step forward, and his man did likewise, but the officer stepped between them.

“Take that damned hound away, or, by God! I’ll do him violence!”

The two men stood fiercely facing each other, then the handcuffs were snapped on the servant’s wrist.

“No, no,” shrieked Fannie, “you mustn’t, you mustn’t. Oh, my Gawd! he ain’t no thief. I’ll go to Mis’ Oakley. She nevah will believe it.” She sped from the room.

She returned dragging Mrs. Oakley by the hand. “Tell ’em, oh, tell ’em, Miss Leslie, dat you don’t believe it. Don’t let ’em ’rest Berry.”

“Why, Fannie, I can’t do anything. It all seems perfectly plain, and Mr. Oakley knows better than any of us, you know.”

Fannie, her last hope gone, flung herself on the floor, crying, “O Gawd! O Gawd! he’s gone fu’ sho’!”

Her husband bent over her, the tears dropping from his eyes. “Nevah min’, Fannie,” he said, “nevah min’. Hit’s boun’ to come out all right.”

She raised her head and seizing his manacled hands pressed them to her breast, wailing in a low monotone, “Gone! gone!”

They disengaged her hands and led Berry away.

V. THE JUSTICE OF MEN

The arrest of Berry Hamilton on the charge preferred by his employer was the cause of unusual commotion in the town. Both the accuser and the accused were well known to the citizens, white and Black—Maurice Oakley as a solid man of business, and Berry as an honest, sensible man, and the pink of good servants. The evening papers had a full story of the crime, which closed by saying that the prisoner had amassed a considerable sum of money, it was very likely from a long series of smaller peculations.

It seems a strange irony upon the force of right living that this man, who had never been arrested before, who had never even been suspected of wrong-doing, should find so few who even at the first telling doubted the story of his guilt. Many people began to remember things that had looked particularly suspicious in his dealings. Some others said, "I didn't think it of him." There were only a few who dared to say, "I don't believe it of him."

The first act of his lodge, the Tribe of Benjamin, whose treasurer he was, was to have his accounts audited, when they should have been visiting him with comfort, and they seemed personally grieved when his books were found to be straight. The A.M.E. church, of which he had been an honest and active member, hastened to disavow sympathy with him and to purge itself of contamination by turning him out. His friends were afraid to visit him and were silent when his enemies gloated. On every side one might have asked, Where is charity? and gone away empty.

In the Black people of the town the strong influence of what had come before was still operative, and with one accord they turned away from one of their own kind upon whom had been set

the ban of the white people's displeasure. If they had sympathy they dared not show it. Their own interests, the safety of their own positions and firesides, demanded that they stand aloof from the criminal. So Berry was unbefriended while the storm raged around him.

The whites were not neglecting to review and comment on the case also.

"I tell you," said old Horace Talbot, who was noted for his kindness towards people of color, "I tell you, I pity that man more than I blame him." They were in the bar of the Jefferson Hotel, and the old gentleman sipped his liquor as he talked. "The natural result is that these people are irresponsible. I know Berry, and I've known him for a long while, and a politer, likelier fellow than him you would have to go far to find. And I haven't the least doubt in the world that he took that money absolutely without a thought of wrong, sir, absolutely."

"I disagree with you entirely, Mr. Talbot," broke in Mr. Beachfield Davis. "It's simply total depravity, that's all."

"Well, do you think there's any doubt of the man's guilt?" asked Colonel Saunders hesitatingly. He was the only man who had ever thought of such a possibility.

"Any doubt!" cried Old Horace.

"Any doubt!" exclaimed Mr. Davis.

"Any doubt?" almost shrieked the rest. "Why, there can be no doubt. Tell us who has got the money if he hasn't? Tell us where on earth the man got the money he's been putting in the bank? Doubt? Why, there isn't the least doubt about it."

"Certainly, certainly," said the Colonel, "but I thought, of course, he might have saved it."

The Colonel saw, or said he did. And he did not answer what he might have answered, that Berry had no rent and no board to

pay, that his clothes came from his master, and that Kitty and Fannie looked to their mistress for the larger number of their supplies, and that Fannie herself made fifteen dollars a month, and that for two years Joe had been supporting himself. These things did not come up, and as far as the opinion of the gentlemen assembled in the hotel bar went, Berry was already proven guilty.

As for the prisoner himself, after the first day when he had pleaded not guilty and been bound over to the Grand Jury, he had fallen into a sort of dazed calm that was like the stupor produced by a drug. He took little heed of what went on around him. The shock had been too sudden for him, and it was as if his reason had been for the time unseated.

Fannie was utterly hopeless. She had laid down whatever pride had been hers and gone to plead with Maurice Oakley for her husband's freedom, and she had seen his hard, set face. She had gone upon her knees before his wife to cite Berry's long fidelity.

"Oh, Mis' Oakley," she cried, "ef he did steal de money, we've got enough saved to mek it good. Let him go! let him go!"

"Then you admit that he did steal?" Mrs. Oakley had taken her up sharply.

"Oh, I didn't say dat; I didn't mean dat."

"That will do, Fannie. I understand perfectly. You should have confessed that long ago."

The stricken woman reeled out of her mistress's presence.

Of all the family Joe was the only one who burned with a fierce indignation. He knew that his father was innocent, and his very helplessness made a fever in his soul. The looks and gibes of his fellow-employees at the barber-shop forced him to leave his work there. Kit, bowed with shame and grief, dared not appear upon the streets where the girls who had envied her now hooted at her.

So the little family was shut in upon itself away from fellowship and sympathy.

At the sitting of the Grand Jury Berry was indicted. His trial followed soon, and the town turned out to see it. Some came to laugh and scoff, but these, his enemies, were silenced by the spectacle of his grief. In vain the lawyer whom he had secured showed that the evidence against him proved nothing. In vain he produced proof of the slow accumulation of what the man had. In vain he pleaded the man's former good name. The judge and the jury saw otherwise. Berry was convicted. He was given ten years at hard labor.

He hardly looked as if he could live out one as he heard his sentence. With a cry as if his heart were bursting, he started up and fell forward on his face unconscious.

Maurice Oakley sat in the court-room, grim and relentless. As soon as the trial was over, he sent for Fannie, who still kept the cottage in the yard.

"You must go," he said. "You can't stay here any longer. I want none of your breed about me."

And Fannie bowed her head and went away from him in silence.

All the night long the women of the Hamilton household lay in bed and wept, clinging to each other in their grief. But Joe did not go to sleep. Against all their entreaties, he stayed up. He put out the light and sat staring into the gloom with hard, burning eyes.

VI. OUTCASTS

What particularly irritated Maurice Oakley was that Berry should to the very last keep up his claim of innocence. He reiterated it to the very moment that the transport vehicle which was bearing him away to the Cummins Unit pulled out of the Jefferson County Detention Center parking lot. There had seldom been seen such an example of criminal hardihood, and Oakley was hardened thereby to greater severity in dealing with the convict's wife. He began to urge her more strongly to move, and she, dispirited and humiliated by what had come to her, looked vainly about for the way to satisfy his demands.

With the conviction of her husband the last five hundred dollars had been confiscated as belonging to the stolen money, but their former deposit remained untouched. With this she had the means at her disposal to tide over their present days of misfortune. It was not money she lacked, but confidence. Some inkling of the world's attitude towards her, guiltless though she was, reached her and made her afraid.

Her desperation, however, would not let her give way to fear, so she set forth to look for another house. Joe and Kit saw her go as if she were starting on an expedition into a strange country. In all their lives they had known no home save the little cottage in Oakley's yard.

Fannie went out with little hope in her heart, and a short while after she was gone Joe decided to follow her and make an attempt to get work.

"I'll go an' see what I kin do, anyway, Kit. 'Tain't much use, I reckon, trying to get into a bahbah shop where they shave white

folks, because all the white folks are down on us. I'll try one of the colored shops."

This was something of a condescension for Berry Hamilton's son. He had never yet shaved a Black chin or put shears to what he termed naps, and he was proud of it. He thought, though, that after the training he had received from the superior parlors where he had been employed, he had but to ask for a place and he would be gladly accepted.

It is strange how all the foolish little vaunting things that a man says in days of prosperity wax a giant crop around him in the days of his adversity. Berry Hamilton's son found this out almost as soon as he had applied at the first of the colored shops for work.

"Oh, no, suh," said the proprietor, "I don't think we got anything fu' you to do; you're a white man's bahbah. We don't shave nothin' but niggahs hyeah, an' we shave 'em in de light o' day."

"W'y, I hyeah you say dat you couldn't git a paih of sheahs thoo a niggah's naps. You ain't been practisin' lately, has you?" came from the back of the shop, where a grinning man was scraping a fellow's face.

Joe Hamilton never knew how he got out of that shop. He only knew that he found himself upon the street outside the door, tears of anger and shame in his eyes, and the laughs and taunts of his tormentors still ringing in his ears.

He had not the heart to seek another shop, for he knew that what would be known at one would be equally well known at all the rest. He went on to the Continental Hotel, where there were almost always boys wanted to run the bells. The clerk looked him over critically. He was a bright, spruce-looking young fellow, and the man liked his looks.

“Well, I guess we can take you on,” he said. “What’s your name?”

“Joe,” was the laconic answer. He was afraid to say more.

But the head bellman had spoken to the clerk and the clerk called to him.

“I didn’t know,” he said, “I didn’t know that you were Berry Hamilton’s boy. Now, I’ve got nothing against you myself. I don’t hold you responsible for what your father did, but I don’t believe our boys would work with you. I can’t take you on.”

Joe turned away to meet the grinning or contemptuous glances of the bellmen on the seat. He hastened out of the hotel, feeling that every eye was upon him, every finger pointing at him, every tongue whispering, “There goes Joe Hamilton, whose father went to Cummins the other day.”

What should he do? He could try no more. He was proscribed, and the letters of his ban were writ large throughout the town, where all who ran might read. For a while he wandered aimlessly about and then turned dejectedly homeward. His mother had not yet come.

“Did you get a job?” was Kit’s first question.

“No,” he answered bitterly, “no one wants me now.”

None of these forebodings visited the mind of Kit, and as soon as her mother appeared on the threshold she ran to her, crying, “Oh, where are we going to live, ma?”

Fannie looked at her for a moment, and then answered with a burst of tears, “Gawd knows, child, Gawd knows.”

“I’ve almos’ tramped my laigs off. I’ve tried every decent place I could think of, but nobody wants us. Some of ’em made excuses ’bout one thing er t’ other, but de res’ come right straight out an’ said dat we’d give a neighborhood a bad name ef we moved into it.”

"Why, we ain't done anything," she said. "Even if they don't know any better than to believe that pa was guilty, they know we ain't done anything."

"I'd like to cut the heart out of a few of 'em," said Joe in his throat.

"What are we goin' to do?" cried the boy fiercely. "They won't let us work. They won't let us live anywhaih. Do they want us to live on the levee an' steal, like some of 'em do?"

In the midst of the conversation a knock came at the door. It was a messenger from the house, and he wanted them to be out of the cottage by the next afternoon, as the new servants were coming and would want the rooms.

The message was so curt, so hard and decisive, that Fannie was startled out of her grief into immediate action.

"Well, we got to go," she said, rising wearily.

"But where are we goin'?" wailed Kitty in affright.

"Out o' town someplace as fur away from this damned hole as we kin git." The boy spoke recklessly in his anger.

"We'll git de secon'-han' dealah to tek ouah things to-morrer, an' then we'll go away some place."

"Let's go to Little Rock," said Joe.

"Little Rock?"

They had thought of Little Rock as a place vague and far away, a city that, like Heaven, to them had existed by faith alone. All the days of their lives they had heard of it, and it seemed to them the centre of all the glory, all the wealth, and all the freedom of the world. Little Rock. It had an alluring sound. Who would know them there? Who would look down upon them?

"It's a mighty big place fu' me to be sta'tin' out in at dis time o' life."

"We want to go whaih dey don't know us."

"I wonder what pa would think of it if he was here," put in Kitty.

"I guess he'd think we was doin' the best we could."

"Well, den, Joe," said his mother, her voice trembling with emotion at the daring step they were about to take, "you set down an' write a lettah to yo' pa, an' tell him what we goin' to do, an' to-morrer...to-morrer...we'll sta't."

Something akin to joy came into the boy's heart as he sat down to write the letter. They had taunted him, had they? They had scoffed at him. But he was going where they might never go, and some day he would come back holding his head high and pay them sneer for sneer and jibe for jibe.

The same night the commission was given to the furniture dealer who would take charge of their things and sell them when and for what he could.

From his window the next morning Maurice Oakley watched the wagon emptying the house. Then he saw Fannie come out and walk about her little garden, followed by her children. He saw her as she wiped her eyes and led the way to the side gate.

"Well, they're gone," he said to his wife. "I wonder where they're going to live?"

"Oh, some of their people will take them in," replied Mrs. Oakley languidly.

Despite the fact that his mother carried with her the rest of the money drawn from the bank, Joe had suddenly stepped into the place of the man of the family. He attended to all the details of their getting away with a promptness that made it seem untrue that he had never before had cause to leave his native town. As the bus drew out of the station he did not look back upon the place which he hated, but Fannie and her daughter let their eyes linger upon it until the last house, the last chimney, and the last

spire faded from their sight, and their tears fell and mingled as they were carried away toward the unknown.

VII. IN LITTLE ROCK

To the provincial coming to Little Rock for the first time, ignorant and unknown, the city presents a notable mingling of the qualities of cheeriness and gloom. If he have any eye at all for the beautiful, he cannot help experiencing a thrill as he crosses the Arkansas River bridge and catches the first sight of the skyline rising above the water. If he have the right stuff in him, a something will take possession of him that will grip him again every time he returns to the scene and will make him long and hunger for the place when he is away from it. Later the lights in the busy streets will bewilder and entice him. He will feel shy and helpless amid the hurrying crowds. A new emotion will take his heart as the people hasten by him—a feeling of loneliness, almost of grief, that with all of these souls about him he knows not one and not one of them cares for him. After a while he will find a place and give a sigh of relief as he settles away from the city's sights behind his cozy blinds. It is better here, and the city is cruel and cold and unfeeling. This he will feel, perhaps, for the first half-hour, and then he will be out in it all again. He will be glad to strike elbows with the bustling mob and be happy at their indifference to him, so that he may look at them and study them. After it is all over, after he has passed through the first pangs of strangeness and homesickness, the real fever of love for the place will begin to take hold upon him. The subtle, insidious wine of Little Rock will begin to intoxicate him. Then, if he be wise, he will go away, any place. But if he be a fool, he will stay and stay on until the town becomes all in all to him; until the very streets are his chums and certain buildings and corners his best friends. Then he is hopeless, and to

live elsewhere would be death. He will look down pityingly on all the rest of humanity.

It was the afternoon of a clear October day that the Hamiltons reached Little Rock. Fannie had some misgivings about crossing the river bridge, but once on the other side these gave way to speculations as to what they should find. With the eagerness of youth to take in new impressions, Joe and Kitty were more concerned with what they saw about them than with what their future would hold, though they might well have stopped to ask some such questions. In all the great city they knew absolutely no one and had no idea which way to go to find a stopping-place.

They looked about them for some familiar face, and finally saw one among the porters who were handling baggage at the bus station. To Joe's inquiry he gave them an address, and also proffered his advice as to the best way to reach the place. He was exceedingly polite, and he looked hard at Kitty. They found the house to which they had been directed, and were a good deal surprised at its apparent grandeur. It was a four-storied brick dwelling on West Markham Street. As they looked from the outside, they were afraid that the price of staying in such a place would be too much for their pockets. Inside, the sight of the hard, gaudily upholstered installment-plan furniture did not disillusion them. They found Mrs. Jones, the proprietress, both gracious and willing to come to terms with them.

As Mrs. Hamilton—she began to be Mrs. Hamilton now, to the exclusion of Fannie—would have described Mrs. Jones, she was a “big yellow woman.” She had a broad good-natured face and a tendency to run to bust.

“Yes,” she said, “I think I could arrange to take you. I could let you have two rooms, and you could use my kitchen until you decided whether you wanted to take a flat or not. I has the whole

house myself, and I keeps roomers. Mos' o' my gent'men's railroad gent'men, they is. I guess it must 'a' been Mr. Thomas that sent you up here."

"He was a little bright man down at de station."

"Yes, that's him. That's Mr. Thomas. He's always lookin' out to send some one here, because he's been here three years hisself an' he kin recommend my house."

It was a relief to the Hamiltons to find Mrs. Jones so gracious and home-like. So the matter was settled, and they took up their abode with her and sent for their baggage.

Joe and Kit were differently affected by what they saw about them. The boy was wild with enthusiasm and with a desire to be a part of all that the city meant. In the evening he saw the young fellows passing by dressed in their spruce clothes, and he wondered with a sort of envy where they could be going. Back home there had been no place much worth going to except church and one or two people's houses. But these young fellows seemed to show by their manners that they were neither going to church nor a family visiting. In the moment that he recognized this, a revelation came to him—the knowledge that his horizon had been very narrow, and he felt angry that it was so. Why should those fellows be different from him? Why should they walk the streets so knowingly, so independently, when he knew not whither to turn his steps? Well, he was in Little Rock, and now he would learn.

Whom the Gods wish to destroy they first make mad. The first sign of the demoralization of the provincial who comes to a city is his pride at his insensibility to certain impressions which used to influence him at home. First he begins to scoff, and there is no truth in his views nor depth in his laugh. But by and by, from mere pretending, it becomes real. He grows callous. After that he goes to the devil very cheerfully.

No such radical emotions, however, troubled Kit's mind. She too stood at the windows and looked down into the street. There was a sort of complacent calm in the manner in which she viewed the girls' hats and dresses. Many of them were really pretty, she told herself, but for the most part they were not better than what she had had down home. There was a sound quality in the girl's make-up that helped her to see through the glamour of mere place and recognize worth for itself.

When later in the evening the porter who had been kind to them came in and was introduced as Mr. William Thomas, young as she was, she took his open admiration for her with more coolness than Joe exhibited when Thomas offered to show him something of the town some day or night.

Mr. Thomas was a loquacious little man with a confident air born of an intense admiration of himself.

"I tell you, Miss Kitty," he burst forth, a few minutes after being introduced, "they ain't no use talkin', Little Rock'll give you a shakin' up 'at you won't soon forget. It's the only town in this state, I tell you. We git the best shows here, we got Riverfront Park, we got Rebsamen Park, we got the best barbecue in the South right up on the hill. Say, now, what's the use o' my callin' it all out? We simply git the best of everything."

"Great place," said Joe wisely, in what he thought was going to be quite a man-of-the-world manner.

The oracle only said "Yes" to him and went on expatiating to Kitty on the glories of the city.

"D'jever see the old State House? I'll take you 'round some day. An' Riverfront—oh, my, now that's the place; and talk about music! That's the place for me."

Mr. Thomas took a pail and went to the corner. As he left the room Mrs. Jones slapped her knee and laughed until her bust

shook like jelly.

"Mr. Thomas is a case, sho'," she said; "but he likes you all, an' I'm mighty glad of it, fu' he's mighty curious about the house when he don't like the roomers."

Joe felt distinctly flattered, for he found their new acquaintance charming. His mother was still a little doubtful, and Kitty was sure she found the young man fresh.

He came in pretty soon with his beer and a half-dozen hot tamales in a sack. "Thought I'd bring home something to chew. I always like to eat something with my beer."

Mrs. Jones brought in the glasses, and the young man filled one and turned to Kitty.

"No, thanks," she said with a surprised look.

"What, don't you drink beer? Oh, come now, you'll get out o' that."

"Kitty don't drink no beer," broke in her mother with mild resentment. "I drinks it sometimes, but she don't. I reckon maybe de chillen better go to bed."

Joe felt as if the chillen had ruined all his hopes, but Kitty rose.

"Oh, let 'em stay," said Mrs. Jones heartily; "a little beer ain't goin' to hurt 'em."

"Oh, I drink it," said the boy with an air, but not looking at his mother.

"Joe," she cried to him, "you must ricollect you ain't at home. What'ud yo' pa think?" Then she stopped suddenly, and Joe gulped his beer and Kitty went to the piano to relieve her embarrassment.

"Yes, that's it, Miss Kitty, sing us something," said the irrepressible Thomas, "an' after while we'll have that fellah down that plays ragtime. He's out o' sight, I tell you."

With the pretty shyness of girlhood, Kitty sang one or two little songs in the simple manner she knew. Her voice was full and rich. It delighted Mr. Thomas.

"I say, that's singin' now, I tell you. You ought to have some o' the new songs. I got a frien' in one o' the comp'nies an' I'll speak to him about you."

"Why, yes, what's the matter with tomorrow night? There's a good show in town. Let's all go."

"I ain't nevah been to nothin' lak dat, an' I don't know," said Mrs. Hamilton.

"Aw, come, I'll git the tickets an' we'll all go."

Mrs. Hamilton made no further demur, and the matter was closed.

Awhile later the ragtime man came down and gave them a sample of what they were to hear the next night. Mr. Thomas and Mrs. Jones two-stepped, and they sent a boy after some more beer. Joe found it a very jolly evening, but Kit's and the mother's hearts were heavy as they went up to bed.

"Say," said Mr. Thomas when they had gone, "that little girl's a peach, you bet; a little green, I guess, but she'll ripen in the sun."

VIII. AN EVENING OUT

Fannie Hamilton, tired as she was, sat long into the night with her little family discussing Little Rock—its advantages and disadvantages, its beauty and its ugliness. She had somewhat receded from her first position, that it was better being here in the great strange city than being at home where the very streets shamed them. She had not liked the way that their fellow lodger looked at Kitty. It was bold, to say the least.

She was not sure that she was going to like Little Rock. It had a great name and was really a great place, but the very bigness of it frightened her and made her feel alone, for she knew that there could not be so many people together without a deal of wickedness.

She got ready the next evening to go to the show with the rest. Mr. Thomas at once possessed himself of Kitty and walked on ahead, leaving Joe to accompany his mother and Mrs. Jones, an arrangement not altogether to that young gentleman's taste. At the door of the theatre they had to run the gauntlet of a dozen pairs of eyes. Here, too, the party's guide seemed to be well known, for someone said, before they passed out of hearing, "I wonder who that little light girl is that Thomas is with tonight."

Mrs. Hamilton had been in a theatre but once before in her life, and Joe and Kit but a few times oftener. On those few occasions they had sat in the cramped and airless balcony that the town reserved for people of color. This was not a pleasant, cleanly, nor beautiful locality, and by contrast with it, even the garishness of the cheap Little Rock theatre seemed fine and glorious.

They had good seats in the first balcony, and here their guide had shown his managerial ability again, for he had found it impossible, or said so, to get all the seats together, so that he and the girl were in the row in front and to one side of where the rest sat. Kitty did not like the arrangement, and innocently suggested that her brother take her seat while she went back to her mother. But her escort overruled her objections easily, and laughed at her so frankly that from very shame she could not urge them again, and they were soon forgotten in her wonder at the mystery and glamour that envelops the home of the drama.

As for Joe, he was not bothered by the mystery or the glamour of things. But he had suddenly raised himself in his own estimation. He had gazed steadily at a girl across the aisle until she had smiled in response. He swelled with the consciousness that already he was coming to be a man of the world.

Through it all Mrs. Hamilton watched her daughter and the man beside her, and her uneasiness grew. When the performance was over she forced her way to Kitty's side, where she remained in spite of all Thomas's palpable efforts to get her away. Finally he proposed that they all go to supper at one of the places on Ninth Street.

"No, I reckon we'd bettah go home," said Mrs. Hamilton decidedly. "De chillen ain't ust to stayin' up all hours o' nights, an' I ain't anxious fu' 'em to git ust to it."

Joe told himself that Kitty was the biggest fool that it had ever been his lot to meet, and the disappointed suitor satisfied himself with the reflection that the girl was green yet, but would get bravely over that.

He attempted to hold her hand as they parted at the parlor door, but she drew her fingers out of his clasp and said, "Good-night; thank you," as if he had been one of her mother's

old friends.

Joe lingered a little longer.

"Say, that was out o' sight," he said.

"Think so?" asked the other carelessly.

"I'd like to get out with you some time to see the town," the boy went on eagerly.

"All right, we'll go some time. So long."

Some time. Was it true? Would he really take him out and let him meet show people? Joe went to bed with his head in a whirl. He slept little that night for thinking of his heart's desire.

IX. HIS HEART'S DESIRE

Whatever else his visit to the theatre may have done for Joe, it inspired him with a desire to go to work and earn money of his own, to be independent both of parental help and control, and so be able to spend as he pleased. With this end in view he set out to hunt for work. It was a pleasant contrast to his last similar quest, and he felt it with joy. He was treated everywhere he went with courtesy, even when no situation was forthcoming. Finally he came upon a man who was willing to try him for an afternoon. From the moment the boy rightly considered himself engaged, for he was master of his trade. He began his work with heart elate. Now he had within his grasp the possibility of being all that he wanted to be.

With Thomas, the fact that Joe was working put the boy in an entirely new light. He decided that now he might be worth cultivating. For a week or two he had ignored him, and, proceeding upon the principle that if you give corn to the old hen she will cluck to her chicks, had treated Mrs. Hamilton with marked deference and kindness. This had been without success, as both the girl and her mother held themselves politely aloof from him. He began to see that his hope of winning Kitty's affections lay, not in courting the older woman but in making a friend of the boy. So on a certain Saturday night when the Ninth Street clubs were lively, he asked Joe to go with him.

Joe was glad to, and they set out together. Arrived, Thomas left his companion for a few moments while he attended, as he said, to a little business. What he really did was to seek out the proprietor of the club and some of its hangers on.

"I say," he said, "I've got a friend with me tonight. He's got some dough on him. He's fresh and young and easy."

"Whew!" exclaimed the proprietor.

"Yes, he's a good thing, but push it along kin' o' light at first; he might get skittish."

"Thomas, let me fall on your bosom and weep," said a young man who, on account of his usual expression of innocent gloom, was called Sadness. "This is what I've been looking for for a month. Do you think he would stand for a touch on the first night of our acquaintance?"

"Don't you dare? Do you want to frighten him off? Make him believe that you've got coin to burn and that it's an honor to be with you."

"Trust old Sadness to do his part," said the portly proprietor; and Thomas went back to the lamb.

"Nothin' doin' so early," he said; "let's go an' have a drink."

They went, and Thomas ordered.

"No, no, this is on me," cried Joe, trembling with joy.

"Pshaw, your money's counterfeit," said his companion with fine generosity. "This is on me, I say."

As they stood at the bar the men began strolling up one by one. Each in his turn was introduced to Joe. They were very polite. They treated him with a pale, dignified, high-minded respect that menaced his pocket-book and possessions. The proprietor, Mr. Turner, asked him why he had never been in before. He really seemed much hurt about it, and on being told that Joe had only been in the city for a couple of weeks expressed emphatic surprise, even disbelief, and assured the rest that any one would have taken Mr. Hamilton for an old Little Rock hand.

Sadness was introduced last. He bowed to Joe's happy greeting.

"Better known as Sadness," he said, with an expression of deep gloom. "A distant relative of mine once had a great grief. I have never recovered from it."

Joe was not quite sure how to take this; but the others laughed and he joined them, and then, to cover his own embarrassment, he did what he thought the only correct and manly thing to do—he ordered a drink.

"I don't know as I ought to," said Sadness.

"Oh, come on," his companions called out, "don't be stiff with a stranger. Make him feel at home."

"Mr. Hamilton will believe me when I say that I have no intention of being stiff, but duty is duty. I've got to go down town to pay a bill, and if I get too much aboard, it wouldn't be safe walking around with money on me."

"Aw, shut up, Sadness," said Thomas. "My friend Mr. Hamilton'll feel hurt if you don't drink with him."

"I cert'n'y will," was Joe's opportune remark, and he was pleased to see that it caused the reluctant one to yield.

They took a drink. There was quite a line of them. Joe asked the bartender what he would have. The men warmed towards him. They took several more drinks with him and he was happy. Sadness put his arm about his shoulder and told him, with tears in his eyes, that he looked like a cousin of his that had died.

A group of young fellows came in and passed up the stairs. "Shearing another lamb?" said one of them significantly.

"Well, with that gang it will be well done."

Thomas and Joe left the crowd after a while and went to the upper floor, where in a long, brilliantly lighted room tables were set out for drinking-parties. At one end of the room was a piano, and a man sat at it listlessly strumming some popular air. The proprietor joined them pretty soon and steered them to a table

opposite the door.

"Just sit down here, Mr. Hamilton," he said, "and you can see everybody that comes in. We have lots of nice people here, especially after the shows are out and the girls come in."

Joe's heart gave a great leap, and then settled as cold as lead. Of course, those girls wouldn't speak to him. But his hopes rose as the proprietor went on talking to him and to no one else. Mr. Turner always made a man feel as if he were of some consequence in the world, and men a good deal older than Joe had been fooled by his manner.

The club on Ninth Street was an institution for the lower education of youth. It drew its pupils from every class of people and from every part of the state. It was composed of all sorts and conditions of men, educated and uneducated, dishonest and less so, of the good, the bad, and the unexposed. Parasites came there to find victims, politicians for votes, reporters for news, and artists of all kinds for color and inspiration. It was the place of assembly for a number of really bright men, who after days of hard and often unrewarded work came there and drunk themselves drunk in each other's company, and when they were drunk talked of the eternal verities.

Here the rounders congregated, or came and spent the hours until it was time to go forth to bout or assignation. Among these, white visitors were not infrequent—those who were young enough to be fascinated by the bizarre and those who were old enough to know that it was all in the game. Mr. Skaggs, of the *Arkansas Courier*, was one of the former class and a constant visitor—he and a lady friend called Maudie, who had a penchant for dancing to ragtime melodies as only the professor of such a club can play them.

It was into this atmosphere that Thomas had introduced the boy Joe, and he sat there now by his side, firing his mind by pointing out the different celebrities who came in and telling highly flavoured stories of their lives or doings.

“Aw, there’s Skaggsy an’ Maudie—Maudie’s his girl, y’ know, an’ he’s a reporter on the *Courier*. Fine fellow, Skaggsy.”

Joe was wide-eyed with wonder and admiration.

About eleven o’clock, when the people began to drop in from the plays, the master of ceremonies opened proceedings by saying that the free concert would now begin, and he hoped that all present, ladies included, would act like gentlemen, and not forget the waiter.

Joe looked upon the performers as heroes. He was followed by a little, brown-skinned fellow with an immature beard and a lisp. Then, while an instrumentalist was hammering out the opening bars of a march, Joe’s attention was attracted by a woman entering the room, and from that moment he heard no more of the concert.

She was a small girl, with fluffy dark hair and good features. A tiny foot peeped out from beneath her rattling silk skirts. She was a good-looking young woman and daintily made, though her face was no longer youthful, and one might have wished that with her complexion she had not run to silk waists in magenta.

Joe, however, saw no fault in her. She was altogether lovely to him, and his delight was the more poignant as he recognized in her one of the girls he had seen on the stage a couple of weeks ago. He gazed at her in ecstasy until Thomas, turning to see what had attracted him, said with a laugh, “Oh, it’s Hattie Sterling. Want to meet her?”

Again the young fellow was dumb. Just then Hattie also noticed his intent look and nodded and beckoned to Thomas.

"Come on," he said, rising.

"Oh, she didn't ask for me," cried Joe, tremulous and eager.

His companion went away laughing.

"Who's your young friend?" asked Hattie.

"A fellah from down south."

"Bring him over here."

Joe could hardly believe in his own good luck, and his head, which was getting a bit weak, was near collapsing when his divinity asked him what he'd have. He began to protest, until she told the waiter with an air of authority to make it a little 'skey. Then she asked him for a cigarette and began talking to him in a pleasant, soothing way between puffs.

When the drinks came she said to Thomas, "Now, old man, you've been awfully nice, but when you get your little drink, you run away like a good little boy. You're superfluous."

Thomas answered, "Well, I like that," but obediently gulped his whiskey and withdrew, while Joe laughed until the master of ceremonies stood up and looked sternly at him.

The concert had long been over and the room was less crowded when Thomas sauntered back to the pair.

"Well, good-night," he said. "Guess you can find your way home, Mr. Hamilton;" and he gave Joe a long wink.

"Goo'-night," said Joe, woozily, "I be a' ri'. Goo'-night."

"Make it another 'skey," was Hattie's farewell remark.

It was late the next morning when Joe got home. He had a headache and a sense of triumph that not even his illness and his mother's reproof could subdue.

He had promised Hattie to come often to the club.

X. A VISITOR FROM HOME

Mrs. Hamilton began to question very seriously whether she had done the best thing in coming to Little Rock as she saw her son staying away more and more and growing always farther away from her and his sister. Had she known how and where he spent his evenings, she would have had even greater cause to question the wisdom of their trip. She knew that although he worked he never had any money for the house, and she foresaw the time when the little they had would no longer suffice for Kitty and her. Realizing this, she herself set out to find something to do.

It was a hard matter, for wherever she went seeking employment, it was always for her and her daughter, for the more she saw of Mrs. Jones, the less she thought it well to leave the girl under her influence. Mrs. Hamilton was not a keen woman, but she had a mother's intuitions, and she saw a subtle change in her daughter. At first the girl grew wistful and then impatient and rebellious. She complained that Joe was away from them so much enjoying himself, while she had to be housed up like a prisoner. She had receded from her dignified position, and twice of an evening had gone out for a drive with Thomas; but as that gentleman never included the mother in his invitation, she decided that her daughter should go no more, and she begged Joe to take his sister out sometimes instead. He demurred at first, for he now numbered among his city acquirements a fine contempt for his woman relatives. Finally, however, he consented, and took Kit once to the theatre and once for a drive. Each time he left her in the care of Thomas as soon as they were out of the house, while he went to find or to wait for his dear Hattie.

But his mother did not know all this, and Kit did not tell her. The quick poison of the unreal life about her had already begun to affect her character. She had grown secretive and sly. The innocent longing which in a burst of enthusiasm she had expressed that first night at the theatre was growing into a real ambition with her, and she dropped the simple old songs she knew to practice the ditties which the stage demanded.

She showed no particular pleasure when her mother found the sort of place they wanted, but went to work with her in sullen silence. Mrs. Hamilton could not understand it all, and many a night she wept and prayed over the change in this child of her heart. There were times when she felt that there was nothing left to work or fight for. The letters from Berry in prison became fewer and fewer. He was sinking into the dull, dead routine of his life. Her own letters to him fell off. It was hard getting the children to write. They did not want to be bothered, and she could not write for herself. So in the weeks and months that followed she drifted farther away from her children and husband and all the traditions of her life.

After Joe's first night at the Ninth Street club he had kept his promise to Hattie Sterling and had gone often to meet her. She had taught him much, because it was to her advantage to do so. His greenness had dropped from him like a garment, but no amount of sophistication could make him deem the woman less perfect. He knew that she was much older than he, but he only took this fact as an additional sign of his prowess in having won her. He was proud of himself when he went behind the scenes at the theatre or waited for her at the stage door and bore her off under the admiring eyes of a crowd of gapers. And Hattie? She liked him in a half-contemptuous, half-amused way. He was a good-looking boy and made money enough, as she expressed it,

to show her a good time, so she was willing to overlook his weakness and his callow vanity.

"Look here," she said to him one day, "I guess you'll have to be moving. There's a young lady been inquiring for you today, and I won't stand for that."

He looked at her, startled for a moment, until he saw the laughter in her eyes. Then he caught her and kissed her. "What're you givin' me?" he said.

"It's a straight tip, that's what."

"Who is it?"

"It's a girl named Minty Brown from your home."

His face turned brick-red with fear and shame. "Minty Brown!" he stammered.

Had that girl told all and undone him? But Hattie was going on about her work and evidently knew nothing.

"Oh, you needn't pretend you don't know her," she went on banteringly. "She says you were great friends down south, so I've invited her to supper. She wants to see you."

"To supper!" he thought. Was she mocking him? Was she restraining her scorn of him only to make his humiliation the greater after a while? He looked at her, but there was no suspicion of malice in her face, and he took hope.

"Well, I'd like to see old Minty," he said. "It's been many a long day since I've seen her."

All that afternoon, after going to the barber-shop, Joe was driven by a tempest of conflicting emotions. If Minty Brown had not told his story, why not? Would she yet tell, and if she did, what would happen? He tortured himself by questioning if Hattie would cast him off. At the very thought his hand trembled, and the man in the chair asked him if he hadn't been drinking.

When he met Minty in the evening, however, the first glance at her reassured him. Her face was wreathed in smiles as she came forward and held out her hand.

"Well, well, Joe Hamilton," she exclaimed, "if I ain't right-down glad to see you! How are you?"

"I'm middlin', Minty. How's yourself?" He was so happy that he couldn't let go her hand.

"An' jes' look at the boy! Ef he ain't got the impidence to be waihin' a mustache too. You must 'a' been lettin' the cats lick yo' upper lip. Didn't expect to see me in Little Rock, did you?"

"No, indeed. What you doin' here?"

"Oh, I got a gent'man friend what works on the river, an' he got some work down hyeah, an' he told me, if I wanted to come he'd bring me thoo fur a visit, so, you see, hyeah I am. I allus was mighty anxious to see this hyeah town. But tell me, how's Kit an' yo' ma?"

"They're both right well." He had forgotten them and their scorn of Minty.

"Whaih do you live? I'm comin' roun' to see 'em."

He hesitated for a moment. He knew how his mother, if not Kit, would receive her, and yet he dared not anger this woman, who had his fate in the hollow of her hand.

She saw his hesitation and spoke up. "Oh, that's all right. Let by-gones be by-gones. You know I ain't the kin' o' person that holds a grudge ag'in anybody."

"That's right, Minty, that's right," he said, and gave her his mother's address. Then he hastened home to prepare the way for Minty's coming.

Joe had no doubt but that his mother would see the matter quite as he saw it, and be willing to temporize with Minty; but he had reckoned without his host. Mrs. Hamilton might make cer-

tain concessions to strangers on the score of expediency, but she absolutely refused to yield one iota of her dignity to one whom she had known so long as an inferior.

"But don't you see what she can do for us, ma? She knows people that I know, and she can ruin me with them."

"I ain't never bowed my haid to Minty Brown an' I ain't a-goin' to do it now," was his mother's only reply.

"Oh, ma," Kitty put in, "you don't want to get talked about up here, do you?"

"We'd jes' as well be talked about fu' somep'n we didn't do as fu' somep'n we did do, an' it would n' be long befo' we'd come to dat if we made frien's wid dat Brown gal. I ain't a-goin' to do it. I'm ashamed o' you, Kitty, fu' wantin' me to."

The girl began to cry, while her brother walked the floor angrily.

"You'll see what'll happen," he cried; "you'll see."

Fannie looked at her son, and she seemed to see him more clearly than she had ever seen him before—his foppery, his meanness, his cowardice.

"Well," she answered with a sigh, "it can't be no wuss den what's already happened."

"You'll see, you'll see," the boy reiterated.

Minty Brown allowed no wind of thought to cool the fire of her determination. She left Hattie Sterling's soon after Joe, and he was still walking the floor and uttering dire forebodings when she rang the bell below and asked for the Hamiltons.

Mrs. Jones ushered her into her parlor, and then puffed up stairs to tell her lodgers that there was a friend there from the south who wanted to see them.

"Tell huh," said Mrs. Hamilton, "dat dey ain't no one hyeah wants to see huh."

"No, no," Kitty broke in.

"Heish," said her mother; "I'm goin' to boss you a little while yit."

"Why, I don't understan' you, Mis' Hamilton," puffed Mrs. Jones. "She's a nice-lookin' lady, an' she said she knowed you at home."

"All you got to do is to tell dat ooman jes' what I say."

Minty Brown downstairs had heard the little colloquy, and, perceiving that something was amiss, had come to the stairs to listen. Now her voice, striving hard to be condescending and sweet, but growing harsh with anger, floated up from below:

"Oh, nevah min', lady, I ain't anxious to see 'em. I jest called out o' pity, but I reckon dey 'shamed to see me 'cause de ol' man's in Cummins an' dey was run out o' town."

Mrs. Jones gasped, and then turned and went hastily downstairs.

Kit burst out crying afresh, and Joe walked the floor muttering beneath his breath, while the mother sat grimly watching the outcome. Finally they heard Mrs. Jones' step once more on the stairs. She came in without knocking, and her manner was distinctly unpleasant.

"Mis' Hamilton," she said, "I've had a talk with the lady downstairs, an' she's tol' me everything. I'd be glad if you'd let me have my rooms as soon as possible."

"So you goin' to put me out on de wo'd of a stranger?"

"I'm kin' o' sorry, but everybody in the house heard what Mis' Brown said, an' it'll soon be all over town, an' that'd ruin the reputation of my house."

"I reckon all dat kin be 'splained."

"Yes, but I don't know that anybody kin 'splain your daughter allus being with Mr. Thomas, who ain't even divo'ced from his

wife." She flashed a vindictive glance at the girl, who turned deadly pale and dropped her head in her hands.

"You daih to say dat, Mis' Jones, you dat fust interduced my gal to dat man and got huh to go out wid him? I reckon you'd bet-tah go now."

And Mrs. Jones looked at Fannie's face and obeyed.

As soon as the woman's back was turned, Joe burst out, "There, there! see what you've done with your damned foolishness."

Fannie turned on him like a tigress. "Don't you cuss hyeah befo' me; I ain't nevah brung you up to it, an' I won't stan' it. Go to dem whaih you larned it, an' whaih de wo'ds soun' sweet." The boy started to speak, but she checked him. "Don't you daih to cuss ag'in or befo' Gawd dey'll be somep'n fu' one o' dis fambly to be rottin' in jail fu'!"

The boy was cowed by his mother's manner. He was gathering his few belongings in a bundle.

"I ain't goin' to cuss," he said sullenly, "I'm goin' out o' your way."

"Oh, go on," she said, "go on. It's been a long time sence you been my son. You on yo' way to hell, an' you is been fu' lo dese many days."

Joe got out of the house as soon as possible. He did not speak to Kit nor look at his mother. He felt like a cur, because he knew deep down in his heart that he had only been waiting for some excuse to take this step.

As he slammed the door behind him, his mother flung herself down by Kit's side and mingled her tears with her daughter's. But Kit did not raise her head.

"Dey ain't nothin' lef' but you now, Kit;" but the girl did not speak, she only shook with hard sobs.

Then her mother raised her head and almost screamed, "My Gawd, not you, Kit!" The girl rose, and then dropped unconscious in her mother's arms.

Joe took his clothes to a lodging-house that he knew of, and then went to the club to drink himself up to the point of going to see Hattie after the show.

XI. BROKEN HOPES

What Joe Hamilton lacked more than anything else in the world was some one to kick him. Many a man who might have lived decently and become a fairly respectable citizen has gone to the dogs for the want of some one to administer a good resounding kick at the right time. It is corrective and clarifying.

Joe needed especially its clarifying property, for though he knew himself a cur, he went away from his mother's house feeling himself somehow aggrieved, and the feeling grew upon him the more he thought of it. His mother had ruined his chance in life, and he could never hold up his head again. Yes, he had heard that several of the fellows at the club had shady reputations, but surely to be the son of a thief or a supposed thief was not like being the criminal himself.

At the Ninth Street club he took a seat by himself and, ordering a cocktail, sat glowering at the few other lonely members who had happened to drop in. There were not many of them, and the contagion of unsociability had taken possession of the house. The people sat scattered around at different tables, perfectly unmindful of the bartender, who cursed them under his breath for not getting together.

Joe's mind was filled with bitter thoughts. How long had he been away from home? He asked himself. Nearly a year. Nearly a year passed in Little Rock, and he had come to be what he so much desired—a part of its fast life—and now in a moment an old woman's stubbornness had destroyed all that he had builded.

What would Thomas say when he heard it? What would the other fellows think? And Hattie? It was plain that she would never

notice him again. He had no doubt but that the malice of Minty Brown would prompt her to seek out all of his friends and make the story known. Why had he not tried to placate her by disavowing sympathy with his mother? He would have had no compunction about doing so, but he had thought of it too late. He sat brooding over his trouble until the bartender called with respectful sarcasm to ask if he wanted to lease the glass he had.

He gave back a silly laugh, gulped the rest of the liquor down, and was ordering another when Sadness came in. He came up directly to Joe and sat down beside him. "Mr. Hamilton says 'Make it two, Jack,'" he said with easy familiarity. "Well, what's the matter, old man? You're looking glum."

"I feel glum."

"The divine Hattie hasn't been cutting any capers, has she? The dear old girl hasn't been getting hysterical at her age? Let us hope not."

Joe glared at him. Why in the devil should this fellow be so sadly gay when he was weighted down with sorrow and shame and disgust?

"Come, come now, Hamilton, if you're sore because I invited myself to take a drink with you, I'll withdraw the order. I know the heroic thing to say is that I'll pay for the drinks myself, but I can't screw my courage up to the point of doing so unnatural a thing."

Young Hamilton hastened to protest. "Oh, I know you fellows now well enough to know how many drinks to pay for. It ain't that."

"Well, then, out with it. What is it? Haven't been up to anything, have you?"

The desire came to Joe to tell this man the whole truth, just what was the matter, and so to relieve his heart. On the impulse

he did. If he had expected much from Sadness he was disappointed, for not a muscle of the man's face changed during the entire recital.

When it was over, he looked at his companion critically through a wreath of smoke. Then he said: "For a fellow who has had for a full year the advantage of the education of the Little Rock clubs, you are strangely young. Let me see, you are nineteen or twenty now—yes. Well, that perhaps accounts for it. It's a pity you weren't born older. It's a pity most men aren't. They wouldn't have to take so much time and lose so many good things learning. Now, Mr. Hamilton, let me tell you, and you will pardon me for it, that you are a fool. Your case isn't half as bad as that of nine-tenths of the fellows that hang around here. Now, for instance, my father was hung."

Joe started and gave a gasp of horror.

"Oh, yes, but it was done with a very good rope and by the best citizens of Texas, so it seems that I really ought to be very grateful to them for the distinction they conferred upon my family, but I am not. I am ungratefully sad. A man must be very high or very low to take the sensible view of life that keeps him from being sad. I must confess that I have aspired to the depths without ever being fully able to reach them.

"Now look around a bit. See that little girl over there? That's Viola. Two years ago she wrenched up an iron stool from the floor of a lunch-room, and killed another woman with it. She's nineteen—just about your age, by the way. Well, she had friends with a certain amount of pull. She got out of it, and no one thinks the worse of Viola. You see, Hamilton, in this life we are all suffering from fever, and no one edges away from the other because he finds him a little warm. It's dangerous when you're not used to it; but once you go through the parching process, you become inocu-

lated against further contagion.

“Now, there’s Barney over there, as decent a fellow as I know; but he has been indicted twice for pocket-picking. A half-dozen fellows whom you meet here every night have killed their man. Others have done worse things for which you respect them less. Poor Wallace, who is just coming in, and who looks like a jaunty ragpicker, came here about six months ago with about two thousand dollars, the proceeds from the sale of a house his father had left him. He’ll sleep in one of the club chairs tonight, and not from choice. He spent his two thousand learning. But, after all, it was a good investment. It was like buying an annuity. He begins to know already how to live on others as they have lived on him. The plucked bird’s beak is sharpened for other’s feathers. From now on Wallace will live, eat, drink, and sleep at the expense of others, and will forget to mourn his lost money. He will go on this way until, broken and useless, the poor-house or the potter’s field gets him. Oh, it’s a fine, rich life, my lad. I know you’ll like it. I said you would the first time I saw you. It has plenty of stir in it, and a man never gets lonesome. Only the rich are lonesome. It’s only the independent who depend upon others.”

Sadness laughed a peculiar laugh, and there was a look in his terribly bright eyes that made Joe creep. If he could only have understood all that the man was saying to him, he might even yet have turned back. But he didn’t. He ordered another drink. The only effect that the talk of Sadness had upon him was to make him feel wonderfully in it. It gave him a false bravery, and he mentally told himself that now he would not be afraid to face Hattie.

He put out his hand to Sadness with a knowing look. “Thanks, Sadness,” he said, “you’ve helped me lots.”

Sadness brushed the proffered hand away and sprung up. "You lie," he cried, "I haven't; I was only fool enough to try;" and he turned hastily away from the table.

Joe looked surprised at first, and then laughed at his friend's retreating form. "Poor old fellow," he said, "drunk again. Must have had something before he came in."

It was into this set that Sadness had sarcastically invited Joe, and Joe felt honored. He found that all of his former feelings had been silly and quite out of place; that all he had learned in his earlier years was false. It was very plain to him now that to want a good reputation was the sign of unpardonable immaturity, and that dishonour was the only real thing worth while. It made him feel better.

He was just rising bravely to swagger out to the theatre when Minty Brown came in with one of the club-men he knew. He bowed and smiled, but she appeared not to notice him at first, and when she did she nudged her companion and laughed.

Suddenly his little courage began to ooze out, and he knew what she must be saying to the fellow at her side, for he looked over at him and grinned. He rose and went over to her table.

"Why, Minty," he said, offering his hand, "you ain't mad at me, are you?"

"Go on away f'om hyeah," she said angrily; "I don't want none o' thievin' Berry Hamilton's fambly to speak to me."

"Why, you were all right this evening."

"Yes, but jest out o' pity, an' you was nice 'cause you was afraid I'd tell on you. Go on now."

"Go on now," said Minty's young man; and he looked menacing.

Joe, what little self-respect he had gone, slunk out of the room and needed several whiskeys in a neighboring bar to give him

courage to go to the theatre and wait for Hattie, who was playing in variety houses pending the opening of her company.

The closing act was just over when he reached the stage door. He was there but a short time, when Hattie tripped out and took his arm. Her face was bright and smiling, and there was no suggestion of disgust in the dancing eyes she turned up to him. Evidently she had not heard, but the thought gave him no particular pleasure, as it left him in suspense as to how she would act when she should hear.

"Let's go somewhere and get some supper," she said; "I'm as hungry as I can be. What are you looking so cut up about?"

"Oh, I ain't feelin' so very good."

"I hope you ain't lettin' that long-tongued Brown woman bother your head, are you?"

His heart seemed to stand still. She did know, then.

"Do you know all about it?"

"Why, of course I do. You might know she'd come to me first with her story."

"And you still keep on speaking to me?"

"Now look here, Joe, if you've been drinking, I'll forgive you; if you ain't, you go on and leave me. Say, what do you take me for? Do you think I'd throw down a friend because somebody else talked about him? Well, you don't know Hat Sterling. When Minty told me that story, she was back in my dressing-room, and I sent her out o' there a-flying, and with a tongue-lashing that she won't forget for a month o' Sundays."

"I reckon that was the reason she jumped on me so hard at the club." He chuckled. He had taken heart again.

"So she jumped on you hard, did she? The cat!"

"Oh, she didn't say a thing to me."

“Well, Joe, it’s just like this. I ain’t an angel, you know that, but I do try to be square, and whenever I find a friend of mine down on his luck, in his pocket-book or his feelings, why, I give him my flipper. Why, old chap, I believe I like you better for the stiff upper lip you’ve been keeping under all this.”

“Why, Hattie,” he broke out, unable any longer to control himself, “you’re...you’re...”

“Oh, I’m just plain Hat Sterling, who won’t throw down her friends. Now come on and get something to eat. If that thing is at the club, we’ll go there and show her just how much her talk amounted to. She thinks she’s the whole game, but I can spot her and then show her that she ain’t one, two, three.”

When they reached the club they found Minty still there. She tried on the two the same tactics that she had employed so successfully upon Joe alone. She nudged her companion and tittered. But she had another person to deal with. Hattie Sterling stared at her coldly and indifferently, and passed on by her to a seat. Joe proceeded to order supper and other things in the nonchalant way that the woman had enjoined upon him. Minty began to feel distinctly uncomfortable, but it was her business not to be beaten. She laughed outright. Hattie did not seem to hear her. She was beckoning Sadness to her side. He came and sat down.

“Now look here,” she said, “you can’t have any supper because you haven’t reached the stage of magnificent hunger to make a meal palatable to you. You’ve got so used to being nearly starved that a meal don’t taste good to you under any other circumstances. You’re in on the drinks, though—Jack, make it three. Lean over here, I want to talk to you. See that woman over there by the wall? No, not that one—the big light woman with Griggs. Well, she’s come here with a story trying to throw Joe down, and I want you to help me do her.”

"Oh, that's the one that upset our young friend, is it?" said Sadness, turning his mournful eyes upon Minty.

"That's her. So you know about it, do you?"

"Yes, and I'll help do her. She mustn't touch one of the fraternity, you know." He kept his eyes fixed upon the outsider until she squirmed.

Now, this same Miss Sterling had the faculty of attracting a good deal of attention when she wished to. She brought it into play tonight, and in ten minutes, aided by Sadness, she had a crowd of jolly people about her table. When everything was going well, she suddenly paused and, turning her eyes full upon Minty, said in a voice loud enough for all to hear:

"Say, boys, you've heard that story about Joe, haven't you?"

They had.

"Well, that's the one that told it; she's come here to try to throw him and me down. Is she going to do it?"

"Well, I guess not!" was the rousing reply, and every face turned towards the now frightened Minty. She rose hastily and, getting her skirts together, fled from the room, followed more leisurely by the crestfallen Griggs. Hattie's laugh and "Thank you, fellows," followed her out.

Matters were less easy for Joe's mother and sister than they were for him. A week or more after this, Kitty found him and told him that Minty's story had reached their employers and that they were out of work.

"You see, Joe," she said sadly, "we've took a flat since we moved from Mis' Jones', and we had to furnish it. We've got one lodger, a man what works at the track, an' he's mighty nice to ma an' me, but that ain't enough. Now we've got to do something."

Joe was so smitten with sorrow that he gave her a dollar and promised to speak about the matter to a friend of his.

He did speak about it to Hattie.

“You’ve told me once or twice that your sister could sing. Bring her down here to me, and if she can do anything, I’ll get her a place on the stage,” was Hattie’s answer.

When Kitty heard it she was radiant, but her mother only shook her head and said, “De las’ hope, de las’ hope.”

XII. "ALL THE WORLD'S A STAGE"

Kitty proved herself Joe's sister by falling desperately in love with Hattie Sterling the first time they met. The actress was very gracious to her, and called her "child" in a pretty, patronizing way, and patted her on the cheek.

"It's a shame that Joe hasn't brought you around before. We've been good friends for quite some time."

"He told me you an' him was right good friends."

Already Joe took on a new importance in his sister's eyes. He must be quite a man, she thought, to be the friend of such a person as Miss Sterling.

"So you think you want to go on the stage, do you?"

"Yes, 'm, I thought it might be right nice for me if I could."

"Joe, go out and get some beer for us, and then I'll hear your sister sing."

Miss Sterling talked as if she were a manager and had only to snap her fingers to be obeyed. When Joe came back with the beer, Kitty drank a glass. She did not like it, but she would not offend her hostess. After this she sang, and Miss Sterling applauded her generously, although the young girl's nervousness kept her from doing her best. The encouragement helped her, and she did better as she became more at home.

"Why, child, you've got a good voice. And, Joe, you've been keeping her shut up all this time. You ought to be ashamed of yourself."

The young man had little to say. He had brought Kitty almost under a protest, because he had no confidence in her ability and thought that his girl would disillusion her. It did not please him

now to find his sister so fully under the limelight and himself up stage.

Kitty was quite in a flutter of delight; not so much with the idea of working as with the glamour of the work she might be allowed to do.

"I tell you, now," Hattie Sterling pursued, "your voice is too good for the chorus. Gi' me a cigarette, Joe. Have one, Kitty?—I'm goin' to call you Kitty. It's nice and homelike, and then we've got to be great chums, you know."

Kitty, unwilling to refuse anything from the sorceress, took her cigarette and lighted it, but a few puffs set her off coughing.

"Tut, tut, Kitty, child, don't do it if you ain't used to it. You'll learn soon enough."

Joe wanted to kick his sister for having tried so delicate an art and failed, for he had not yet lost all of his awe of Hattie.

"Now, what I was going to say," the lady resumed after several contemplative puffs, "is that you'll have to begin in the chorus any way and work your way up. It wouldn't take long for you, with your looks and voice, to put one of the up-and-ups out o' the business. Only hope it won't be me. I've had people I've helped try to do it often enough."

She gave a laugh that had just a touch of bitterness in it, for she began to recognize that although she had been on the stage only a short time, she was no longer the all-conquering Hattie Sterling, in the first freshness of her youth.

"Oh, I wouldn't want to push anybody out," Kit expostulated.

"Oh, never mind, you'll soon get bravely over that feeling, and even if you didn't it wouldn't matter much. The thing has to happen. Somebody's got to go down. We don't last long in this life: it soon wears us out, and when we're worn out and sung out, danced out and played out, the manager has no further use for us;

so he reduces us to the ranks or kicks us out entirely.”

Joe here thought it time for him to put in a word. “Get out, Hat,” he said contemptuously; “you’re good for a dozen years yet.”

She didn’t deign to notice him, save so far as a sniff goes.

“Don’t you let what I say scare you, though, Kitty. You’ve got a good chance, and maybe you’ll have more sense than I’ve got, and at least save money while you’re in it. But let’s get off that. It makes me sick. All you’ve got to do is to come to the theatre tomorrow and I’ll introduce you to the manager. He’s a fool, but I think we can make him do something for you.”

“Oh, thank you, I’ll be around tomorrow, sure.”

“Better come about ten o’clock. There’s a rehearsal tomorrow, and you’ll find him there. Of course, he’ll be pretty rough, he always is at rehearsals, but he’ll take to you if he thinks there’s anything in you and he can get it out.”

Kitty felt herself dismissed and rose to go. Joe did not rise.

“I’ll see you later, Kit,” he said; “I ain’t goin’ just yet. Say,” he added, when his sister was gone, “you’re a hot one. What do you want to give her all that for? She’ll never get in.”

“Joe,” said Hattie, “don’t you get awful tired of being a jack-ass? Sometimes I want to kiss you, and sometimes I feel as if I had to kick you. I’ll compromise with you now by letting you bring me some more beer. This got all stale while your sister was here. I saw she didn’t like it, and so I wouldn’t drink any more for fear she’d try to keep up with me.”

“Kit is a good deal of a jay yet,” Joe remarked wisely.

“Oh, yes, this world is full of jays. Lots of ’em have seen enough to make ’em wise, but they’re still jays, and don’t know it. That’s the worst of it. They go around thinking they’re it, when they ain’t even in the game. Go on and get the beer.”

And Joe went, feeling vaguely that he had been sat upon.

Kit flew home with joyous heart to tell her mother of her good prospects. She burst into the room, crying, "Oh, ma, ma, Miss Hattie thinks I'll do to go on the stage. Ain't it grand?"

She did not meet with the expected warmth of response from her mother.

"I do' know as it'll be so gran'. F'om what I see of dem stage people dey don't seem to 'mount to much. De way dem gals shows demse'ves is right down bad to me. Is you goin' to dress lak dem we seen dat night?"

Kit hung her head. "I guess I'll have to."

"Well, ef you have to, I'd ruther see you daid any day. Oh, Kit, my little gal, don't do it, don't do it. Don't you go down lak yo' brothah Joe. Joe's gone."

"Why, ma, you don't understand. Joe's somebody now. You ought to've heard how Miss Hattie talked about him. She said he's been her friend for a long while."

"Her frien', yes, an' his own inimy. You need n' pattern aftah dat gal, Kit. She ruint Joe, an' she's aftah you now."

"But nowadays everybody thinks stage people respectable up here."

"Maybe I'm ol'-fashioned, but I can't believe in any ooman's ladyship when she shows herse'f lak dem gals does. Oh, Kit, don't do it. Ain't you seen enough? Don't you know enough already to stay away f'om dese hyeah people? Dey don't want nothin' but to pull you down an' den laugh at you w'en you's dragged in de dust."

"You mustn't feel that away, ma. I'm doin' it to help you."

"I do' want no sich help. I'd ruther starve."

Kit did not reply, but there was no yielding in her manner.

"Kit," her mother went on, "dey's somep'n I ain't nevah tol' you dat I'm goin' to tell you now. Mistah Gibson ust to come to Mis' Jones's lots to see me befo' we moved hyeah, an' he's been talkin' 'bout a good many things to me." She hesitated. "He say dat I ain't noways ma'ied to my po' husban', dat a pen'tentiary sentence is de same as a divo'ce, an' if Be'y should live to git out, we'd have to ma'y ag'in. I wouldn't min' dat, Kit, but he say dat at Be'y's age dey ain't much chanst of his livin' to git out, an' hyeah I'll live all dis time alone, an' den have no one to tek keer o' me w'en I git ol'. He wants me to ma'y him, Kit. Kit, I love yo' fathah; he's my only one. But Joe, he's gone, an' ef yo go, befo' Gawd I'll tell Tom Gibson yes."

The mother looked up to see just what effect her plea would have on her daughter. She hoped that what she said would have the desired result. But the girl turned around from fixing her neck-ribbon before the glass, her face radiant. "Why, it'll be splendid. He's such a nice man, an' race men 'most always have money. Why don't you marry him, ma? Then I'd feel that you was safe an' settled, an' that you wouldn't be lonesome when the show was out of town."

"You want me to ma'y him an' desert yo' po' pa?"

"I guess what he says is right, ma. I don't reckon we'll ever see pa again an' you got to do something. You got to live for yourself now."

Her mother dropped her head in her hands. "All right," she said, "I'll do it; I'll ma'y him. I might as well go de way both my chillen's gone. Po' Be'y, po' Be'y. Ef you evah do come out, Gawd he'p you to baih what you'll fin'." And Mrs. Hamilton rose and tottered from the room, as if the old age she anticipated had already come upon her.

Kit stood looking after her, fear and grief in her eyes. "Poor ma," she said, "an' poor pa. But I know, an' I know it's for the best."

On the next morning she was up early and practicing hard for her interview with the managing star of the show company.

When she arrived at the theatre, Hattie Sterling met her with frank friendliness.

"I'm glad you came early, Kitty," she remarked, "for maybe you can get a chance to talk with the manager before he begins rehearsal and gets all worked up. He'll be a little less like a bear then. But even if you don't see him before then, wait, and don't get scared if he tries to bluff you. His bark is a good deal worse than his bite."

When Mr. Martin came in that morning, he had other ideas than that of seeing applicants for places. His show must begin in two weeks, and it was advertised to be larger and better than ever before, when really nothing at all had been done for it. The promise of this advertisement must be fulfilled. Mr. Martin was late, and was out of humor with every one else on account of it. He came in hurried, fierce, and important.

He shot every word out of his mouth as if the after-taste of it were unpleasant to him. He walked among the chorus like an angry king among his vassals, and his glance was a flash of insolent fire. From his head to his feet he was the very epitome of self-sufficient, brutal conceit.

Kitty trembled as she noted the hush that fell on the people at his entrance. She felt like rushing out of the room. She could never face this terrible man. She trembled more as she found his eyes fixed upon her.

"Who's that?" he asked, disregarding her, as if she had been a stick or a stone.

"Well, don't snap her head off. It's a girl friend of mine that wants a place," said Hattie. She was the only one who would brave Martin.

"Humph. Let her wait. I ain't got no time to hear any one now. Get yourselves in line, you all who are on to that first chorus, while I'm getting into my sweat-shirt."

He disappeared behind a screen, whence he emerged arrayed in a thick absorbing shirt and a thin pair of woolen trousers. Then the work began. The man was indefatigable. He was like the spirit of energy. He was in every place about the stage at once, leading the chorus, showing them steps, twisting some awkward girl into shape, shouting, gesticulating, abusing the pianist.

"Now, now," he would shout, "the left foot on that beat. Bah, bah, stop! You walk like a lot of tin soldiers. Are your joints rusty? Do you want oil? Look here, Taylor, if I didn't know you, I'd take you for a truck. Pick up your feet, open your mouths, and move, move, move! Oh!" and he would drop his head in despair. "And to think that I've got to do something with these things in two weeks—two weeks!" Then he would turn to them again with a sudden reaccession of eagerness. "Now, at it again, at it again! Hold that note, hold it! Now whirl, and on the left foot. Stop that music, stop it! Miss Coster, you'll learn that step in about a thousand years, and I've got nine hundred and ninety-nine years and fifty weeks less time than that to spare. Come here and try that step with me. Don't be afraid to move. Step like a chicken on a hot griddle!" And some blushing girl would come forward and go through the step alone before all the rest.

Kitty contemplated the scene with a mind equally divided between fear and anger. What should she do if he should so speak to her? Like the others, no doubt, smile sheepishly and obey him. But she did not like to believe it. She felt that the independence which

she had known from babyhood would assert itself, and that she would talk back to him, even as Hattie Sterling did. She felt scared and discouraged, but every now and then her friend smiled encouragingly upon her across the ranks of moving singers.

Finally, however, her thoughts were broken in upon by hearing Mr. Martin cry: "Oh, quit, quit, and go rest yourselves, you ancient pieces of hickory, and let me forget you for a minute before I go crazy. Where's that new girl now?"

Kitty rose and went toward him, trembling so that she could hardly walk.

"What can you do?"

"I can sing," very faintly.

"Well, if that's the voice you're going to sing in, there won't be many that'll know whether it's good or bad. Well, let's hear something. Do you know any of these?"

And he ran over the titles of several songs. She knew some of them, and he selected one. "Try this. Here, Tom, play it for her."

It was an ordeal for the girl to go through. She had never sung before at anything more formidable than a church concert, where only her immediate acquaintances and townspeople were present. Now to sing before all these strange people, themselves singers, made her feel faint and awkward. But the courage of desperation came to her, and she struck into the song. At first her voice wavered and threatened to fail her. It must not. She choked back her fright and forced the music from her lips.

When she was done, she was startled to hear Martin burst into a raucous laugh. Such humiliation! She had failed, and instead of telling her, he was bringing her to shame before the whole company. The tears came into her eyes, and she was about giving way when she caught a reassuring nod and smile from Hattie Sterling, and seized on this as a last hope.

“Haw, haw, haw!” laughed Martin, “haw, haw, haw! The little one was scared, see? She was scared, d’ you understand? But did you see the grit she went at it with? Just took the bit in her teeth and got away. Haw, haw, haw! Now, that’s what I like. If all you girls had that spirit, we could do something in two weeks. Try another one, girl.”

Kitty’s heart had suddenly grown light. She sang the second one better because something within her was singing.

“Good!” said Martin, but he immediately returned to his cold manner. “You watch these girls close and see what they do, and tomorrow be prepared to go into line and move as well as sing.”

He immediately turned his attention from her to the chorus, but no slight that he could inflict upon her now could take away the sweet truth that she was engaged and tomorrow would begin work. She wished she could go over and embrace Hattie Sterling. She thought kindly of Joe, and promised herself to give him a present out of her first month’s earnings.

On the first night of the show pretty little Kitty Hamilton was pointed out as a girl who wouldn’t be in the chorus long. The mother sat in the balcony, a grieved, pained look on her face. Joe was in a front row with some of the rest of the gang. He took many drinks between the acts, because he was proud.

Mr. Thomas was there. He also was proud, and after the performance he waited for Kitty at the stage door and went forward to meet her as she came out. The look she gave him stopped him, and he let her pass without a word.

“Who’d ’a’ thought,” he mused, “that the kid had that much nerve? Well, if they don’t want to find out things, what do they come to Little Rock for? Guess I got out easy, anyhow.”

Hattie Sterling took Joe home in a cab.

“Say,” she said, “if you come this way for me again, it’s all over, see? Your little sister’s a comer, and I’ve got to hustle to keep up with her.”

Joe growled and fell asleep in his chair. One must needs have a strong head or a strong will when one is the brother of a celebrity and would celebrate the distinguished one’s success.

XIII. THE OAKLEYS

A year after the arrest of Berry Hamilton, and at a time when Little Rock had shown to the eyes of his family so many strange new sights, there were few changes to be noted in the condition of affairs at the Oakley place. Maurice Oakley was perhaps a shade more distrustful of his servants, and consequently more testy with them. Mrs. Oakley was the same acquiescent woman, with unbounded faith in her husband's wisdom and judgment. With complacent minds both went their ways, drank their wine, and said their prayers, and wished that brother Frank's five years were past. They had letters from him now and then, never very cheerful in tone, but always breathing the deepest love and gratitude to them.

His brother found deep cause for congratulation in the tone of these epistles.

"Frank is getting down to work," he would cry exultantly. "He is past the first buoyant enthusiasm of youth. Ah, Leslie, when a man begins to be serious, then he begins to be something." And her only answer would be, "I wonder, Maurice, if Claire Lessing will wait for him?"

The two had frequent questions to answer as to Frank's doing and prospects, and they had always bright things to say of him, even when his letters gave them no such warrant. Their love for him made them read large between the lines, and all they read was good.

Between Maurice and his brother no word of the guilty servant ever passed. They each avoided it as an unpleasant subject. Frank had never asked and his brother had never proffered aught

of the outcome of the case.

Mrs. Oakley had once suggested it. "Brother ought to know," she said, "that Berry is being properly punished."

"By no means," replied her husband. "You know that it would only hurt him. He shall never know if I have to tell him."

"You are right, Maurice, you are always right. We must shield Frank from the pain it would cause him. Poor fellow! he is so sensitive."

Their hearts were still steadfastly fixed upon the union of this younger brother with Claire Lessing. She had lately come into a fortune, and there was nothing now to prevent it. They would have written Frank to urge it, but they both believed that to try to woo him away from his art was but to make him more wayward. That any woman could have power enough to take him away from this jealous mistress they very much doubted. But they could hope, and hope made them eager to open every letter that bore the French postmark. Always it might contain news that he was coming home, or that he had made a great success, or, better, some inquiry after Claire. A long time they had waited, but found no such tidings in the letters from Paris.

At last, as Maurice Oakley sat in his library one day, the servant brought him a letter more bulky in weight and appearance than any he had yet received. His eyes glistened with pleasure as he read the postmark. "A letter from Frank," he said joyfully, "and an important one, I'll wager."

He smiled as he weighed it in his hand and caressed it. Mrs. Oakley was out, and as he knew how deep her interest was, he hesitated to break the seal before she returned. He curbed his natural desire and laid the heavy envelope down on the desk. But he could not deny himself the pleasure of speculating as to its contents.

It was such a large, interesting-looking package. What might it not contain? It simply reeked of possibilities. Had any one banteringly told Maurice Oakley that he had such a deep vein of sentiment, he would have denied it with scorn and laughter. But here he found himself sitting with the letter in his hand and weaving stories as to its contents.

First, now, it might be a notice that Frank had received the badge of the Legion of Honor. No, no, that was too big, and he laughed aloud at his own folly, wondering the next minute, with half shame, why he laughed, for did he, after all, believe anything was too big for that brother of his? Well, let him begin, anyway, away down. Let him say, for instance, that the letter told of the completion and sale of a great picture. Or, better yet, let the letter say that some picture, long finished, but of which the artist's pride and anxiety had forbidden him to speak, had made a glowing success, the success it deserved. This sounded well, and seemed not at all beyond the bounds of possibility. It was an alluring vision. He saw the picture already. It was a scene from life, true in detail to the point of very minuteness, and yet with something spiritual in it that lifted it above the mere copy of the commonplace.

"My fancies go on and conquer the world for my brother," he muttered. "He will follow their flight one day and do it himself."

The letter drew his eyes back to it. It seemed to invite him, to beg him even. "No, I will not do it; I will wait until Leslie comes. She will be as glad to hear the good news as I am."

His dreams were taking the shape of reality in his mind, and he was believing all that he wanted to believe.

He turned to look at a picture painted by Frank which hung over the mantel. He dwelt lovingly upon it, seeing in it the touch of a genius.

"Surely," he said, "this new picture cannot be greater than that, though it shall hang where kings can see it and this only graces the library of my poor house. When Frank and Claire marry, I shall give it back to them. It is too great a treasure for a clod like me. Heigho, why will women be so long a-shopping?"

He glanced again at the letter, and his hand went out involuntarily towards it. He fondled it, smiling.

"Ah, Lady Leslie, I've a mind to open it to punish you for staying so long."

He essayed to be playful, but he knew that he was trying to make a compromise with himself because his eagerness grew stronger than his gallantry. He laid the letter down and picked it up again. He studied the postmark over and over. He got up and walked to the window and back again, and then began fumbling in his pockets for his knife. No, he did not want it; yes, he did. He would just cut the envelope and make believe he had read it to pique his wife; but he would not read it. He found the knife and slit the paper. His fingers trembled as he touched the sheets that protruded. Why would not Leslie come?

There was a sound of footsteps without. He sprang up, crying, "I've been waiting so long for you!" A servant opened the door to bring him a message. Oakley dismissed him angrily. His patience and his temper were going. Leslie was careless and unfeeling. She ought to come; he was tired of waiting.

A car rolled up the driveway and he dropped the letter guiltily, as if it were not his own. He would only say that he had grown tired of waiting and started to read it. But it was only a note for Leslie about some charity.

He went back to the letter. Well, it was his. Leslie had forfeited her right to see it as soon as he. He would not read it now, but he would take it out and show her that he had exercised his self-con-

trol in spite of her shortcomings. He laid it on the desk once more. It leered at him. He might just open the sheets enough to see the lines that began it, and read no further. The first line had only "Dear Brother." "Dear Brother"! Why not the second? That could not hold much more. The second line held him, and the third, and the fourth, and as he read on, unmindful now of what Leslie might think or feel, his face turned from the ruddy glow of pleasant anxiety to the pallor of grief and terror. He was not half-way through it when Mrs. Oakley's voice in the hall announced her coming. He did not hear her. He sat staring at the page before him, his lips apart and his eyes staring. Then, with a cry that echoed through the house, crumpling the sheets in his hand, he fell forward fainting to the floor, just as his wife rushed into the room.

"What is it?" she cried. "Maurice! Maurice!"

He lay on the floor staring up at the ceiling, the letter clutched in his hands. She ran to him and lifted up his head, but he gave no sign of life. Already the servants were crowding to the door. She bade one of them to hasten for a doctor, others to bring water and brandy, and the rest to be gone. As soon as she was alone, she loosed the crumpled sheets from his hand, for she felt that this must have been the cause of her husband's strange attack. Without a thought of wrong, for they had no secrets from each other, she glanced at the opening lines. Then she forgot the unconscious man at her feet and read the letter through to the end.

The letter was in Frank's neat hand, a little shaken, perhaps, by nervousness.

"Dear Brother," it ran, "I know you will grieve at receiving this, and I wish that I might bear your grief for you, but I cannot, though I have as heavy a burden as this can bring to you. Mine would have been lighter today, perhaps, had you been more straightforward with me. I am not blaming you, however, for I

know that my hypocrisy made you believe me possessed of a really soft heart, and you thought to spare me. Until yesterday, when in a letter from Esterton he casually mentioned the matter, I did not know that Berry was in prison, else this letter would have been written sooner. I have been wanting to write it for so long, and yet have been too great a coward to do so.

“I know that you will be disappointed in me, and just what that disappointment will cost you I know; but you must hear the truth. I shall never see your face again, or I should not dare to tell it even now. You will remember that I begged you to be easy on your servant. You thought it was only my kindness of heart. It was not; I had a deeper reason. I knew where the money had gone and dared not tell. Berry is as innocent as yourself...and I...well, it is a story, and let me tell it to you.

“You have had so much confidence in me, and I hate to tell you that it was all misplaced. I have no doubt that I should not be doing it now but that I have drunken absinthe enough to give me the emotional point of view, which I shall regret tomorrow. I do not mean that I am drunk. I can think clearly and write clearly, but my emotions are extremely active.

“Do you remember Claire’s saying at the table that night of the farewell dinner that some dark-eyed mademoiselle was waiting for me? She did not know how truly she spoke, though I fancy she saw how I flushed when she said it: for I was already in love—madly so.

“I need not describe her. I need say nothing about her, for I know that nothing I say can ever persuade you to forgive her for taking me from you. This has gone on since I first came here, and I dared not tell you, for I saw whither your eyes had turned. I loved this girl, and she both inspired and hindered my work. Perhaps I would have been successful had I not met her, perhaps not.

"I love her too well to marry her and make of our devotion a stale, prosy thing of duty and compulsion. When a man does not marry a woman, he must keep her better than he would a wife. It costs. All that you gave me went to make her happy.

"Then, when I was about leaving you, the catastrophe came. I wanted much to carry back to her. I gambled to make more. I would surprise her. Luck was against me. Night after night I lost. Then, just before the dinner, I woke from my frenzy to find all that I had was gone. I would have asked you for more, and you would have given it; but that strange, ridiculous something which we misname Southern honor, that honor which strains at a gnat and swallows a camel, withheld me, and I preferred to do worse. So I lied to you. The money from my cabinet was not stolen save by myself. I am a liar and a thief, but your eyes shall never tell me so.

"Tell the truth and have Berry released. I can stand it. Write me but one letter to tell me of this. Do not plead with me, do not forgive me, do not seek to find me, for from this time I shall be as one who has perished from the earth; I shall be no more.

"Your brother, Frank."

By the time the servants came they found Mrs. Oakley as white as her lord. But with firm hands and compressed lips she ministered to his needs pending the doctor's arrival. She bathed his face and temples, chafed his hands, and forced the brandy between his lips. Finally he stirred and his hands gripped.

"The letter!" he gasped.

"Yes, dear, I have it; I have it."

"Give it to me," he cried. She handed it to him. He seized it and thrust it into his breast.

"Did...did...you read it?"

"Yes, I did not know..."

"Oh, my God, I did not intend that you should see it. I wanted the secret for my own. I wanted to carry it to my grave with me. Oh, Frank, Frank, Frank!"

"Never mind, Maurice. It is as if you alone knew it."

"It is not, I say, it is not!"

He turned upon his face and began to weep passionately, not like a man, but like a child whose last toy has been broken.

"Oh, my God," he moaned, "my brother, my brother!"

"Sh, dearie, think...it's...it's...Frank."

"That's it, that's it...that's what I can't forget. It's Frank—Frank, my brother."

Suddenly he sat up and his eyes stared straight into hers.

"Leslie, no one must ever know what is in this letter," he said calmly.

"No one shall, Maurice; come, let us burn it."

"Burn it? No, no," he cried, clutching at his breast. "It must not be burned. What! burn my brother's secret? No, no, I must carry it with me—carry it with me to the grave."

"But, Maurice..."

"I must carry it with me."

She saw that he was overwrought, and so did not argue with him.

When the doctor came, he found Maurice Oakley in bed, but better. The medical man diagnosed the case and decided that he had received some severe shock. He feared too for his heart, for the patient constantly held his hands pressed against his bosom. In vain the doctor pleaded; he would not take them down, and when the wife added her word, the physician gave up, and after prescribing, left, much puzzled in mind.

"It's a strange case," he said; "there's something more than the nervous shock that makes him clutch his chest like that, and

yet I have never noticed signs of heart trouble in Oakley."

It was soon common talk about the town about Maurice Oakley's attack. In the seclusion of his chamber he was saying to his wife:

"Ah, Leslie, you and I will keep the secret. No one shall ever know."

"Yes, dear, but—but—what of Berry?"

"What of Berry?" he cried, starting up excitedly. "What is Berry to Frank? What is that man to my brother? What are his sufferings to the honor of my family and name?"

"Never mind, Maurice, never mind, you are right."

"It must never be known, I say, if Berry has to rot in Cummins."

So they wrote a lie to Frank, and buried the secret in their breasts, and Oakley wore its visible form upon his heart.

XIV. FRANKENSTEIN

Five years is but a short time in the life of a man, and yet many things may happen therein. For instance, the whole way of a family's life may be changed. Good natures may be made into bad ones and out of a soul of faith grow a spirit of unbelief. The independence of respectability may harden into the insolence of defiance, and the sensitive cheek of modesty into the brazen face of shamelessness. It may be true that the habits of years are hard to change, but this is not true of the first sixteen or seventeen years of a young person's life, else Kitty Hamilton and Joe could not so easily have become what they were. It had taken barely five years to accomplish an entire metamorphosis of their characters. In Joe's case even a shorter time was needed. He was so ready to go down that it needed but a gentle push to start him, and once started, there was nothing within him to hold him back from the depths. For his will was as flabby as his conscience, and his pride, which stands to some men for conscience, had no definite aim or direction.

Hattie Sterling had given him both his greatest impulse for evil and for good. She had at first given him his gentle push, but when she saw that his collapse would lose her a faithful and useful slave she had sought to check his course. Her threat of the severance of their relations had held him up for a little time, and she began to believe that he was safe again. He went back to the work he had neglected, drank moderately, and acted in most things as a sound, sensible being. Then, all of a sudden, he went down again, and went down badly. She kept her promise and threw him over. Then he became a hanger-on at the clubs, a genteel loafer. He

used to say in his sober moments that at last he was one of the boys that Sadness had spoken of. He did not work, and yet he lived and ate and was proud of his degradation. But he soon tired of being separated from Hattie, and straightened up again. After some demur she received him upon his former footing. It was only for a few months. He fell again. For almost four years this had happened intermittently. Finally he took a turn for the better that endured so long that Hattie Sterling again gave him her faith. Then the woman made her mistake. She warmed to him. She showed him that she was proud of him. He went forth at once to celebrate his victory. He did not return to her for three days. Then he was battered, unkempt, and thick of speech.

She looked at him in silent contempt for a while as he sat nursing his aching head.

"Well, you're a beauty," she said finally with cutting scorn. "You ought to be put under a glass case and placed on exhibition."

He groaned and his head sunk lower. A drunken man is always disarmed.

His helplessness, instead of inspiring her with pity, inflamed her with an unfeeling anger that burst forth in a volume of taunts.

"You're the thing I've given up all my chances for—you, a miserable, drunken jay, without a jay's decency. No one had ever looked at you until I picked you up and you've been strutting around ever since, showing off because I was kind to you, and now this is the way you pay me back. Drunk half the time and half drunk the rest. Well, you know what I told you the last time you got loaded? I mean it too. You're not the only star in sight, see?"

She laughed meanly and began to sing tauntingly.

For the first time he looked up, and his eyes were full of tears—tears both of grief and intoxication. There was an expression of a whipped dog on his face.

“Do’...Ha’ie, do’...” he pleaded, stretching out his hands to her.

Her eyes blazed back at him, but she sang on insolently, tauntingly.

The very inanity of the man disgusted her, and on a sudden impulse she sprang up and struck him full in the face with the flat of her hand. He was too weak to resist the blow, and, tumbling from the chair, fell limply to the floor, where he lay at her feet, alternately weeping aloud and quivering with drunken, hiccupping sobs.

“Get up!” she cried; “get up and get out o’ here. You sha’n’t lay around my house.”

He had already begun to fall into a drunken sleep, but she shook him, got him to his feet, and pushed him outside the door. “Now, go, you drunken dog, and never put your foot inside this house again.”

He stood outside, swaying dizzily upon his feet and looking back with dazed eyes at the door, then he muttered: “Pu’ me out, wi’ you? Pu’ me out, damn you! Well, I ki’ you. See ’f I don’t;” and he half walked, half fell down the street.

Sadness and Skaggsy were together at the club that night. Five years had not changed the latter as to wealth or position or inclination, and he was still a frequent visitor at the Ninth Street club. He always came in alone now, for Maudie had gone the way of all the half-world, and reached depths to which Mr. Skaggs’s job prevented him from following her. However, he mourned truly for his lost companion, and tonight he was in a particularly pensive mood.

Some one was playing ragtime on the piano, and the dancers were wheeling in time to the music. Skaggsy looked at them regretfully as he sipped his liquor. It made him think of Maudie. He sighed and turned away.

"I tell you, Sadness," he said impulsively, "dancing is the poetry of motion."

"Yes," replied Sadness, "and dancing in ragtime is the dialect poetry."

The reporter did not like this. It savored of flippancy, and he was about entering upon a discussion to prove that Sadness had no soul, when Joe, with blood-shot eyes and disheveled clothes, staggered in and reeled towards them.

"Drunk again," said Sadness. "Really, it's a waste of time for Joe to sober up. Hullo there!" as the young man brought up against him; "take a seat." He put him in a chair at the table. "Been lushin' a bit, eh?"

"Gi' me some'n' drink."

"Oh, a hair of the dog. Some men shave their dogs clean, and then have hydrophobia. Here, Jack!"

They drank, and then, as if the whiskey had done him good, Joe sat up in his chair.

"Ha'ie's throwed me down."

"Lucky dog! You might have known it would have happened sooner or later. Better sooner than never."

Skaggs smoked in silence and looked at Joe.

"I'm goin' to kill her."

"I wouldn't if I were you. Take old Sadness's advice and thank your stars that you're rid of her."

"I'm goin' to kill her." He paused and looked at them drowsily. Then, bracing himself up again, he broke out suddenly, "Say, d' ever tell y' 'bout the ol' man? He never stole that money. Know he di' n'."

He threatened to fall asleep now, but the reporter was all alert. He scented a story.

"By Jove!" he exclaimed, "did you hear that? Bet the chap stole it himself and's letting the old man suffer for it. Great story, ain't it? Come, come, wake up here. Three more, Jack. What about your father?"

"Father? Who's father. Oh, do' bother me. What?"

"Here, here, tell us about your father and the money. If he didn't steal it, who did?"

"Who did? Tha's it, who did? Ol' man di' n' steal it, know he di' n'."

"Oh, let him alone, Skaggsy, he don't know what he's saying."

"Yes, he does, a drunken man tells the truth."

"In some cases," said Sadness.

"Oh, let me alone, man. I've been trying for years to get a big sensation for my paper, and if this story is one, I'm a made man."

The drink seemed to revive the young man again, and by bits Skaggs was able to pick out of him the story of his father's arrest and conviction. At its close he relapsed into stupidity, murmuring, "She throwed me down."

"Well," sneered Sadness, "you see drunken men tell the truth, and you don't seem to get much guilt out of our young friend. You're disappointed, aren't you?"

"I confess I am disappointed, but I've got an idea, just the same."

"Oh, you have? Well, don't handle it carelessly; it might go off." And Sadness rose. The reporter sat thinking for a time and then followed him, leaving Joe in a drunken sleep at the table. There he lay for more than two hours. When he finally awoke, he started up as if some determination had come to him in his sleep. A part of the helplessness of his intoxication had gone, but his first act was to call for more whiskey. This he gulped down, and followed with another and another. For a while he stood still,

brooding silently, his red eyes blinking at the light. Then he turned abruptly and left the club.

It was very late when he reached Hattie's door, but he opened it with his key, as he had been used to do. He stopped to help himself to a glass of brandy, as he had so often done before. Then he went directly to her room. She was a light sleeper, and his step awakened her.

"Who is it?" she cried in affright.

"It's me." His voice was steadier now, but grim.

"What do you want? Didn't I tell you never to come here again? Get out or I'll have you taken out."

She sprang up in bed, glaring angrily at him.

His hands twitched nervously, as if her will were conquering him and he were uneasy, but he held her eye with his own.

"You put me out tonight," he said.

"Yes, and I'm going to do it again. You're drunk."

She started to rise, but he took a step towards her and she paused. He looked as she had never seen him look before. His face was ashen and his eyes like fire and blood. She quailed beneath the look. He took another step towards her.

"You put me out tonight," he repeated, "like a dog."

His step was steady and his tone was clear, menacingly clear. She shrank back from him, back to the wall. Still his hands twitched and his eye held her. Still he crept slowly towards her, his lips working and his hands moving convulsively.

"Joe, Joel!" she said hoarsely, "what's the matter? Oh, don't look at me like that."

He broke into a laugh, a dry, murderous laugh, and his hands sought each other while the fingers twitched over one another like coiling serpents.

“You put me out—you—you, and you made me what I am.” The realization of what he was, of his foulness and degradation, seemed just to have come to him fully. “You made me what I am, and then you sent me away. You let me come back, and now you put me out.”

She gazed at him fascinated. She tried to scream and she could not. This was not Joe. This was not the boy that she had turned and twisted about her little finger. This was a terrible, terrible man or a monster.

He moved a step nearer her. His eyes fell to her throat. For an instant she lost their steady glare and then she found her voice. The scream was checked as it began. His fingers had closed over her throat just where the gown had left it temptingly bare. They gave it the caress of death. She struggled. They held her. Her eyes prayed to his. But his were the fire of hell. She fell back upon her pillow in silence. He had not uttered a word. He held her. Finally he flung her from him like a rag, and sank into a chair. And there the officers found him when Hattie Sterling’s disappearance had become a strange thing.

XV. "DEAR, DAMNED, DELIGHTFUL TOWN"

When Joe was taken, there was no spirit or feeling left in him. He moved mechanically, as if without sense or volition. The first impression he gave was that of a man over-acting insanity. But this was soon removed by the very indifference with which he met everything concerned with his crime. From the very first he made no effort to exonerate or to vindicate himself. He talked little and only in a dry, stupefied way. He was as one whose soul is dead, and perhaps it was; for all the little soul of him had been wrapped up in the body of this one woman, and the stroke that took her life had killed him too.

The men who examined him were irritated beyond measure. There was nothing for them to exercise their ingenuity upon. He left them nothing to search for. Their most damning question he answered with an apathy that showed absolutely no interest in the matter. It was as if some one whom he did not care about had committed a crime and he had been called to testify. The only thing which he noticed or seemed to have any affection for was a little pet dog which had been hers and which they sometimes allowed to be with him after the life sentence had been passed upon him and when he was awaiting removal. He would sit for hours with the little animal in his lap, caressing it dumbly. There was a mute sorrow in the eyes of both man and dog, and they seemed to take comfort in each other's presence. They had both loved her, had they not? So they understood.

Sadness saw him and came back to the club, torn and unnerved by the sight. "I saw him," he said with a shudder, "and it'll

take more whiskey than Jack can give me in a year to wash the memory of him out of me. Why, man, it shocked me all through. It's a pity they didn't send him on down to the death house and be done with it. It couldn't have done him much harm and would have been a real mercy."

And so Sadness and all the club, with a muttered "Poor devil!" dismissed him. He was gone. Why should they worry? Only one more who had got into the whirlpool, enjoyed the sensation for a moment, and then swept dizzily down. There were, indeed, some who for an earnest hour sermonized about it and said, "Here is another example of the pernicious influence of the city on those who were not made for it. Is there no way to keep these young people from rushing away from the small villages and country districts of the South up to the cities, where they cannot battle with the terrible force of a strange and unusual environment? Is there no way to prove to them that the simplicity of the small town is infinitely better than the broad-clothed degradation of the city streets?" They wanted to dare to say that the South has its faults—no one condones them—and its disadvantages, but that even what they suffered from these was better than what awaited them in the great alleys of Little Rock. Down there, the bodies were restrained, and they chafed; but here the soul would fester, and they would be content.

This was but for an hour, for even while they exclaimed they knew that there was no way, and that the stream of young Black life would continue to flow up from the Delta and the small towns, dashing itself against the hard necessities of the city and breaking like waves against a rock—that, until the gods grew tired of their cruel sport, there must still be sacrifices to false ideals and unreal ambitions.

There was one heart, though, that neither dismissed Joe with gratuitous pity nor sermonized about him. The mother heart had only room for grief and pain. Already it had borne its share. It had known sorrow for a lost husband, tears at the neglect of a new companion, shame for a daughter's sake, and it had seemed already filled to overflowing. And yet the fates had put in this one other burden until it seemed it must burst with the weight of it.

To Fannie Hamilton's mind now all her boy's shortcomings became as naught. He was not her wayward, erring, criminal son. She only remembered that he was her son, and wept for him as such. She forgot his curses, while her memory went back to the sweetness of his baby prattle and the soft words of his tenderer youth. Until the last she clung to him, holding him guiltless, and to her thought they took to prison, not Joe Hamilton, a convicted criminal, but Joey, Joey, her boy, her firstborn—a martyr.

The pretty Miss Kitty Hamilton was less deeply impressed. The arrest and subsequent conviction of her brother was quite a blow. She felt the shame of it keenly, and some of the grief. To her, coming as it did just at a time when the company was being strengthened and she more importantly featured than ever, it was decidedly inopportune, for no one could help connecting her name with the affair.

For a long time she and her brother had scarcely been upon speaking terms. During Joe's frequent lapses from industry he had been prone to touch his sister for the wherewithal to supply his various wants. When, finally, she grew tired and refused, he rebuked her for withholding that which, save for his help, she would never have been able to make. This went on until they were almost entirely estranged.

From the time that she went on the stage she had begun to live her own life, a life in which the chief aim was the possession

of good clothes and the ability to attract the attention which she had learned to crave. The greatest sign of interest she showed in her brother's affair was, at first, to offer her mother money to secure a lawyer. But when Joe confessed all, she consoled herself with the reflection that perhaps it was for the best, and kept her money in her pocket with a sense of satisfaction. She was getting to be so very much more Joe's sister. She did not go to see her brother. She was afraid it might make her nervous while she was in the city, and she went on the road with her company before he was taken away.

Miss Kitty Hamilton had to be very careful about her nerves and her health. She had had experiences, and her voice was not as good as it used to be, and her beauty had to be aided by cosmetics. So she went away from Little Rock, and only read of all that happened when some one called her attention to it in the papers.

Twice in those five years the farm had gone quiet in the particular way it goes quiet when the state has set a date, and Berry had lain on his bunk in the dark listening to that quiet and telling himself that at least his own sentence had an end written on it somewhere. Berry Hamilton in his cell at Cummins knew nothing of all this, for no letters had passed between him and his family for more than two years. The very cruelty of destiny defeated itself in this and was kind.

XVI. SKAGGS'S THEORY

There was, perhaps, more depth to Mr. Skaggs than most people gave him credit for having. However it may be, when he got an idea into his head, whether it were insane or otherwise, he had a decidedly tenacious way of holding to it. Sadness had been disposed to laugh at him when he announced that Joe's drunken story of his father's troubles had given him an idea. But it was, nevertheless, true, and that idea had stayed with him clear through the exciting events that followed on that fatal night. He thought and dreamed of it until he had made a working theory. Then one day, with a boldness that he seldom assumed when in the sacred presence, he walked into the office and laid his plans before the editor. They talked together for some time, and the editor seemed hard to convince.

"It would be a big thing for the paper," he said, "if it only panned out; but it is such a rattle-brained, harum-scarum thing. No one under the sun would have thought of it but you, Skaggs."

"Oh, it's bound to pan out. I see the thing as clear as day. There's no getting around it."

"Yes, it looks plausible, but so does all fiction. You're taking a chance. You're losing time. If it fails—"

"But if it succeeds?"

"Well, go and bring back a story. If you don't, look out. It's against my better judgment anyway. Remember I told you that."

Skaggs shot out of the office, and within an hour and a half he was on the highway south.

It is almost a question whether Skaggs had a theory or whether he had told himself a pretty story and, as usual, believed

it. The editor was right. No one else would have thought of the wild thing that was in the reporter's mind. The detective had not thought of it five years before, nor had Maurice Oakley and his friends had an inkling, and here was one of the *Arkansas Courier's* young men going miles to prove his idea about something that did not at all concern him.

When Skaggs reached the town which had been the home of the Hamiltons, he went at once to the Jefferson Hotel. He had as yet formulated no plan of immediate action and with a fool's or a genius' belief in his destiny he sat down to await the turn of events. His first move would be to get acquainted with some of his neighbors. This was no difficult matter, as the bar of the Jefferson was still the gathering-place of some of the city's choice spirits of the old regime. Thither he went, and his convivial cheerfulness soon placed him on terms of equality with many of his kind.

He insinuated that he was looking around for business prospects. This proved his open sesame. The regulars at the Jefferson bar were not changed from what they had been five years before, and Skaggs's intention immediately brought the same old arguments and the same old stories.

"What was it about some arrest?" he asked respectfully, when the conversation turned that way.

"Oh, it wasn't anything much. Only an old and trusted servant robbed his master, and my theory..." said old Horace Talbot.

"But you will remember, Mr. Talbot," broke in another man, "that I proved your theory to be wrong and cited a conclusive instance."

"It's an old story and a long one, Mr. Skaggs, and one of merely local repute," interjected Colonel Saunders. "I don't think it could possibly interest you, who are familiar with the records of the really great crimes that take place in a city such as Little

Rock."

"Those things do interest me very much, though. I am something of a psychologist, and I often find the smallest and most insignificant-appearing details pregnant with suggestion. Won't you let me hear the story, Colonel?"

"Why, yes, though there's little in it save that I am one of the few men who have come to believe that the Black man, Berry Hamilton, is not the guilty party."

"Nonsense! nonsense!" said Talbot; "of course Berry was guilty."

"If you will retire with me to the further table I will give you whatever of the facts I can call to mind."

As unobtrusively as they could, they drew apart from the others and seated themselves at a more secluded table. When the glasses were filled and the pipes going, the Colonel began his story, interlarding it frequently with comments of his own.

"Now, in the first place, Mr. Skaggs," he said when the tale was done, "I am lawyer enough to see for myself how weak the evidence was upon which the man was convicted, and later events have done much to confirm me in the opinion that he was innocent."

"Later events?"

"Yes." The Colonel leaned across the table and his voice fell to a whisper. "Four years ago a great change took place in Maurice Oakley. It happened in the space of a day, and no one knows the cause of it. From a social, companionable man, he became a recluse, shunning visitors and dreading society. From an open-hearted, unsuspecting neighbor, he became secretive and distrustful of his own friends. From an active business man, he has become a retired brooder. He sees no one if he can help it. He writes no letters and receives none, not even from his brother, it is

said. And all of this came about in the space of twenty-four hours."

"But what was the beginning of it?"

"No one knows, save that one day he had some sort of nervous attack. By the time the doctor was called he was better, but he kept clutching his hand over his heart. Naturally, the physician wanted to examine him there, but the very suggestion of it seemed to throw him into a frenzy; and his wife too begged the doctor, an old friend of the family, to desist. Maurice Oakley had been as sound as a dollar, and no one of the family had had any tendency to heart affection."

"It is strange."

"Strange it is, but I have my theory."

"His actions are like those of a man guarding a secret."

"Sh! His laundress says that there is an inside pocket in his undershirts."

"An inside pocket?"

"Yes."

"And for what?" Skaggs was trembling with eagerness.

The Colonel dropped his voice lower.

"We can only speculate," he said; "but, as I have said, I have my theory. Oakley was a just man, and in punishing his old servant for the supposed robbery it is plain that he acted from principle. But he is also a proud man and would hate to confess that he had been in the wrong. So I believed that the cause of his first shock was the finding of the money that he supposed gone. Unwilling to admit this error, he lets the misapprehension go on, and it is the money which he carries in his secret pocket, with a morbid fear of its discovery, that has made him dismiss his servants, leave his business, and refuse to see his friends."

"A very natural conclusion, Colonel, and I must say that I believe you. It is strange that others have not seen as you have seen and brought the matter to light."

"Well, you see, Mr. Skaggs, none are so dull as the people who think they think. I can safely say that there is not another man in this town who has lighted upon the real solution of this matter, though it has been openly talked of for so long. But as for bringing it to light, no one would think of doing that. It would be sure to hurt Oakley's feelings, and he is of one of our best families."

"Ah, yes, perfectly right."

Skaggs had got all that he wanted; much more, in fact, than he had expected. The Colonel held him for a while yet to enlarge upon the views that he had expressed.

When the reporter finally left him, it was with a cheery "Good-night, Colonel. If I were a criminal, I should be afraid of that analytical mind of yours!"

He went upstairs chuckling. "The old fool!" he cried as he flung himself into a chair. "I've got it! I've got it! Maurice Oakley must see me, and then what?" He sat down to think out what he should do tomorrow. Again, with his fine disregard of ways and means, he determined to trust to luck, and as he expressed it, brace old Oakley.

Accordingly he went about nine o'clock the next morning to Oakley's house. A gray-haired, sad-eyed woman inquired his errand.

"I want to see Mr. Oakley," he said.

"You cannot see him. Mr. Oakley is not well and does not see visitors."

"But I must see him, madam; I am here upon business of importance."

"You can tell me just as well as him. I am his wife and transact all of his business."

"I can tell no one but the master of the house himself."

"You cannot see him. It is against his orders."

"Very well," replied Skaggs, descending one step; "it is his loss, not mine. I have tried to do my duty and failed. Simply tell him that I came from Paris."

"Paris?" cried a querulous voice behind the woman's back. "Leslie, why do you keep the gentleman at the door? Let him come in at once."

Mrs. Oakley stepped from the door and Skaggs went in. The nervous, white-haired man who stood shiftily before him told him nothing of an eating secret long carried. The man's face was gray and haggard, and deep lines were cut under his staring, fish-like eyes. His hair tumbled in white masses over his pallid forehead, and his lips twitched as he talked.

"You're from Paris, sir, from Paris?" he said. "Come in, come in."

His motions were nervous and erratic. Skaggs followed him into the library, and the wife disappeared in another direction.

It would have been hard to recognize in the Oakley of the present the man of a few years before. The strong frame had gone away to bone, and nothing of his old power sat on either brow or chin. He was as a man who trembled on the brink of insanity. His guilty secret had been too much for him, and Skaggs's own fingers twitched as he saw his host's hands seek the breast of his jacket every other moment.

"It is there the secret is hidden," he said to himself, "and whatever it is, I must have it. But how...how? I can't knock the man down and rob him in his own house." But Oakley himself proceeded to give him his first cue.

"You—you—perhaps have a message from my brother—my brother who is in Paris. I have not heard from him for some time."

Skaggs's mind worked quickly. He remembered the Colonel's story. Evidently the brother had something to do with the secret. "Now or never," he thought. So he said boldly, "Yes, I have a message from your brother."

The man sprung up, clutching again at his breast. "You have? you have? Give it to me. After four years he sends me a message! Give it to me!"

The reporter looked steadily at the man. He knew that he was in his power, that his very eagerness would prove traitor to his discretion.

"Your brother bade me to say to you that you have a terrible secret, that you bear it in your breast...there...there. I am his messenger. He bids you to give it to me."

Oakley had shrunken back as if he had been struck.

"No, no!" he gasped, "no, no! I have no secret."

The reporter moved nearer him. The old man shrunk against the wall, his lips working convulsively and his hand tearing at his breast as Skaggs drew nearer. He attempted to shriek, but his voice was husky and broke off in a gasping whisper.

"Give it to me, as your brother commands."

"No, no, no! It is not his secret; it is mine. I must carry it here always, do you hear? I must carry it till I die. Go away! Go away!"

Skaggs seized him. Oakley struggled weakly, but he had no strength. The reporter's hand sought the secret pocket. He felt a paper beneath his fingers. Oakley gasped hoarsely as he drew it forth. Then raising his voice gave one agonized cry, and sank to the floor frothing at the mouth. At the cry rapid footsteps were heard in the hallway, and Mrs. Oakley threw open the door.

"What is the matter?" she cried.

"My message has somewhat upset your husband," was the cool answer.

"But his breast is open. Your hand has been in his bosom. You have taken something from him. Give it to me, or I shall call for help."

Skaggs had not reckoned on this, but his wits came to the rescue.

"You dare not call for help," he said, "or the world will know!"

She wrung her hands helplessly, crying, "Oh, give it to me, give it to me. We've never done you any harm."

"But you've harmed some one else; that is enough."

He moved towards the door, but she sprang in front of him with the fierceness of a tigress protecting her young. She attacked him with teeth and nails. She was pallid with fury, and it was all he could do to protect himself and yet not injure her. Finally, when her anger had taken her strength, he succeeded in getting out. He flew down the hallway and out of the front door, the woman's screams following him. He did not pause to read the precious letter until he was safe in his room at the Jefferson Hotel. Then he sprang to his feet, crying, "Thank God! thank God! I was right, and the *Courier* shall have a sensation. The brother is the thief, and Berry Hamilton is an innocent man. Hurrah! Now, who is it that has come on a wild-goose chase? Who is it that ought to handle his idea carefully? Heigho, Saunders my man, the drinks'll be on you, and old Skaggsy will have done some good in the world."

XVII. A YELLOW JOURNAL

Mr. Skaggs had no qualms of conscience about the manner in which he had come by the damaging evidence against Maurice Oakley. It was enough for him that he had it. A corporation, he argued, had no soul, and therefore no conscience. How much less, then, should so small a part of a great corporation as himself be expected to have them?

He had his story. It was vivid, interesting, dramatic. It meant the favor of his editor, a big thing for the *Courier*, and a fatter lining for his own pocket. He sat down to put his discovery on paper before he attempted anything else, although the impulse to celebrate was very strong within him.

He told his story well, with an eye to every one of its salient points. He sent an alleged picture of Berry Hamilton as he had appeared at the time of his arrest. He sent a picture of the Oakley home and of the cottage where the servant and his family had been so happy. There was a strong pen-picture of the man, Oakley, grown haggard and morose from carrying his guilty secret, of his confusion when confronted with the supposed knowledge of it. The old southern city was described, and the opinions of its residents in regard to the case given. It was there—clear, interesting, and strong. Skaggs surpassed himself.

When the editor first got hold of it he said "Huh!" over the opening lines—a few short sentences that instantly pricked the attention awake. He read on with increasing interest. "This is good stuff," he said at the last page. "Here's a chance for the *Courier* to look into the methods of our court proceedings. Here's a chance for a spread."

The *Courier* had always claimed to be the friend of all poor and oppressed humanity, and every once in a while it did something to substantiate its claim, whereupon it stood off and said to the public, "Look you what we have done, and behold how great we are, the friend of the people!" The *Courier* was a yellow paper. It was very so. But it had power and keenness and energy. It never lost an opportunity to crow, and if one was not forthcoming, it made one. In this way it managed to do a considerable amount of good, and its yellowness became forgivable, even commendable. In Skaggs's story the editor saw an opportunity for one of its periodical philanthropies. He seized upon it. With headlines that took half a page, and with cuts authentic and otherwise, the tale was told, and the people of Little Rock were greeted next morning with the announcement of:

A Burning Shame! A Poor and Innocent Man Made to Suffer for a Rich Man's Crime! Great Expose by the *Courier*! A *Courier* Reporter to the Rescue! The Whole Thing to Be Aired that the People May Know!

Then Skaggs received a message that made him leap for joy. He was to do it. He was to go to the Governor's office himself. He was to beard the Governor in his den, and he, with the force of a great paper behind him, was to demand for the people the release of an innocent man. Then there would be another write-up and much glory for him and more shekels. In an hour after he had received his message he was crossing the capitol grounds.

Meanwhile in the house of Maurice Oakley there were sad times. From the moment that the master of the house had fallen to the floor in impotent fear and madness there had been no peace within his doors. At first his wife had tried to control him alone, and had humored the wild babblings with which he woke

from his swoon. But these changed to shrieks and cries and curses, and she was forced to throw open the doors so long closed and call in help. The neighbors and her old friends went to her assistance, and what the reporter's story had not done, the ravings of the man accomplished; for, with a show of matchless cunning, he continually clutched at his breast, laughed, and babbled his secret openly. Even then they would have smothered it in silence, for the honor of one of their best families; but too many ears had heard, and then came the yellow journal bearing all the news in emblazoned headlines.

Colonel Saunders was distinctly hurt to think that his confidence had been imposed on, and that he had been instrumental in bringing shame upon a Southern name.

"To think, suh," he said generally to the usual assembly of choice spirits, "to think of that man's being a reporter, suh, a common, ordinary reporter, and that I sat and talked to him as if he were a gentleman!"

"You're not to be blamed, Colonel," said old Horace Talbot. "You've done no more than any other gentleman would have done. The trouble is that the average reporter has no sense of honor, suh, no sense of honor. If this particular man had had, he would have kept still, and everything would have gone on smooth and quiet. Instead of that, a distinguished family is brought to shame, and for what? To give a man a few more years of freedom when, likely as not, he don't want it."

There were some in the town, however, who thought differently about the matter, and it was their opinions and murmurings that backed up Skaggs and made it easier for him when at the capitol he came into contact with the official red tape.

He was told that there were certain forms of procedure, and certain times for certain things, but he hammered persistently

away, the murmurings behind him grew louder, while from his office the editor of the *Courier* thundered away against oppression and high-handed tyranny. Other papers took it up and asked why this man should be despoiled of his liberty any longer? And when it was replied that the man had been convicted, and that the wheels of justice could not be stopped or turned back by the letter of a romantic artist or the ravings of a madman, there was a mighty outcry against the farce of justice that had been played out in this man's case.

The trial was reviewed; the evidence again brought up and examined. The dignity of the State was threatened. At this time the State did the one thing necessary to save its tottering reputation. It would not surrender, but it capitulated, and Berry Hamilton was pardoned by the Governor of Arkansas.

Berry heard the news with surprise and a half-bitter joy. He had long ago lost hope that justice would ever be done to him. He marveled at the word that was brought to him now, and he could not understand the strange cordiality of the young white man who met him at the warden's office at Cummins. Five years of prison life had made a different man of him. He no longer looked to receive kindness from his fellows, and he blinked at it as he blinked at the unwonted brightness of the sun. The lines about his mouth where the smiles used to gather had changed and grown stern with the hopelessness of years. His lips drooped pathetically, and hard treatment had given his eyes a lowering look. His hair, that had hardly shown a white streak, was as white as Maurice Oakley's own. His erstwhile quick wits were dulled and imbruted. He had lived like an ox, working without inspiration or reward, and he came forth like an ox from his stall. All the higher part of him he had left behind, dropping it off day after day through the wearisome years. He had put behind him the Berry

Hamilton that laughed and joked and sang and believed, for even his faith had become only a numbed fancy.

"This is a very happy occasion, Mr. Hamilton," said Skaggs, shaking his hand heartily.

Berry did not answer. What had this slim, glib young man to do with him? What had any white man to do with him after what he had suffered at their hands?

"You know you are to go to Little Rock with me?"

"To Little Rock? What fu'?"

Skaggs did not tell him that, now that the *Courier* had done its work, it demanded the right to crow to its heart's satisfaction. He said only, "You want to see your wife, of course?"

Berry had forgotten Fannie, and for the first time his heart thrilled within him at the thought of seeing her again.

"I ain't hyeahed f'om my people fu' a long time. I didn't know what had become of 'em. How's Kit an' Joe?"

"They're all right," was the reply. Skaggs couldn't tell him, in this the first hour of his freedom. Let him have time to drink the sweetness of that all in. There would be time afterwards to taste all of the bitterness.

Once in Little Rock, he found that people wished to see him, some fools, some philanthropists, and a great many reporters. He had to be photographed—all this before he could seek those whom he longed to see. They printed his picture as he was before he went to prison and as he was now, a sort of before-and-after comment, and in the morning that it all appeared, when the *Courier* spread itself to tell the public what it had done and how it had done it, they gave him his wife's address.

It would be better, they thought, for her to tell him herself all that had happened. No one of them was brave enough to stand to look in his eyes when he asked for his son and daughter, and they

shifted their responsibility by pretending to themselves that they were doing it for his own good: that the blow would fall more gently upon him coming from her who had been his wife. Berry took the address and inquired his way timidly, hesitatingly, but with a swelling heart, to the door of the flat where Fannie lived.

XVIII. WHAT BERRY FOUND

Had not Berry's years of prison life made him forget what little he knew of reading, he might have read the name Gibson on the plate beside the buzzer where they told him to ring for his wife. But he knew nothing of what awaited him as he confidently pressed the bell. Fannie herself came to the door. The news the papers held had not escaped her, but she had suffered in silence, hoping that Berry might be spared the pain of finding her. Now he stood before her, and she knew him at a glance, in spite of his haggard countenance.

"Fannie," he said, holding out his arms to her, and all of the pain and pathos of long yearning was in his voice, "don't you know me?"

She shrank away from him, back in the hallway.

"Yes, yes, Be'y, I knows you. Come in."

She led him through the passageway and into her room, he following with a sudden sinking at his heart. This was not the reception he had expected from Fannie.

When they were within the room he turned and held out his arms to her again, but she did not notice them. "Why, is you 'shamed o' me?" he asked brokenly.

"Shamed? No! Oh, Be'y," and she sank into a chair and began rocking to and fro in her helpless grief.

"What's de mattah, Fannie? Ain't you glad to see me?"

"Yes, yes, but you don't know nothin', do you? Dey lef' me to tell you?"

"Lef' you to tell me? What's de mattah? Is Joe or Kit daid? Tell me."

"No, not daid. Kit dances on de stage fu' a livin', an', Be'y, she ain't de gal she ust to be. Joe...Joe...Joe...he's in pen'tentiary fu' killin' a ooman."

Berry started forward with a cry, "My Gawd! my Gawd! my little gal! my boy!"

"Dat ain't all," she went on dully, as if reciting a rote lesson; "I ain't yo' wife no mo'. I's ma'ied ag'in. Oh Be'y, Be'y, don't look at me lak dat. I couldn't he'p it. Kit an' Joe lef' me, an' dey said de pen'tentiary divo'ced you an' me, an' dat you'd nevah come out nohow. Don't look at me lak dat, Be'y."

"You ain't my wife no mo'? Hit's a lie, a damn lie! You is my wife. I's a innocent man. No pen'tentiary kin tek you erway f'om me. Hit's enough what dey've done to my chillen." He rushed forward and seized her by the arm. "Dey sha'n't do no mo', by Gawd! dey sha'n't, I say!" His voice had risen to a fierce roar, like that of a hurt beast, and he shook her by the arm as he spoke.

"Oh, don't, Be'y, don't, you hu't me. I couldn't he'p it."

He glared at her for a moment, and then the real force of the situation came full upon him, and he bowed his head in his hands and wept like a child. The great sobs came up and stuck in his throat.

She crept up to him fearfully and laid her hand on his head.

"Don't cry, Be'y," she said; "I done wrong, but I loves you yit."

He seized her in his arms and held her tightly until he could control himself. Then he asked weakly, "Well, what am I goin' to do?"

"I do' know, Be'y, 'ceptin' dat you'll have to leave me."

"I won't! I'll never leave you again," he replied doggedly.

"But, Be'y, you mus'. You'll only mek it ha'der on me, an' Gibson'll beat me ag'in."

"Ag'in!"

She hung her head: "Yes."

He gripped himself hard.

"Why cain't you come on off wid me, Fannie? You was mine fus'."

"I couldn't. He would fin' me anywhaih I went to."

"Let him fin' you. You'll be wid me, an' we'll settle it, him an' me."

"I want to, but oh, I can't, I can't," she wailed. "Please go now, Be'y, befo' he gits home. He's mad anyhow, 'cause you're out."

Berry looked at her hard, and then said in a dry voice, "An' so I got to go an' leave you to him?"

"Yes, you mus'; I'm his'n now."

He turned to the door, murmuring, "My wife gone, Kit a nobody, an' Joe, little Joe, a murderer, an' then I...I...ust to pray to Gawd an' call him 'Ouah Fathah.'" He laughed hoarsely. It sounded like nothing Fannie had ever heard before.

"Don't, Be'y, don't say dat. Maybe we don't un'erstan'."

Her faith still hung by a slender thread, but his had given way in that moment.

"No, we don't un'erstan'," he laughed as he went out of the door. "We don't un'erstan'."

He staggered down the steps, blinded by his emotions, and set his face towards the little lodging that he had taken temporarily. There seemed nothing left in life for him to do. Yet he knew that he must work to live, although the effort seemed hardly worth while. He remembered now that the *Courier* had offered him work. He would go and take it, and some day, perhaps...He was not quite sure what the "perhaps" meant. But as his mind grew clearer he came to know, for a sullen, fierce anger was smouldering in his heart against the man who through lies had stolen his wife from him. It was anger that came slowly, but gained in

fierceness as it grew.

Yes, that was it, he would kill Gibson. It was no worse than his present state. Then it would be father and son murderers. They would send him back to prison. Neither would be hard now. He laughed to himself.

And this was what they had let him out of prison for? To find out all this. Why had they not left him there to die in ignorance? What had he to do with all these people who gave him sympathy? What did he want of their sympathy? Could they give him back one tithe of what he had lost? Could they restore to him his wife or his son or his daughter, his quiet happiness or his simple faith?

He went to work for the *Courier*, but night after night, armed, he patrolled the sidewalk in front of Fannie's house. He did not know Gibson, but he wanted to see them together. Then he would strike. His vigils kept him from his bed, but he went to the next morning's work with no weariness. The hope of revenge sustained him, and he took a savage joy in the thought that he should be the dispenser of justice to at least one of those who had wounded him.

Finally he grew impatient and determined to wait no longer, but to seek his enemy in his own house. He approached the place cautiously and went up the steps. His hand touched the bell. He staggered back.

"Oh, my Gawd!" he said.

There was crape on Fannie's door. His head went round and he held to the door for support. Then he turned the knob and the door opened. He went noiselessly in. At the door of Fannie's room he halted, sick with fear. He knocked, a step sounded within, and his wife's face looked out upon him. He could have screamed aloud with relief.

"It ain't you!" he whispered huskily.

"No, it's him. He was killed in a fight at the track. Some o' his frinds are settin' up. Come in."

He went in, a wild, strange feeling surging at his heart. She showed him into the death-chamber.

As he stood and looked down upon the face of his enemy, still, cold, and terrible in death, the recognition of how near he had come to crime swept over him, and all his dead faith sprang into new life in a glorious resurrection. He stood with clasped hands, and no word passed his lips. But his heart was crying, "Thank God! thank God! this man's blood is not on my hands."

The men who were sitting up with the dead wondered who the old man was who looked at their silent comrade and then raised his eyes as if in prayer.

When Gibson was laid away, there were no formalities between Berry and his wife; they simply went back to each other. Little Rock held nothing for them now but sad memories. Kit was on the road, and the father could not bear to see his son; so they turned their faces southward, back toward Pine Bluff and the only place they could call home. Surely the people could not be cruel to them now, and even if they were, they felt that after what they had endured no wound had power to give them pain.

Leslie Oakley heard of their coming, and with her own hands re-opened and refurnished the little cottage in the yard for them. There the white-haired woman begged them to spend the rest of their days and be in peace and comfort. It was the only amend she could make. As much to satisfy her as to settle themselves, they took the cottage, and many a night thereafter they sat together with clasped hands listening to the sounds from across the yard and thinking of what had been brought to them and to themselves and to all the others the sport of those gods had touched.

It was not a happy life, but it was all that was left to them, and they took it up without complaint, for they knew they were powerless against some Will infinitely stronger than their own.

DEFINITIONS AND TERMS

Berry Hamilton. The novel's moral center. A butler who has served the Oakley family faithfully for twenty years, falsely convicted of theft and sentenced to ten years at Cummins Unit. His innocence is never in doubt to the reader. His destruction is the engine of the plot.

Fannie Hamilton. Berry's wife and housekeeper. The character who perhaps suffers most completely, losing husband, home, son and daughter to the forces the novel sets in motion. Her eventual remarriage is the novel's most painful concession to necessity.

Joe Hamilton. Berry and Fannie's son. The novel's portrait of what happens to a young Black man who arrives in a city with false ideals and no real protection. His trajectory from ambitious youth to convicted killer is Dunbar's harshest argument.

Kitty Hamilton. Berry and Fannie's daughter. Her story is the novel's most compressed tragedy: a girl with real gifts who finds the stage and loses herself to it, ending up performing for audiences that consume her without seeing her.

Maurice Oakley. Berry's employer. A man who chooses his family's reputation over the truth and over an innocent man's freedom. His eventual collapse is presented not as punishment but as consequence—the secret eating him from the inside.

Skaggs. The reporter whose investigation eventually frees Berry. Dunbar presents him without heroism. He is doing his job, chasing a story. The system that imprisoned an innocent man is partially dismantled by someone whose motives are professional rather than moral.

The Cummins Unit. The Arkansas Department of Corrections facility in Lincoln County, south of Pine Bluff. Built on land that was a plantation, worked by convict labor for most of the twentieth century. The continuity between slavery and the prison farm is not metaphorical. Arkansas's execution chamber is also at Cummins. Men under sentence of death are housed at the Varner Unit, a short distance away, and brought to Cummins to be killed. Berry Hamilton's five years are served inside that same fence.

The Sport of the Gods. Dunbar's title refers to the line about the gods destroying those they first make mad. The gods in the novel are not supernatural. They are the systems—the racial order, the criminal courts, the city's entertainment economy—that play with human lives as if they were tokens in a game.

The death house. The execution chamber and the holding cells attached to it. Arkansas has carried out executions at Cummins by electrocution and, since 1990, by lethal injection. In April 2017 the state scheduled eight executions over eleven days, a compression without precedent in modern American practice, and carried out four of them before the courts stopped the rest. Sadness uses the phrase in Chapter XV as a piece of gallows humor. It is not a figure of speech. It is a room, and it is roughly a mile from the bunk where Berry Hamilton is lying.

The Great Migration. The movement of millions of Black Americans from the rural South to Northern and urban cities that accelerated after World War I. Dunbar anticipates this movement by more than a decade and refuses to romanticize it. His Hamiltons go to the city and find a different kind of destruction, not salvation.

Carceral continuity. The relationship between slavery, convict leasing, and mass incarceration in the American South. Arkansas's Cummins Unit stands on plantation land and was

worked by prisoners for most of the twentieth century without pay. Dunbar's Berry Hamilton enters this system. He is not the first.

FURTHER READING

On the Original Novel

Dunbar, Paul Laurence. *The Sport of the Gods*. Dodd, Mead and Company, 1902. The original text, in the public domain, is available through Project Gutenberg and the Internet Archive.

Dunbar, Paul Laurence. *The Complete Poems*. The poetry for which Dunbar was famous in his lifetime, including both the dialect poems that made white readers comfortable and the poems in standard English that expressed his deeper ambitions and frustrations.

Martin, Herbert Woodward and Ronald Primeau, eds. *In His Own Voice: The Dramatic and Other Uncollected Works of Paul Laurence Dunbar*. Ohio University Press, 2002. Brings together Dunbar's less-known work and shows the range and ambition of a writer who died too young.

On Race and the Carceral System in Arkansas

Berger, Dan. *Captive Nation: Black Prison Organizing in the Civil Rights Era*. University of North Carolina Press, 2014. The history of Black political organizing inside American prisons, including the Arkansas prison system, which was the subject of federal litigation in the 1970s.

Oshinsky, David M. *Worse Than Slavery: Parchman Farm and the Ordeal of Jim Crow Justice*. Free Press, 1996. The definitive account of the Mississippi prison farm system, directly applica-

ble to Arkansas's parallel history at Cummins. Essential context for understanding what Berry Hamilton enters.

Equal Justice Initiative. *Lynching in America: Confronting the Legacy of Racial Terror*. Equal Justice Initiative, 2015. Documents the racial terror in Arkansas and the South that forms the backdrop of Dunbar's novel and continues to shape the carceral system the novel anticipated.

On the Death Penalty

Stevenson, Bryan. *Just Mercy: A Story of Justice and Redemption*.

Spiegel & Grau, 2014. The contemporary account of wrongful conviction and capital punishment in the American South that stands closest to Dunbar's subject. Berry Hamilton's case is the one Stevenson takes a hundred times over.

Death Penalty Information Center. Ongoing documentation at deathpenaltyinfo.org. State-by-state records of executions, exonerations, and death sentences, including Arkansas's.

On the Great Migration and Urban Life

Wilkerson, Isabel. *The Warmth of Other Suns: The Epic Story of America's Great Migration*. Random House, 2010. The definitive account of the Great Migration that Dunbar's novel anticipates. What Dunbar imagined for the Hamiltons, Wilkerson documents for the millions who followed.

Wright, Richard. *Native Son*. Harper and Brothers, 1940. The novel that completes what Dunbar began: the story of what the city makes of a young Black man who arrives without resources or protection. Bigger Thomas is Joe Hamilton one generation lat-

er.

Related Volumes in This Series

Hugo, Victor. *Under Sentence of Death*. 1829. Edited and reset by Jeff Hood. Complicit Press, 2026. The first-person diary of a condemned man. Where Dunbar shows a whole family destroyed by a wrongful conviction, Hugo shows the condemned man's interior.

Dostoevsky, Fyodor. *Crime and Punishment*. 1866. Edited and reset by Jeff Hood. Complicit Press, 2026. The novel of guilt carried secretly. Maurice Oakley's slow destruction under the weight of what he knows is the plot of this novel restated in Dunbar's terms.

Darrow, Clarence. *An Eye for an Eye*. 1905. Edited and reset by Jeff Hood. Complicit Press, 2026. Published three years after *The Sport of the Gods*, Darrow's novella about a working man destroyed by the carceral system makes the same argument from a different angle. The two novels are complementary and should be read together.

Sergeant, Adeline. *A Life Sentence*. 1889. Edited and reset by Jeff Hood. Complicit Press, 2026. A Victorian novel about a man falsely convicted and the way the sentence radiates outward through his family. Dunbar knew this pattern. He gave it its American form.

THE ABOLITION CLASSICS. V. XIV



AN EYE FOR AN EYE

THE NOVELLA OF CLARENCE DARROW

Chicago, 1905

A St. Louis Modernization

EDITED AND MODERNIZED BY

JEFF HOOD

THE ABOLITION CLASSICS

The texts that built the case against the death penalty

V . 1 4

**AN EYE
FOR AN EYE**

A Novella

CLARENCE DARROW

Reset in a Contemporary Context by
JEFF HOOD

THE ABOLITION CLASSICS
V. 14

COMPLICIT PRESS

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Original text first published New York:
Fox, Duffield & Company, 1905.

This edition resets the original story
in a contemporary context.

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FOREWORD

I have sat in rooms like this. Not once. Many times. The room where a person spends their last night alive before the state of a free republic comes in the morning and kills them. I know what the air in those rooms feels like. I know the quality of the light. I know the sounds that come through the walls at two in the morning — the institutional sounds that become grotesque on those specific nights, because you know what they mean. The footsteps. The doors. The machinery of bureaucratic death that has been running all night, quietly, preparing.

Darrow knew those rooms too, or he knew enough about them to write this story. What he gives us in *An Eye for an Eye* is something that no philosophical argument about the death penalty can quite accomplish: he makes you sit in the cell with a man who is going to die in the morning, and he makes you listen. Not to a saint. Not to a monster. To Jim Jackson, who killed his wife with a poker in a fit of rage after a bad day and a cooking dispute, and who is going to pay for it with his life, and who has spent the night explaining to his friend Hank how it all happened — not to excuse himself, but because he needs someone to understand.

What Darrow understood — and what this story demonstrates more powerfully than any treatise — is that the question of capital punishment cannot be separated from the question of poverty. Jim Jackson is not a wealthy man who had every advantage and chose violence anyway. He is a man who grew up

without parents, raised by an aunt in one of the hardest neighborhoods of a hard city, who did manual labor for wages that kept him permanently behind, who lived with debt as a constant presence, whose marriage buckled under financial pressure that would have strained any relationship, who drank because the culture of physical labor assumed drinking, who had a bad day and came home to a fight that escalated beyond what he intended or imagined.

None of this excuses the killing. Darrow is not asking you to excuse it. He is asking you to understand it — and then to ask whether the state has the right to kill this man, given that the state created and maintained the conditions that produced him. That question is not simple. It is not answered by the verdict. It is not answered by the sentence. It hangs in the air of the cell all night, unresolved, while the sounds of preparation come through the walls.

I have heard that question asked by men who were going to die in the morning. I have never heard a satisfying answer. The arguments for the death penalty — deterrence, justice, closure for victims' families — all feel abstract and thin when you are sitting with someone who is about to be killed for something that took thirty seconds of his life and that he has been reliving every night for three years. The punishment feels untethered from the crime. The crime was committed in a specific moment, by a specific version of Jim Jackson who was drunk and cold and angry and had seen the poker lying there. The man being executed is a different person — older, sober, full of sorrow, able

to see exactly what happened and why. We kill the latter for what the former did. And we tell ourselves this is justice.

What Darrow is really arguing, through the long night of Jim's story, is something that the subsequent century of criminological research has abundantly confirmed: that crime is produced by conditions, not by some irreducible evil in certain human beings; that those conditions are social and economic and addressable; and that a society which refuses to address them while executing the people they produce is engaged in a profound moral evasion. We kill the individual and leave the conditions untouched, and then we are surprised when there are more individuals.

Jim Jackson tells his story in the vernacular of working-class Chicago in 1905. We have reset it here in the vernacular of working-class St. Louis in 2026, because the story is the same story. The specific forms of economic precarity have changed — the switch-yards have become fulfillment centers, the horse-drawn peddler's cart has become a delivery app's algorithm — but the fundamental situation is unchanged. A man with no financial cushion, no reliable work, no access to good legal representation, no social capital, and a marriage under impossible strain ends up in a cell the night before his execution, trying to explain to someone he trusts that he is not what the newspaper said he was. Not a demon. Not a monster. Just a man who did a terrible thing in a moment when everything had gone wrong, and who has been paying for it ever since, and who is about to pay the final price.

I have never been able to answer the question of what justice requires in such a case. I know what mercy requires. I know what the Gospel requires. I know what the tradition that produced me — the tradition that says every human life is sacred, that no one is beyond redemption, that the point of punishment is transformation and not destruction — demands of us when we face such a man.

It does not demand his death.

Rev. Dr. Jeff Hood
North Little Rock, Arkansas
2026

EDITOR'S NOTE

THE AUTHOR

Clarence Seward Darrow (1857-1938) is best remembered as the greatest criminal defense attorney in American history — the man who defended Leopold and Loeb in 1924, who stood for John Scopes in the Tennessee evolution trial in 1925, who argued against capital punishment in dozens of high-profile cases and delivered some of the most powerful anti-death-penalty oratory ever recorded. He was also a writer, and *An Eye for an Eye* (1905) is his second and last novel, following the autobiographical *Farmington* (1904), and the only one he gave over entirely to crime and punishment: a short novel that puts his legal philosophy into narrative form, making through story the argument he could not always make through law.

Darrow wrote the story during the period when he was most active in capital cases, when he had sat with enough condemned men to understand exactly what the night before an execution felt like from the inside. The question the book puts, and never answers in the abstract because it refuses to leave the cell, is what anyone gains by killing this man.

THE STORY

In the original, *An Eye for an Eye* is the story of a single night at the Cook County Jail in Chicago.

Hank Clery, a workingman, visits his friend Jim Jackson, who is to be executed at dawn for the murder of his wife. Jim, who has not spoken freely to anyone since his arrest, tells Hank the whole story — his childhood, his work, his marriage, the debt that accumulated like water, the cold November day that ended in a moment of violence he did not plan and cannot fully explain.

Darrow structures the story as a confession, but not a confession of guilt in the legal sense. Jim knows he is guilty. He is not asking to be excused. He is asking to be understood — asking that the full context of his life be considered alongside the single act for which he is being killed. The story is Darrow's argument that this is never possible under the death penalty: that the legal process strips context away, leaves only the act, and kills the person who remains after the act has been metabolized and mourned and fully comprehended. The person who dies is not the person who killed.

THE CONTEMPORARY SETTING

This edition moves the story from Chicago to St. Louis, Missouri, and resets it in 2026. Jim Jackson in this version works in a fulfillment center and then as a gig delivery driver rather than in the railroad switch-yards and as a potato peddler. The specific textures of poverty have changed; its structure has not.

The move from Illinois to Missouri is not incidental. Illinois has one of the most significant death penalty histories in the United States. In January 2000, Governor George Ryan — a

Republican — declared a moratorium on executions after thirteen men on Illinois death row were exonerated and released, more than had been executed in the same period. Ryan called the system “arbitrary and capricious” and said he could not in good conscience allow executions to continue under a system so demonstrably prone to error. In January 2003, on his last day in office, Ryan commuted the sentences of all 167 people on Illinois death row to life imprisonment — the largest mass commutation in American history. Illinois formally abolished capital punishment in 2011 under Governor Pat Quinn.

Ryan’s moratorium was one of the most consequential acts of executive conscience in the history of American criminal justice. It was a direct vindication of everything Darrow argued in this story a century earlier: that the system is not reliable enough, not fair enough, and not accurate enough to justify an irreversible penalty. The thirteen exonerations that moved Ryan to act were not anomalies. They were the visible portion of a systemic failure.

Missouri, by contrast, has continued to carry out executions into the present decade, making it one of the most active death penalty states in the country. St. Louis — like Chicago, a working-class industrial city with deep economic inequality, a large poor population, and a criminal justice system that has consistently failed its most vulnerable residents — is a setting where Jim Jackson’s story is not hypothetical. It is happening now.

Everything essential to Darrow's story is preserved: the humanity of the condemned man, the weight of economic circumstance, the inadequacy of his legal representation, the arbitrariness of who gets executed, and the long night in the cell when someone finally listens to the full story no court was willing to hear.

A NOTE ON LANGUAGE

The original story is told in Jim Jackson's dialect — the vernacular of working-class Chicago at the turn of the twentieth century. This contemporary setting preserves the character's voice: Jim speaks naturally, plainly, without the vocabulary of education or legal training. His story is told the way he would tell it, not the way a lawyer would summarize it.

AN EYE FOR AN EYE

I

The Visit

When Hank Clery parked on Tucker Boulevard in downtown St. Louis, he sat in the car for a minute before getting out. It was just getting dark, a cold early November evening, and the City Justice Center rose above the street in the way that buildings built for confinement do — massive and self-contained, telling you from a distance that whatever happens inside happens away from everything else. Hank had never been inside. He had been arrested once, years back, after a scuffle outside a bar on South Grand, and processed and released from a district station before they had reason to move him anywhere. He had paid a fine his sister helped cover. He did not think of himself as someone who went to jail.

He thought about Jim Jackson a lot lately. He had been thinking about him ever since the priest from Saint Cecilia's had come to his apartment and told him Jim had asked for him. Jim had no family left. He had a boy, five years old now, being raised by his dead wife's mother somewhere on the south side. For most of the three years Jim had not been told where. Hank had told the priest he would go. He had not really wanted to, but Jim had asked specifically for him, and you could not say no to something like that.

He checked in at the visitor window, showed his ID, surrendered his phone in a plastic bag, and

passed through two sets of security doors into a waiting area where perhaps twenty people sat on attached plastic chairs. Most of them were women. Some had children with them. They all had a quality of practiced stillness — the stillness of people who had been waiting in rooms like this for a long time and had learned not to expend energy on anything except waiting. They held bags and containers of food and folded letters. Hank sat among them and felt conspicuous, the way you feel when you walk into a church service already in progress.

When his name was called, a corrections officer named Reyes walked him through a fluorescent corridor that buzzed very faintly, at a frequency you registered somewhere below conscious thought.

“Death watch started two weeks ago,” Reyes said. “He’s been on the special unit since then. You’ll have ninety minutes. Jackson’s a good one. No trouble the whole time he’s been here.” He stopped at a reinforced door and ran his badge. “Whatever he did out there, in here he’s been decent. You’ll see.”

The special housing unit smelled of industrial cleaning solution and something underneath it that Hank couldn’t name. The cell was the third from the end — a bunk, a steel toilet, a fixed desk, a window the size of a legal pad looking into the corridor rather than outside. On the wall Jim had taped a printed photograph of a small boy with white-blond curly hair, smiling at the camera from someone’s backyard.

Then Jim was standing up from the edge of the bunk with his hand out through the slot in the door and Hank took it, and it was the same hand he remembered — big, calloused, with an old scar

across the knuckles — and the feeling of the crime and the sentence and all the rest of it dropped away for a moment and it was just Jim, just his old friend Jim, thinner and grayer but with the same eyes.

“I’m awful glad you came,” Jim said. “I been looking for you since two o’clock.”

Reyes unlocked the door and brought a second chair. He said he would be at the end of the corridor if they needed anything. “You can talk,” he said. “I won’t hear it.”

Where I Came From

They sat across from each other in the small cell. The corridor hummed with the distant sounds of the facility. Jim looked at his hands for a moment and then looked up at Hank.

"You want to know how it happened," he said. "Not just what happened — how it happened. Nobody in that courtroom wanted to hear how it happened. My lawyer kept saying 'what does that have to do with anything' and the judge ruled out half of what I tried to say. I need you to know, and I need to tell somebody before — well. Before."

"Tell me," Hank said.

"I was born here in St. Louis," Jim said. "I grew up in Jeff-Vander-Lou, on the north side. My mother was in and out of treatment and my father I never knew. My aunt Patrice raised me from when I was about four. She worked double shifts at Barnes-Jewish doing laundry and housekeeping. She made sure I went to school. I got as far as junior year at Soldan, and then she had a stroke and I had to quit and get a job.

"I got on at a fulfillment center out in Earth City — one of the big warehouse operations out near the airport. Sorting, packing, loading. They had quotas and they tracked everything you did on a scanner. Your rate fell below standard, they put you on a performance plan. Most people couldn't keep the rate long term. Lot of turnover. But the ones who

stayed — and I stayed three years — you get close. Ten-hour shifts in a building the size of six football fields and you're moving the whole time.

"There was a guy named Carlos Restrepo on the belt next to mine. Good man, two kids, sent money home to his mother in Jalisco. One morning one of the automated carts malfunctioned and hit a loaded pallet and the pallet hit Carlos. He went out in an ambulance and never came back to the floor. I went to see him at the hospital and he seemed okay, but the company fought his claim, and the last I heard he was still in physical therapy eighteen months later still fighting their lawyers. After that I couldn't work the floor the same way. When the machinery moved wrong I'd freeze. My rate went down. They put me on the plan. I knew what that meant.

"So I got a job doing deliveries. App-based, you know how it works. You sign up, you get a bag, you pick up restaurant orders and deliver them. You're an independent contractor so there's no benefits, no workers' comp, nothing. You're renting out your car and your body for about twelve, thirteen dollars an hour before expenses. But it was flexible and I could work as much as I wanted and I wasn't on a warehouse floor with autonomous carts anymore.

"That's when I was living with my aunt. She passed away that next summer and I was on my own. I moved into a one-bedroom on the south side, rent was twelve hundred a month. I was working twelve hours a day to cover that plus the car payment and insurance and gas. I was always a little behind. Every month I started out a little more behind than the month before."

III

Maria

“I met Maria at a restaurant on Washington Avenue — one of those places where I picked up orders three or four times a week. She was a server. Good-looking woman, laugh that you could hear across a room. We traded numbers. We went out a few times. I was thirty-two and I’d never had a serious relationship, and I was lonely in that way you get when you’ve been working too hard for too long and you forget there’s anything else.

“We got together quick. Within three months she was basically living at my place. She was good. I want to be clear about that. She was a good person and she worked hard and she was better to me than I probably deserved. But two people in a one-bedroom on the south side, both in service work, both with unstable income — it’s a lot of pressure.

“We got married at City Hall. Her family threw a small reception — her mom Delores and two sisters and some cousins. My side was just one buddy from the warehouse and his wife. It was a good day. About three weeks later she found out she was pregnant.

“I wasn’t ready. I’m going to be honest about that. I was already behind on rent. My car needed brakes. I had a payday loan rolling over every month that was eating two hundred dollars in fees alone. And now we were going to have a baby, and Maria couldn’t do long restaurant shifts through

the last trimester, and the hospital bills — we had marketplace insurance with a sixty-five-hundred-dollar deductible. That was basically all the money I had in the world.

“When Marcus was born I forgot all that for a while. He came out with this white-blond hair — nobody knows where that came from, neither of us is blond — and these serious dark eyes, and I held him in the delivery room and everything else went quiet for a minute. I would have done anything for that kid. I still would.

“But the bills didn’t go away because the baby was beautiful. I was doing fifty, sixty hours a week on deliveries and still not making it. Maria went back to work at four months. Her mom watched Marcus three days a week. We put him in a day care program the other two days, six hundred a month we didn’t have. We put it on a credit card. We put the brakes on a credit card. We fell behind on the hospital payment plan. The collectors started calling. The day care said they needed current payment or they’d hold his spot.

“We started fighting about money. Of course we did. There was nothing else to fight about. And the fights got worse. Once I hit her. I’m not going to minimize it. She went to the police. The judge read me out and fined me three hundred dollars I didn’t have, and I did three days in county until she came and asked them to release me. We talked about separating but couldn’t afford the lawyer. The priest said divorce wasn’t something the Church could sanction under our circumstances. The mediator at the community center said to stay together and work on it.

“So we stayed. It was better for a while. Then it wasn’t.”

The Steak

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infection and asked if we had money for urgent care. I'd told her to wait and see.

"I was driving down South Grand around sixty and passed a butcher shop — one of the good ones, with cuts behind glass. I thought: I'm going to bring home something nice. I'm going to bring home a good piece of meat and cook it and we're going to sit at the table together and have a decent meal and things will be all right for one evening.

"I bought a twelve-ounce sirloin for fourteen dollars I didn't really have. Wrapped it in white butcher paper and put it on the passenger seat and drove home.

"When I came in, Marcus was crying in the bedroom and Maria was in the kitchen and she didn't look up. I said hello and she said 'he's been crying for two hours.' I said I was sorry. I showed her the steak. She said 'I already started pasta.'

"I said let's skip the pasta and cook the steak. She said she'd already put the water on. I said the water could wait. She didn't think that was funny. I went in to check on Marcus and sat with him until he settled. When I came out she was at the stove and I watched her take the steak out of the paper, put it in the pan, and reach for the kettle.

"I said don't add water. She said what. I said don't add water to the steak, it'll ruin it — you lose all the flavor. She said this is how she always cooked steak. I said I knew that and it was always wrong. She said I could cook it myself then. I reached over to take the kettle and she turned it into the pan and the steam and hot water and grease splattered up in my face. I grabbed the kettle and said what the hell is wrong with you.

"She said 'don't touch me.' I said 'you just burned me.' She said 'good.' I said if she ever did something like that again I'd — and I said something I shouldn't have said. I didn't mean it. But she heard it.

"She turned around from the stove and looked at me different from how she usually looked at me when we were fighting. Not afraid — the opposite of afraid. She put her back against the counter and said 'go ahead.' I said go ahead what. She said 'you know what. Go ahead. If that's what you're going to do, do it. I'm tired of waiting for it.'

"I told her to shut up. She said she wasn't going to shut up. She said she was leaving. I said she'd said that before. She said this time she meant it — she'd called her sister that afternoon. I said she wasn't taking Marcus. She said watch her.

"And she came right up close to me and she looked me in the eyes and she said: Kill me. If you're going to do it, just do it. I am not afraid of you anymore. Kill me.

"There was a fireplace in the apartment — one of those old St. Louis apartments where it's decorative, can't actually use it, but they keep the iron tools there. The poker was in the stand by the hearth. I had walked past it a thousand times.

"She said it again. Kill me. And I reached down and picked up the poker and I brought it down across her head.

"She fell. And I stood there with the poker in my hand and I waited for her to get up."

V

After

Jim stopped. Outside the cell the corridor hummed. Somewhere down the unit a door opened and closed. Hank got two bottles of water from Officer Reyes. Jim drank half of his without stopping.

"I waited for her to get up," he said. "I thought she was playing. I sat down in the chair across from her and watched her. She didn't move. I went over and felt for her pulse at her wrist and thought I felt it, then wasn't sure. I poured water over her face. Nothing.

"I knew then. I knew before I looked carefully at her head. There was a lot of blood.

"I don't know how to tell you what the next few hours were like. I prayed. I haven't prayed since my aunt made me go to church as a kid, but I got down on the floor next to her and I prayed as hard as I have ever done anything. I begged God to bring her back. I told him everything I should have done differently. I promised things.

"She didn't come back.

"Marcus was asleep. He was two years old and he was asleep in his room and I went in and looked at him and he had no idea. He was curled on his side with his fists closed and his mouth slightly open, the way little kids sleep, like they're not afraid of anything. I stayed in the doorway a long time.

"Then I washed her face. Fixed her hair. Put a towel under her jaw. Wrapped her in a blanket from

the hall closet. Cleaned the floor. I don't know why I did those things in that order. It seemed like something that needed doing before anything else could happen.

"I waited until the building got quiet, after midnight. Then I carried her to my car in the parking garage. I don't think anyone saw me."

VI

The Drive

"I drove south on 55. It was a cold clear night, same cold as all day but still now, and the highway was almost empty. I had thought I knew where I was going — there's a flooded quarry off a county road near Festus, a place I'd been once years ago with some friends. Deep, limestone walls, isolated. I drove about forty-five minutes before I found it.

"The whole time I drove I felt her in the car. Not a ghost — I'm not saying that. I just felt as if she was present. I felt as if she could hear me. I talked to her. I said I was sorry. I said it so many times the words stopped making sense.

"I got the car off the road at a gravel pull-off and carried her through a field and to the edge of the quarry. I said something at the edge — I don't know if it was a prayer or what — and I let her go. I heard her hit the water. I stood at the quarry for a few minutes and then walked back to the car.

"I drove back to the city. Parked. Went up to the apartment. Checked on Marcus. Still sleeping. I packed a bag — clothes, my wallet, my phone. I stood in his doorway again for a long time. I could not wake him. I could not explain to a two-year-old. I thought her mother would come. I thought someone would come.

"I left him.

"I know. There's nothing I can say about it. I left my son asleep in his crib and I walked out of the

apartment. When I think about what I did wrong — and I have thought about nothing else — that's the thing I can't find any way around. The killing I can explain, step by step, how it got there, even if explaining it isn't excusing it. But leaving Marcus I can't explain at all. I just left him.

“He was found the next morning when he started crying and the neighbor heard him through the wall. He was fine — hungry and scared, but fine. He was with his grandmother Delores by that afternoon. That's what I was told later.”

VII

Running

"I took the Greyhound from the downtown station south to Memphis, then a bus to Jackson, Mississippi. I had about four hundred dollars in cash. I got a room at a motel for a week and then found work at a lumber operation about forty miles outside the city, hauling logs. Hard outdoor work and I was around no one who knew anything about me. I told them I was from Cincinnati. I told everyone I was from Cincinnati.

"The work helped. Not morally — it kept me from going out of my mind. Ten hours of physical labor, and then you eat whatever you can put together, and then you're too tired to think clearly. The thinking happened in the mornings before you were fully awake. For a few seconds I didn't know where I was, and then it all came back at once.

"I dreamed about Marcus. About Maria too. In the dreams she was usually alive and fine and we were just going about our lives. Those were worse than the dreams where I was being chased.

"I'd been there about three weeks when one of the guys showed me something on his phone. Someone had tagged a news clip in a Facebook group — St. Louis news — a wanted man in connection with a missing woman. My work ID photo from the fulfillment center. My name. A tip line number.

“The guy looked at the photo and then looked at me and I could see him working something out. I finished my shift, drew my pay, and left that night without telling anyone. I walked miles down a county road and found another small town and looked for work.

“I was caught twelve days later. I was in bad shape — I’d slept rough several nights, my clothes were in poor condition, I’d lost weight. Someone in a gas station thought they recognized me and called it in. A county sheriff’s deputy brought me in. The facial recognition confirmation took about four minutes, they said.

“They extradited me to St. Louis. There were two detectives from the city. They were not unkind. One of them had been following the case. He asked me questions and I answered them. I told him more than my lawyer later said I should have. But I was exhausted and I couldn’t see what difference it made.

“When we came back into the city, when the car came through the north side neighborhoods, I looked at everything through the window and tried to memorize it. I knew I would not see those streets again.”

VIII

The Trial

“The trial. I’ll tell you about the trial.

“The court appointed me a public defender named Gutierrez. A young woman who’d been a lawyer three years. Forty-two open cases — she told me this herself, not as a complaint, just as context for why she would not be available by phone most of the time. She came to the jail three times before trial. Each time she had about forty minutes. She told me she couldn’t pursue an insanity defense because we had no funds for an independent psychiatric evaluation and the state’s examiner had found me competent. She said she would do everything she could.

“I believed her. I think she meant it. I also think forty-two cases meant she was doing a lot of things at once.

“The trial lasted four days. The state called eleven witnesses — the neighbor who heard us fighting and heard Maria fall, the detective who interviewed me in Mississippi, the forensic examiner who matched the wound to the poker, the pathologist on cause of death. They had my phone’s location data — the route I drove that night, where I stopped. They had security camera footage from the parking garage and from a gas station on 55 heading south.

“My lawyer cross-examined each of them. She made some points. The neighbor admitted she’d

heard us fighting many times before and never previously called the police. The detective admitted I had not been threatening or resistant at the time of arrest. It wasn't enough.

"I testified. I wanted to tell the full story — the whole story, the way I'm telling you now, starting from the beginning. The prosecutor objected to large portions of my testimony as irrelevant. The judge sustained most of those objections. What the jury heard was: I bought a steak, I came home, we argued, I picked up the poker and struck her once, she died, I disposed of the body, I fled. That is accurate. It is about one percent of the story.

"The prosecutor in his closing called me predatory. Said I had come home looking for a fight. Said the steak was pretext. Said there were women all over this city afraid to leave their partners because of cases like mine. He wasn't entirely wrong about any of it, and he wasn't entirely right about any of it, and the jury found me guilty of first-degree murder in about three hours."

I X

The Sentence

“The judge sentenced me to death. He said it was a grave responsibility but that some crimes by their nature required the ultimate penalty. He said Maria deserved justice. He said Marcus deserved to grow up in a world where what happened to his mother was acknowledged by the full weight of the law.

“I thought about telling the judge that Marcus was going to grow up in a world where both his parents were dead. But I didn’t.

“I appealed. It took fourteen months for the appellate court to rule. They affirmed. There were procedural grounds they could have used to send it back for a new trial — an issue with jury selection — but the court declined. My lawyer took it to the state Supreme Court. Another eight months. Also affirmed.

“Then the governor’s petition. Gutierrez put together a clemency petition and worked hard on it. She reached out to people who knew me — people from the warehouse, from my delivery days, the priest from Saint Cecilia’s, who wrote a letter. She argued that the mitigation evidence had never been presented at trial. She argued I was not a risk to anyone, that I had shown genuine remorse, that execution served no purpose.

“Three weeks ago I got word that the petition was denied.

“That was the last thing. So. Here we are.

"I need you to know where Marcus is. They finally told me last month. He's with Maria's mother — Delores Velasquez — in Benton Park. I want to know he's going to be all right. I'm not asking you to be his father. I'm asking you to know he exists and to know where he is. Can you do that?"

Hank said yes.

"And one more thing. I don't want him to know what I did. Not now, when he's five. Maybe when he's older you can decide. But I want you to tell him the whole thing, if you ever do. Not what the newspaper said. The whole thing. The steak and the quarry and the drive south and the trial and all of it. Not so he understands, necessarily. Not so he forgives me. Just so he has the real story. So he knows his father wasn't a monster. He was a man who was tired and poor and stupid about the most important moment of his life."

He looked at the photograph on the wall. The boy with the white-blond hair.

"He's going to be something," Jim said. "You can tell by looking at a kid sometimes. He's going to be something."

X

Morning

At four-fifteen in the morning there was a sound from somewhere in the facility — mechanical, deliberate, different from the ordinary institutional sounds of the night. Hank did not ask what it was. Jim heard it too, sat very still, then went to the window and looked out into the corridor and came back and sat on the bunk.

“They’re doing the equipment check,” he said. “They do it early. You’ll want to leave soon. Breakfast comes, then the priest, and after that it’s just protocol.”

He looked at Hank with a face that was calm in a way Hank couldn’t fully account for — not peaceful, not resigned, just present. The way a person looks when something is happening whether or not they can find a way to process it.

“I’m glad you came,” Jim said. “You’re the only one I asked. I thought about who I wanted here and it was just you. I don’t know what that says about my life that it was just you, but I don’t mean anything bad by it. I just mean you’re the one I trusted.”

“I know,” Hank said.

“Don’t let what happened to me make you careful,” Jim said. “I mean don’t let it make you shrink. I know that sounds strange. But I’ve been in here three years thinking about what I’d do different, and most of it is just: be in the world

more. Care about people. I was so inside my own trouble I couldn't see anything else. Maria was in trouble too. I could see it but I couldn't actually see it. I was too far inside my own head. So don't do that."

Hank was close to crying. He pressed the backs of his hands against his eyes for a moment.

"You can go," Jim said. "You should go. I'm all right."

They stood up. Through the slot in the door they shook hands, and Hank held Jim's hand for a moment, and Jim let him.

"Tell him the whole story," Jim said. "When the time is right."

Hank said he would.

He went out through the door. Officer Reyes was waiting at the end of the corridor, respectful, not hurrying. As they walked back through the facility toward the entrance, Hank heard, from somewhere behind him, what might have been Marcus's name — spoken very quietly, once, to no one.

Outside it was still dark, but the sky to the east was beginning to change color. Hank stood on the sidewalk on Tucker Boulevard for a moment. A delivery truck went by, its lights bright in the early morning, the driver invisible behind the windshield, heading somewhere.

He put his hands in his jacket pockets and started walking toward his car.

EDITORIAL APPARATUS

Definitions and Terms

Clarence Darrow (1857-1938): The author of this work — American defense attorney, lecturer, and writer, widely considered the greatest criminal defense lawyer in American history. His most famous cases include the defense of Eugene Debs during the Pullman Strike (1894), the Leopold and Loeb murder trial (1924), and the Scopes evolution trial (1925). He was a lifelong opponent of capital punishment and argued against it in dozens of cases over his career. He published two novels, the autobiographical *Farmington* (1904) and *An Eye for an Eye* (1905).

Hank Clery: Jim's visitor, and the eyes the story is told through — a workingman and an old friend from the years they worked together. In the original he is a switchman in the railroad yards; in this edition a warehouse and logistics worker. His role is to listen: he is the audience for Jim's story, the one person who asked to hear the whole truth before the execution.

Jim Jackson: The condemned man — convicted of the murder of his wife and awaiting execution at dawn. Darrow designed Jim not as a monster but as an ordinary working-class man whose crime grew out of circumstances: poverty, debt, a bad marriage under financial strain, a day of cold and drink, a moment of fury. His name is deliberately plain and common, suggesting he could be anyone.

St. Louis City Justice Center: The jail where Jim is held, a real institution in St. Louis on Tucker Boulevard in downtown. The original story's Cook County Jail, where the Haymarket anarchists were held before their 1887 execution — an event Darrow considered a judicial murder — has been moved to its Missouri equivalent, a city that remains an active death penalty jurisdiction.

The death watch: The round-the-clock guard placed on a prisoner in the days before their scheduled execution, ensuring they do not harm themselves or attempt escape. In both the original and this edition, the death watch has been running for two weeks — the institutional machinery of execution has been in motion long before the morning it culminates.

The fulfillment center: The modern equivalent of Darrow's railroad switch-yards — the large automated warehouse where Jim works until a coworker is crushed by a malfunctioning cart and he can no longer stand the floor. The switch-yards in the original are places of constant physical danger, where workers are routinely injured and killed; the fulfillment center carries the same combination of physical hazard, algorithmic control, and expendability of workers.

Gig delivery work: The contemporary equivalent of Darrow's potato-peddling — piecework, paid per delivery, no benefits, no protections, classified as "independent contracting" to avoid labor law obligations. Jim's shift from warehouse work to delivery driving mirrors the original's shift from the

railroad yards to the horse-and-wagon peddling route: a step down in stability, taken because the more stable work became untenable after witnessing a colleague's injury.

The steak: The piece of sirloin Jim buys on impulse on the way home — fourteen dollars in this edition, fifteen cents in the original. In both versions it represents the same thing: a small gesture toward decency in a life of scarcity, a bid for a good evening, a hope that things might be all right for one night. The cooking dispute over the steak is the immediate trigger of the killing. Darrow chose the steak deliberately — its smallness is the point. Jim is going to be executed over a ruined piece of meat.

The public defender: Darrow's original has a young, inexperienced court-appointed lawyer who genuinely tries but is overwhelmed by the case and the public climate. This edition's Gutierrez carries the same function: a lawyer who means well, who has forty-two open cases, who cannot give Jim the representation his case requires because the system does not fund adequate representation for poor defendants. The inadequacy of Jim's legal defense is structural, not personal.

Marcus: Jim's son, two years old on the night of the killing and five on the night of the story, with white-blond curly hair — one of the emotional centers of the story. In both editions, Jim's love for the boy is unambiguous and genuine. The boy is the person Jim cannot explain himself to, cannot say goodbye to, cannot protect from what is about to happen. He is also the one person Jim leaves behind when he

flees — the act Jim cannot forgive himself for, more than the killing itself.

Lethal injection: The method of execution in this edition, replacing the hanging of the original. Missouri has carried out its executions by lethal injection since 1989 and remains among the most active execution states in the country. The change in method does not change Darrow's argument: the point is not how the state kills but that it does.

Darrow's argument: Never stated as a proposition, always embedded in the story — that crime is produced by circumstance, not by irreducible evil in certain human beings; that the social and economic conditions that produce crime are addressable; and that a society which executes the people those conditions produce, while leaving the conditions untouched, is engaged in a profound moral evasion. The death penalty, in Darrow's view, is not justice. It is vengeance — and vengeance masquerading as justice is worse than either one alone.

Further Reading

BY DARROW

Darrow, Clarence. Resist Not Evil. Charles H. Kerr & Company, 1903. Darrow's major nonfiction statement on crime and punishment, published two years before this novella; the theoretical framework that *An Eye for an Eye* dramatizes.

Darrow, Clarence. Crime: Its Cause and Treatment. Thomas Y. Crowell, 1922. His most systematic account of the relationship between environment, poverty, and criminal behavior — the argument of *An Eye for an Eye* extended and documented at length.

Darrow, Clarence. "Address to the Prisoners in the Cook County Jail." 1902. A lecture delivered at the actual institution where Jim Jackson is held; Darrow's direct statement of his philosophy to the people it most concerns. Available in multiple anthologies.

THE SERIES

Beccaria, Cesare. An Essay on Crimes and Punishments. V. 5. Edited and modernized by Jeff Hood. Complicit Press, 2026. The Enlightenment foundation — the argument from which all modern abolitionist writing descends.

Spear, Charles. Essays on the Punishment of Death. V. 10. Edited and modernized by Jeff Hood. Complicit Press, 2026. The American abolitionist tradition, 1844.

Burleigh, Charles C. Thoughts on the Death Penalty. Edited and modernized by Jeff Hood. Complicit Press, 2026. The mid-century American argument — Burleigh engages the same scripture debates that Bovee addresses in *Christ and the Gallows*.

Bovee, Marvin H. Christ and the Gallows. V. 13. Edited and modernized by Jeff Hood. Complicit Press, 2026. Published thirty-six years before Darrow's novella, Bovee's insanity chapter anticipates Darrow's argument about circumstance and responsibility.

ON CRIME, POVERTY, AND PUNISHMENT

Stevenson, Bryan. Just Mercy: A Story of Justice and Redemption. Spiegel & Grau, 2014. The contemporary account most directly resonant with Jim Jackson's story: inadequate legal representation, economic marginalization, the irremediability of wrongful execution, and the persistent humanity of the condemned.

Alexander, Michelle. The New Jim Crow: Mass Incarceration in the Age of Colorblindness. The New Press, 2010. The structural account of how poverty and race interact in the American criminal justice system — the framework within which Jim Jackson's story, and thousands of stories like it, occur.

Gawande, Atul. "Hellhole." *The New Yorker*, March 2009. On solitary confinement and the psychology of isolation — relevant to what Jim has experienced in the years between his arrest and the night of the story.

Western, Bruce. *Punishment and Inequality in America*. Russell Sage Foundation, 2006. The social science behind Darrow's intuition: the relationship between economic inequality, incarceration, and the perpetuation of poverty.

FICTION IN THE TRADITION

Wright, Richard. *Native Son*. Harper & Brothers, 1940. The major American novel in Darrow's tradition — a young Black man in Chicago, economic deprivation, a killing, an unfair trial, a death sentence. Wright acknowledged Darrow's influence.

Capote, Truman. *In Cold Blood*. Random House, 1966. The nonfiction novel that does for the condemned men Perry Smith and Dick Hickock what Darrow does for Jim Jackson: insists on their full humanity while neither excusing nor minimizing what they did.

THE ABOLITION CLASSICS. V. XXI



THE DEATH PENALTY

LA PENA DE MORT

THE ADDRESS OF GABRIEL ALOMAR

Barcelona, 1912

EDITED AND MODERNIZED BY JEFF HOOD

THE DEATH PENALTY

THE ABOLITION CLASSICS

The texts that built the case against the death penalty

V . 2 1

THE DEATH PENALTY

La pena de mort
Barcelona, 1912

GABRIEL ALOMAR

Translated from the Catalan,
with a Foreword, by
JEFF HOOD

THE ABOLITION CLASSICS
V. 21

COMPLICIT PRESS

“La pena de mort” was delivered as a spoken address
at the Congrés de la Llibertat, Barcelona, in February 1912.

The Catalan text is in the public domain.

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Textual Informatitzat de la Llengua Catalana.

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C O M P L I C I T P R E S S

C O N T E N T S

FRONT MATTER

Foreword

Editor's Note

THE DEATH PENALTY

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F O R E W O R D

I have stood in the witness room. Thirteen times.

I have watched men breathe until they did not. I have watched the state perform its liturgy... the strap, the needle, the black curtain drawn back so the family can see. I know what Gabriel Alomar knew in February of 1912, standing before the Congrés de la Llibertat in Barcelona, before my grandfather was born, before this country had electrocuted most of the men it would go on to electrocute: the scaffold is not law. The scaffold is worship.

Alomar called it what it is. A sacrifice. A rite. A mass said in blood instead of wine.

I have watched a chaplain stand beside the gurney and bless what should never be blessed. I have watched a warden read a death warrant like it was scripture. Alomar saw this too, a century before me, an ocean away, in a language I do not speak. He called the executioner a priest. He called the condemned a scapegoat. He was right.

We keep telling ourselves the death penalty is justice. It has never been justice. It is theology. Bad theology. A god who demands blood is not a god I recognize. And a society that manufactures that blood, quietly, behind a curtain, on a schedule, is not practicing law. It is practicing religion... the oldest, cruelest religion there is.

Alomar wrote that the death penalty devours its victim to satisfy a duty imposed by divine justice. I have watched that devouring. I have held the hands of mothers whose sons were fed to it. Alomar knew about them too, before I did. He knew the rope does not fall only on the condemned. It falls on the family. It falls on everyone who has to carry that name afterward, in a town that will not let them forget it.

This address is over a hundred years old. It should not still be true. And yet nearly every page of it describes what I saw last month, and the month before that, and will see again before this book reaches a shelf.

We publish Alomar now, in English, in this series, because abolition is not a new argument. It is an old one, said in many tongues, by many witnesses, across a century of scaffolds that would not fall. His voice belongs beside Spear's, beside Hugo's, beside Dunbar's, beside every writer in this canon who looked at the machinery of state killing and refused to call it justice.

Listen to him. He has been dead for eighty-some years, and he is still more honest than most of what gets said in an American courtroom today.

*The Rev. Dr. Jeff Hood
North Little Rock, Arkansas*

EDITOR'S NOTE

THE AUTHOR

Gabriel Alomar i Villalonga (1873–1941) was a Catalan poet, essayist, educator, and diplomat, closely associated with the Modernisme movement and, later, with Catalan noucentisme. He is credited by several contemporaries, including Rubén Darío and Vicente Huidobro, with coining the term “futurism” in his 1904 lecture-essay *El futurisme*, five years before Filippo Tommaso Marinetti’s Italian manifesto claimed the word for itself. Alomar’s futurism was less an aesthetic program than a political one: an argument that Spain, and Catalonia within it, was addicted to an imperial past and needed to turn decisively toward what was to come.

Alomar went on to serve the Second Spanish Republic as ambassador to Italy (1932–1934) and later to Egypt (1937 until the Republic’s defeat in 1939); he remained in Cairo, in exile, until his death in 1941. He did not live to see the death penalty formally abolished in Spain. The Republic itself suspended it briefly in 1932, only for it to be reinstated in 1934 amid political turmoil, and then fully restored by decree under the Franco dictatorship in 1938. Spain would not abolish the death penalty for ordinary crimes until 1978, and not for every offense — including wartime military crimes — until 1995.

THE ADDRESS

That same turn toward the future runs through “La pena de mort” (“The Death Penalty”), delivered as a spoken address at the Congrés de la Llibertat in Barcelona in February 1912, where Alomar served as the appointed speaker on the question of capital punishment. Alomar divides the argument in two, as he tells the reader directly in Section I: the death penalty “as law” (Sections II-IV) and the death penalty “as fact” (Sections V-VIII). The first half reads closer to comparative religion than jurisprudence — Alomar’s central claim is that capital punishment survives not as reasoned law but as inherited ritual, a human sacrifice dressed in the language of justice, with the executioner cast as priest and the condemned as scapegoat. The second half turns to consequence: the punishment that falls on innocent families, the impossibility of a fallible court claiming infallibility through *res judicata*, and the always-reserved exception for military and wartime jurisdictions, an exception still argued today.

Readers of this series will recognize the lineage. Alomar’s insistence that the death penalty is theology dressed as law echoes Charles Spear’s American abolitionism nearly seventy years before him, and anticipates arguments this series has traced across a century of scaffolds that would not fall.

THIS EDITION

This appears to be the first English translation of “La pena de mort,” rendered from the Catalan text

digitized by the Institut d'Estudis Catalans as part of its Corpus Textual Informatitzat de la Llengua Catalana. Alomar wrote for the ear of a live congress audience rather than for the page: his sentences run long, and his address turns directly on the listener ("senyors meus..."). This translation preserves that oratorical shape rather than smoothing it into a more conventional modern essay.

Alomar divided the address only by roman numerals; he gave his sections no titles. The eight titles used here, and the contents page built from them, are editorial and belong to this edition alone, as does everything printed after the text. Where the address names something without pausing to explain it — a Paris prison, a Spanish general shot on a beach in 1831, a tag of Cicero, a tyrant's ring out of Herodotus — the definitions supply what a Barcelona audience in 1912 would not have needed told.

Alomar's voice appears here in English for the first time, as V. 21 of *The Abolition Classics*.

*"The execution is truly a rite, a
bloody mass, a genuine sacrifice, an
auto-da-fé, an act of amends to an
angered God."*

Gabriel Alomar, 1912

THE DEATH PENALTY

Gabriel Alomar

1912

This work was read at the Congrès de la Llibertat, held in Barcelona in February 1912, at which the author was the appointed speaker on the topic THE DEATH PENALTY.

I

The Persistence of a Custom

The death penalty is, juridically, the reduction of a custom to law — not the application of a rational principle of law to the exercise of a civilization. It is the persistence of a fact that predates all true social culture; a fact between individuals who lack the mutual guarantee of a collective organism, the embryo of the City. It is, in short, like religion, like worship, a plebeian persistence of the traditional element, of the element of the multitude, amid cultures constituted by the spiritual dictatorship of the select few.

In this brief study of the death penalty, I want to treat separately the law and the fact.

The Death Penalty as Law

The death penalty as law (pseudo-law) is originally the consecration, by society, of a human instinct, an individual passion: it is the jurisprudence of vengeance. Thus the expression "public vindication" well expresses the intimate nature of such a sanction. The purpose of the death penalty, understood this way, is twofold: in what we might call its immaterial, theoretical aspect, it is the satisfaction of offended justice; in its material, practical aspect, it is exemplarity — the prevention of future crimes that other men might commit, the use of supreme terror against the crime carried out by society in order to prevent the crime carried out by the individual.

The mythological idea of Justice remains very much alive among us. Justice-Astraea, Themis, or Nemesis, is still a goddess. And the death penalty is, without metaphor, the human sacrifice ritually offered to her. If you examine the nature of the death penalty even briefly, especially comparing it with all other punishments, you will see it as a religious act. The execution is truly a rite, a bloody mass, a genuine sacrifice, an auto-da-fé, an act of amends to an angered God. There is a superstition of satisfied justice in the moment of stupor that follows the consummation of a juridical death. The executioner, in the rudimentary conception of the common people, is a priest, the priest of the black

and fearsome god, the priest of the night, who officiates, like his innumerable forebears, to bring down upon the victim's head (as a scapegoat) the disasters that threaten an entire community, kneeling in dread before the scaffold-altar. There is, in the air, in those instants, something like a divine will for blood, pain and death, which delights in the victim and satisfies the red thirst of the God of evil. Ah! Perhaps in this curious and complicit alliance between the executioner and the priest, in this stubborn defense of the death penalty by Catholicism, there is an inheritance of primitive cults, transmigrated to our altars from the Old Testament and through the concept of Calvary understood as the divinization of an expiatory parricide, necessary to punish, in the person of a God, the crimes of all humanity. And moreover, one has been able to observe, for example, in various painful hours of Barcelona's history, the idea of the death penalty as amends to Justice offended by mysterious acts of urban violence, as a need for expiatory blood, for an exemplary head, whatever the proven guilt of the victims may have been. Thus the death penalty is the ring of Polycrates; the condemned man's life is offered as a ransom to ward off future evils; it is the offering of one man's pain and death so that he may pay for all the compensations of an immanent and hidden justice.

The final punishment, in the eyes of one who observes it closely, is a kind of ritual cannibalism. Society — no longer the individual — devours its victim to satisfy a duty imposed by divine justice. There are, in the invisible realm, scales — those famous scales with which the Egyptian gods of the

afterlife weighed souls, like the Michael of Catholic superstition, or those other symbolic scales with which the Greco-Roman Themis is depicted; and the condemned man's head, falling into the pan, restores the balance, the idea of the just, the equal, of violent leveling. Do you see the atavistic savagery of capital punishment?

Now look at the spectacle of the execution. Here primitive justice, taking visible form, becomes tragedy, representation, staged myth. Terror works upon the spectators' souls as an educational emotion, aesthetic in the true sense — that is, exciting the nerves to produce a vibration that reshapes sentiment. Cultures tend to have, in their origins, a kind of national spectacle that serves, intentionally or not, as schools for their respective citizenries. Thus the Roman Circus. Thus our bullfights. Thus the autos-da-fé were sometimes used as part of festival programs, as at the weddings of monarchs. Thus public executions still are today, in countries where they are still held in the middle of the public square, as in France. And in those other countries where they are carried out within prisons, as in England and Spain, there nonetheless remains the morbid, melodramatic anticipation of the news, the imagining of the horrific moments in the chapel, the sight, in short, of the black flag atop the tragic gate... There is, in these customs, a social sadism in which the spectacular mob takes delight in pain; there is an aura of impiety and homicide that spreads a contagion of wickedness and violence over the multitude of heads. This is exemplarity...

The religious aspect of the death penalty was surely born from the concept of authority as a divine delegation. If we imagine God as the absolute owner of human lives, then Kings or the State will be so as well, by representation. The death penalty is a natural consequence of absolutism. The scaffold, according to this system, must be a sign of royalty, like the scepter — itself, too, a symbol of violence in its origins. The gallows and the knife were, by this same reasoning, emblems of feudal dominion in the Middle Ages.

III

Exemplarity and the Right to Punish

Let us now look at the practical aspect of the death penalty; let us consider it, not under a criterion of justice, but under a criterion of utility. Not as a juridical institution, but as social efficacy. Let us treat, then, of exemplarity.

We could represent it in the form of another set of scales: society places before the potential criminal the alternative of death as a weight equivalent to death; it is, in reality, a persistence of the theological superstition known as the law of talion. It uses supreme terror as a determining element in man's will. But to oppose crime, it finds no remedy other than crime itself, in a monstrous application of *similia similibus*. The purpose of a punishment must always, juridically, be conditioned by the very law it seeks to apply. To punish a crime with an aggravated repetition of that same crime is the greatest of absurdities. By what right, by what authority, can a killer punish killing? Evil is compensated with good, not with evil. I can see, in the death penalty, nothing but one example: that of murder! Every possible aggravating circumstance comes together in this pseudo-juridical act, which disqualifies from any exercise of law and politics the societies that practice it. For them, man is not an end; he is a means so that other men may take example...

Example of what? Example that human life has a relative, instrumental value, and that any morning, in a prison yard or before a crowd, a citizen can be killed with refined coldness, in the pretended conviction of performing an august act, a movement of justice.

Let us reconstruct for a moment the appalling scene: the condemned man, dressed in the ridiculous shroud, tightly bound, climbs the steps of the fatal stairway. The minister of Christ authorizes the execution without a single protest, without any reservation, and in his hand, sarcastically, is the image of a divine man condemned to death... And another official, degraded by every curse, seats the condemned man on the bench, fits the collar, turns the mechanism... Is it possible, is it possible, to display before the People a greater lecture in immorality and ignominy?

But the exemplarity of the death penalty stands judged by history. As time has advanced, the death penalty has come to be applied ever more rarely. And just as the old judicial barbarism has been diminishing, so has criminality been decreasing. Personal safety and respect for human life are notions that have spread among citizens as public authority has come to accept them in its legislation. The abolition of the death penalty is, then, the final point of a quite clear evolution, one that can be traced through contemporary history. It began by generally limiting capital punishment to homicide, whereas before it was applied, as is known, to many bloodless offenses; it has continued by further excluding from the death penalty homicides not classed as murder, and among these, those not

accompanied by wholly odious circumstances. Only in offenses of a political or military character, which I will discuss further on, is the old juridical rigidity preserved.

But let us continue analyzing exemplarity in its most direct effect: Who is the usual public at executions, the mob that tends to swarm around prisons on days of capital punishment? We all know it is the lowest of the common crowds, and that among them are usually found the professional criminals. The flower of the Parisian underworld waits, singing, at the gates of the Petite Roquette in Paris, for the free show that the last gesture of their fallen comrade will offer them at the moment of “marrying the widow,” as the prison slang has it, or of “sticking one’s head out the window and sneezing into the sack,” as the red mobs of 1793 used to say. To die “gamely” on the guillotine or the stake is, for such people, a proof of bravery; and at the very foot of the scaffold, the eternal flower of crime sprouts anew, watered by the blood offered up... What respect can you expect human life to inspire in one who sees violent death erected as a holy work, and vengeance as a duty?

Let us recall an old and barbaric custom of certain mothers who, taking their children to witness capital executions — fortunately still incomprehensible to childish minds — would give the children a hard slap on the cheek to make them remember that horrible act. Behold, here, exemplarity...

There still circulates, among supporters of the death penalty, an old and inept phrase which is for

them almost their only argument: I mean Alphonse Karr's line, "Let the gentlemen murderers begin." But, gentlemen, the first response that occurs to me is a one-word question: Which ones? Which murderers must begin — the common criminals, or the legal ones? I believe the worthiest ought to begin! And since society can only retain the right to punish so long as it retains its own moral superiority over those it punishes, it is clear that it falls to society to begin. What would you say if a civilizing nation, in a war against barbarians or savages, used those same warlike methods itself? You would say that it had, ipso facto, lost its right to intervene, because it had ceased to hold social superiority. Well, society is the eternal intervener, charged with civilizing the customs of crime, which swarm like savages within the heart of our Cities.

The rights of individuals are limited by social interest. As soon as an individual ceases to be a social man, society may cut off his free relations with society, so that other individuals do not suffer in their own liberty. But also, conversely, social right is limited by individual right. Society cannot cease to be society, on pain of losing all right. And since its first obligation is to guarantee life, the death penalty falls outside its rights. If its right is limited, it can never apply an unlimited punishment; it cannot deprive of life, nor can whatever deprivations of liberty it imposes ever be perpetual.

The right of social repression is a law of war between society and the individual. Very well. But like all war, it must have its own laws. Society, in order to repress infractions of the law, may resort

to the means of violence necessary to seize the person of the offender, if need be. But once he is reduced to imprisonment, he is then protected by the law that safeguards all prisoners of war in our civilization. His liberty is in the hands of the law; but his life is sacred by the ministry of the law. The death penalty, consequently, amounts to the execution of prisoners — a system of warfare abandoned by all civilized nations. It is the execution of prisoners in the war between the individual and society.

But there is, against the death penalty, an argument that to me is decisive: the death penalty is absolutely repugnant to the social conscience. Consider: every action must bear its responsibility. Well then: the act of the death penalty is entirely irresponsible. There is, in the face of executions, a flagrant case of social cowardice. Society does not merely limit itself to being cruel to the victim; it is also cowardly before its own responsibilities. What citizen wishes to claim for himself the responsibility for the execution? When a crowd is responsible, none of the individuals composing it feels any responsibility at all. It is a convenient system of inhibition. Collective guilt frees each person of personal guilt. On the eve of executions, the people cry out for pardon, cry out to be freed from the people's own wrath, in the name of the people's own will, for the man whom only the people will kill! Could there be a more monstrous contradiction? I believe that the cry for mercy that rises from every direction on those dark days, in truly civilized cities, is an echo of remorse scattered among the crowds, diluted infinitesimally across a sea of

human heads, all sharing in a guilt that seems smaller to each soul because each soul feels it divided among all of humanity. Every citizen has a hand of his own placed upon the instrument of torment, and each one feels his share of the murder. And in order to cleanse themselves completely of this guilt, men have found the figure of another horrible victim, a scapegoat, upon whom to unload the surrounding responsibility that everyone rejects: and this victim is the executioner. But the executioner himself takes care to declare, as if by sacrament, that it is not he who kills, but the law... The law — a convenient word, an idolatrous personification of a mere letter that has no efficacy at all unless it expresses the will of a people who dictated it, as the embodiment of a national soul. The legislator who voted for the death law, the head of State who sanctioned it, the citizen who applauded it, the minister who proposed it, the prosecutor who demands it, the judge who pronounces it — all of them would consider themselves dishonored if they had to carry it out personally, and would abandon their offices rather than do so. What is more: all of them would indignantly refuse the executioner's hand, so as not to stain themselves with ignominy. Do you see the injustice this represents? Do you see the hypocrisy this signifies? How can we believe that they consider an act of justice that very justice they demand, when its fulfillment forever dishonors the official who carries it out?

This is why the figure of the executioner, so suggestive to that search for aesthetic antitheses which was Romanticism, has its own genuine,

distinctive literature, an aspect of poetic satanism, and his name as a pariah, paying for the darkness of the whole social conscience, joins that of the outcasts sung by the Romantic muse, in the verses of Espronceda, in the ironies of Heine, in the phantasmagorias of Victor Hugo — the great patriarch of all abolitionists of the scaffold, together with Lamartine. And, by contrast, the Romanticism of absolutist reaction idealizes the executioner as the cornerstone of the social edifice, in the inhuman pages of De Maistre, creator of what we might call “scaffold-ism.”

IV

The Doctrine of Social Defense

Following the modern evolution of criminal law, the death penalty, as a juridical doctrine, has also had to evolve, and so the theorists, seeing the collapse of the traditional arguments in favor of the scaffold, have found themselves compelled to seek out others more in keeping with the criminal-law formulas of the day. From the historical concept of punishment as the spiritual satisfaction of offended justice, the law has moved on to the idea of pure and simple social defense, or to the (more humane) idea of the correction of the offender. There is no need to dwell on the absolute incompatibility between the death penalty and a correctional system. What remains for us to consider, then, is solely the truly inhumane theory that seeks to make the death penalty, as a sanction, compatible with the doctrine of the offender's absolute irresponsibility. For this well-known penal school of ethical determinism, the death penalty is an excision of the rotten social limb, the annihilation of the criminal as one would a wild beast — not in view of his awareness of crime, but in view of the social danger he represents. I do not believe there exists, in our present body of contemporary doctrine, a more inhumane and shameful conception. If the criminal is always a madman, a lunatic, an abnormal being — a belief I share to some extent — then the crime committed by the society that kills

him would be the true crime, carried out with responsibility and awareness. And if in that case we proclaim the death penalty lawful, it must also be applied to homicidal madmen, or to the sick struck by infectious diseases, by epidemics, as unconscious killers of society. And if confinement in prisons is not a perfect guarantee for the rest of the citizenry, logic implies that neither are hospitals, asylums, lazarettos, or quarantines!

V

The Death Penalty as Fact

I have spoken, so far, of the death penalty as law. I will devote a few words to the death penalty as fact. And, first of all, I will fix upon a consideration I believe to be truly essential: the ultimate punishment does not fall exclusively upon the condemned man; it falls, with greater reach and perhaps greater intensity, upon his family — that is, upon the innocent. For death is a horrifying contingency for the citizen to whom it is applied; but there is a pain still greater for many: the execution of a child! Are there not fathers, are there not, above all, mothers, who would willingly lay their own heads beneath the instrument of torment to save the lives of their children? Here you have another supreme and detestable immorality of this iniquitous law. And this is not only a dreadful moral torment that turns every mother into a *Mater Dolorosa*; beyond that, society, pitiless and inexorable, condemns the very name of the condemned man's family to a perpetual dishonor, in a defaming and definitive excommunication.

As fact, it must also be said that the death penalty is a sacrilegious violation of the unknowable, and lays a profane hand upon the domain of the infinite. Can man banish man into non-existence, or into the dark and unknown existences beyond? Can it be lawful, for those who believe in God, for man to do work reserved to God,

destroying a life before its natural term? Can that terrible veil be lifted without the act of whoever does so being comparable to the symbolic sacrilege of those who lifted the veil of the Ark and were struck down by lightning, as Scripture tells?

I can already hear the word with which certain crowds tend to greet these generous crusades against the death penalty. Sentimentalism, cheap sentimentalism... Well then: this sentimentalism created civilization; this sentimentalism will tomorrow put an end to wars, just as yesterday it put an end to the barbarous heritage of every people's childhood. And, on the other hand, is it not also — as Benavente so aptly noted — an opposing sentimentalism, that frenzy with which every voice of social cruelty demands the victims' blood, on days when they consider the interests of caste, hierarchy, or wealth to be undefended — interests that must necessarily be attacked if we are to open the way to the future?

We now come to another formidable argument against capital punishment: that of its irreparability, and that of the fallible condition of every tribunal. The death penalty amounts to a proclamation of the infallibility of human justice. And, in fact, an old legal fiction has sought to impose this dogma upon justice with the idolatrous reverence, the *noli me tangere*, the taboo, of what has been called *res judicata*. We can all recall instances in which the indisputable authority of *res judicata* has been invoked to silence debates in which governments felt themselves weak. Here is one more proof that our society still finds itself in what Auguste Comte called the theological state,

and that Catholicism has so thoroughly infected the foundations of our citizenship that fear of free inquiry attacks even the firmest guarantees of popular liberty and sovereignty. The new age that we would wish to inaugurate here is that of an unending revision of all religious, moral, social, juridical, and political values; for this revision is, ultimately, human progress itself — the light, the sense of what is better, the ideal, every noble part of the human economy, every perfectibility of history. And we could go on tracing this glorious series of revisions across the ages, as milestones left along the road to glory by every hero and every sage, each of whom bears his name attached to some saving and regenerating revision, as one who christens one more star in the infinite Milky Way. Ah! — this nebula is a red road, red with the generous blood with which every redeemer has soaked the earth; and the suppression of the death penalty, when it is finally achieved, will have been won at the cost of countless redemptive death sentences.

I will now give a brief remembrance to that host of illustrious victims who, in every nation, form the martyrology of Citizenship and Liberty. For Christian civilization itself, would not the sole example of the injustice of Calvary already be an unanswerable argument against the death penalty? For Spain's own present constitutional order, would not the immense list of the victims of Ferdinand's reign suffice to banish forever from our codes the penalty that produced such slaughter? Consider that the very people who once killed the men of liberty and constitutionalism would have

acclaimed them only a few years later, and that now, with the same hand that delivered them to death, it has inscribed their names in letters of gold at the head of the Palace of Laws — so that they, victims of the law, might preside over the creation of other laws and perfume them with their generous blood, not so that such laws might cause new victims awaiting the marble of future Congresses, but so that the formidable exemplarity of juridical errors might stand as eternal testimony to human weakness.

I will not name these heroes triumphant over death, who today cooperate through their immaterial presence in our task. But let us, to the memory of all of them, lay down a branch of oak.

The authority of *res judicata* received a mortal blow in the debates of the Dreyfus affair. That is a moment that will remain significant in contemporary history, because it represents, in the juridical realm, the emancipation from all legal religiosity — just as constitutional principle and the abolition of the divine right of kings represent, in the political realm, the emancipation from another religiosity.

Human justice is an essentially unreliable thing. Moreover, in its extreme, literal application, it is *summum jus, summa injuria*, as the Romans used to say. And to remedy the injustices of justice, men have invented grace, pardon, the reprieve — a remnant of the principle that once attributed to kings the original administration of justice and, with it, the right of life and death over men. But the pardon, in itself, is an immoral institution. Its

granting depends, very often, on causes quite different from any purification of justice — a royal celebration, the veneration of the Cross on Good Friday, a collective and momentary outcry, the chance sway of public sentiment. The pardon tends to be a political measure, not a juridical one. The life or death of the condemned is gambled on the fortunes of currents of opinion or the conveniences of State. A French writer called it the lottery of death. Today an odious criminal will be pardoned, and tomorrow the pardon will be denied to a poor wretch. The examples speak for themselves...

VI

From Torment to Suppression

The death penalty in history, just as it has diminished in the number and extent of its applications, has also changed in its quality. I mean that from the concept of torment — that is, of supreme pain inflicted on the condemned, as a chastisement, as a punishment in the true sense of the word — we have moved to the concept of the suppression of life with the suppression of pain. As a consequence of Beccarian doctrine, the French guillotine, today a grim and vile image, was in its own day almost a medical instrument, one through which the surgeon Louis (hence the name “Louison”) and the physician Guillotin gave proof, in their own way, of the famous sentimentality characteristic of the close of the eighteenth century. Little could they have imagined that the guillotine would soon stain its crooked jaw with the blood of kings, with the representative and expiatory blood of an entire dying regime, as though the unleashed fury of a popular cataclysm wished to avenge, through pure and simple death, the tradition of the old penal barbarism. Whoever compares the momentary, feverish, sickly fury of 1793 with the cold and systematic legal cruelty of the old regime will be able to judge serenely the work of the Revolution, the transition between the two eras. And whoever compares, concretely and vividly, the refined and interminable torment of a

Damiens (the failed regicide of Louis XV) or of a De la Barre (the young nobleman who died for refusing to salute a religious procession) will grasp the immense distance between one age and the next. Add to this difference the abolition of the procedural barbarism of torture, which entailed the natural possibility that the tortured man was innocent. Between the two regimes, then, as regards the death penalty, there lies the evolution from the concept of punishment or pain to the concept of the suppression of life. The guillotine was a kind of chloroform. In this same vein, electrocution — which has at times, like every such instrument, produced contrary results — is one more proof of this penal trend. In future times, when the death penalty is a distant barbarism, studied in history books, our descendants will be unable to comprehend how the figure of the scaffold could coexist with the cities of our day; and they will feel, at that memory, the same gesture of revulsion that torture, judicial torment, inspires in us today.

In our legislation we can note, of late, reforms that have sought to lessen the horror of the supreme punishment. One of these is the reduction of the compulsory hours in the chapel; the chapel, imposed by a religious scruple, is a remnant of refinement in death — a kind of moral torment, already abolished almost everywhere. Another reform is the one that removed executions from public view, with a plain inconsistency regarding the principle of exemplarity. In England, executions are also carried out behind closed doors. In France, they are still public. I recall that when the bill was

introduced proposing that the guillotine be confined to the interior of prisons, all the abolitionists voted against it, because they believed that the scandalous publicity of those events was a guarantee that the social conscience would sooner cry out for the total suppression of the penalty.

Let an enthusiastic greeting now go out to the nations that have already abolished the scaffold. Let it go, in particular, to the young and most noble Republic of Portugal, a shining example for Iberia. Let it go to Italy. Let it go to that host of French abolitionists, defeated yesterday by the social backwardness of the Parisian crowds. And let there be, finally, a wish that Spain may soon give the world this lesson in nobility and dignity — this imperialism of glory, radiating and exporting a Spanish spirit that could truly rise to a most exemplary and doctrinal Europeanness, dispelling our old historical darknesses.

VII

Exceptional Jurisdictions

I must add a few words on the death penalty in exceptional jurisdictions or laws.

Every time the voices of power have spoken of an imminent abolition of the death penalty, they have never failed to say that the abolition would not extend to military jurisdiction. And on this point, some distinctions are needed.

Italy, which has abolished the death penalty, retains it in military jurisdiction, but only in time of war. Here is a very necessary clarification. For our part, at present, we would not mind if Spanish legislation adopted the same principle. War, by itself, represents an atavistic instinct akin to that of the death penalty. In fact, it is a death penalty by chance. And since it is a most abnormal state, one that requires strong coercions to bring about, the death penalty is a natural consequence of it. But we would wish, on the other hand, for the absolute abolition of the death penalty in time of peace, in both military and civil jurisdiction. We do not believe it to be an absolute necessity for discipline, as a common commonplace holds. It would be worth, on this point, comparing the penalties laid down in the various military codes of Europe, and modifying the Spanish code in light of them — a code repeatedly called archaic.

It must also be borne in mind that offenses punishable by death in military jurisdiction are of two kinds: either disciplinary offenses, or offenses against public order. Both are offenses to which extradition, in general, does not apply, and which are therefore not considered universal or natural crimes, but artificial, local, national, political offenses — created by law and not by nature. The men on whom such sentences generally fall are not born, professional criminals, but occasional, incidental ones. If we look to history, we will see that the victims proclaimed illustrious today were once sacrificed by exceptional or wartime jurisdictions, under the wrath or passions of the moment, compounded by the swiftness of the proceedings. Some of them were criminals yesterday and are heroes today: what national honors would seem sufficient today, for instance, for General Lacy, or for El Empecinado, or for Torrijos, were they able to rise again?

VIII

A General Danger

The persistence of the death penalty is a general danger, contrary to what may perhaps seem so to those who shrug their shoulders selfishly, telling themselves: What does a punishment I will never fall under matter to me? But does this good burgher truly know under what appearances of crime he may stumble tomorrow, or beneath what monstrous judicial error he might be caught? Has he truly considered the consequences a victorious revolution, full of reprisals and vengeance, might bring upon him? The abolition of the scaffold would bring about a general softening of customs, private and public, and with the passing of years the restoration of the death penalty would become as natural an impossibility for humanity as judicial torture is today in civilized lands. Just as I deeply believe that the death penalty fosters murder, I believe that abolition would foster the moral education of man and of the people, moralizing, first and foremost, those in power, as the true representatives of the select, of the worthiest. Society must not imagine itself as a Medea who slits her children's throats before the People, nor as a divine Moloch who devours humans in sacrifice. In the general protest that rises from every quarter on the eves of executions, there is an echo of conscience; it is the infant cry of the conscience to come, of the next and higher stage of human

conscience, in the unfolding of its transformation, reacting against yesterday's conscience, closer to our bestial origins.

My small glory as a writer would consist precisely in having contributed, to the best of my abilities, to the awakening of that new conscience...

EDITORIAL APPARATUS

Definitions and Terms

Congrès de la Llibertat. The Barcelona congress of February 1912 at which this address was delivered, Alomar having been named its appointed speaker on capital punishment. The congress met eighteen months after the Setmana Tràgica of July 1909, whose courts-martial and executions were still an open wound in the city; the passing reference to “various painful hours of Barcelona’s history” is to those days.

public vindication. Alomar’s *vindicta pública*, the standing Spanish legal formula for the public interest in punishment. He seizes on it because the word carries vengeance inside it, and reads the phrase as an admission the law makes without meaning to.

Astraea, Themis, Nemesis. Greek and Roman personifications of justice and retribution: Astraea the virgin of justice who fled the earth, Themis the keeper of divine order, usually shown with scales, Nemesis the goddess who exacts what is owed. Alomar treats the persistence of these figures in legal iconography as evidence that the law still thinks of justice as a deity requiring satisfaction.

auto-da-fé. Literally an act of faith. The public ceremony of the Spanish and Portuguese Inquisitions at which sentences were pronounced and the condemned handed to the secular arm for burning. Alomar’s point in naming it beside the

modern execution is that both are liturgies, staged for a congregation.

scapegoat. The goat of Leviticus 16, on whose head the sins of the community were laid before it was driven into the wilderness. Alomar makes the condemned man the scapegoat and the executioner his priest, an argument that anticipates by sixty years the ritual anthropology of René Girard.

the ring of Polycrates. From Herodotus. The tyrant of Samos, warned that unbroken good fortune invites divine envy, threw his most treasured ring into the sea to purchase misfortune; it came back inside a fish, and his ruin followed anyway. Alomar uses it for the logic of the propitiatory offering: a life surrendered in advance to buy off a disaster that has not yet come.

the law of talion. Lex talionis, the rule of like for like, an eye for an eye. Alomar calls it a theological superstition rather than a legal principle, and the whole second half of his argument turns on the claim that a punishment identical to the crime cannot condemn the crime.

similia similibus. The homeopathic maxim, like cured by like. Alomar's charge is that the state prescribes killing as the remedy for killing and calls the dose justice.

"Let the gentlemen murderers begin." Que messieurs les assassins commencent, from Alphonse Karr's satirical journal Les Guêpes in 1849: abolish the death penalty by all means, but let the murderers give it up first. It was the

stock retort of French retentionists for a century, and Alomar answers it by asking which murderers are meant.

la Roquette. The Paris prison quarter that gave its name to the guillotine's standing place. Two prisons faced each other across the rue de la Roquette; the condemned were held in the Grande Roquette, and from 1851 the scaffold was raised in the street outside its gate, where sixty-nine people were beheaded before its demolition in 1900. Alomar's text says Petite Roquette, which held juveniles and later women; the slip is his and has been left standing.

marrying the widow. Épouser la veuve, Paris prison slang for going to the guillotine, the widow being the machine. The companion phrase Alomar gives from the crowds of 1793 is éternuer dans le sac, to sneeze into the basket.

Damiens and De la Barre. Robert-François Damiens, who wounded Louis XV with a penknife in 1757 and was publicly torn apart by horses after hours of prescribed torment; the Chevalier de la Barre, a young nobleman beheaded in 1766 on a charge of blasphemy that began with his failure to remove his hat before a religious procession. Alomar sets them at the far end of the distance the guillotine was meant to close.

Guillotin and Louis. Joseph-Ignace Guillotin, the physician who proposed a uniform and instantaneous method of execution to the National Assembly, and Antoine Louis, the surgeon who designed the machine that briefly bore his name as

the Louison. Alomar's reading of the guillotine as a humane instrument gone monstrous is the hinge of his sixth section.

res judicata. The doctrine that a matter finally adjudged is settled and may not be reopened. Alomar's objection is not to the doctrine in ordinary civil use but to its extension into a claim of infallibility, which is what a court asserts whenever it imposes a penalty that cannot be undone.

summum jus, summa injuria. The highest law is the highest injustice, from Cicero. The maxim that law applied to its letter and to its limit produces the opposite of what it was for.

the Dreyfus affair. The prosecution, conviction and eventual exoneration of Captain Alfred Dreyfus in France between 1894 and 1906. Alomar treats it as the case that broke the spell of *res judicata* by proving in public that a final judgment can be a lie.

the theological state. The first of the three stages in Auguste Comte's account of human understanding, in which events are explained by the will of supernatural agents. Alomar's charge is that European penal law is still in that stage while believing itself to be in the last.

Ferdinand's reign. Ferdinand VII of Spain, restored in 1814, who annulled the Constitution of 1812 and executed the liberals who had made it. Alomar's three names are the emblematic dead of that repression: General Luis de Lacy, shot in 1817 after a failed rising; Juan Martín Díez, El Empecinado, the guerrilla commander hanged in

1825; and General José María de Torrijos, shot with his companions on the beach at Málaga in 1831. All three were later honored by the state that killed them, which is the whole of Alomar's point.

the veil of the Ark. The Ark of the Covenant, which the Hebrew Scriptures make lethal to touch or to look into. Alomar reaches for it as an image of the unknowable trespassed upon.

ethical determinism. Alomar's name for the Italian positivist school of criminology associated with Lombroso, Ferri and Garofalo, which denied the offender's moral responsibility while urging that the socially dangerous be eliminated. He regards it as the most shameful of the modern defenses of the scaffold, because it removes the guilt and keeps the killing.

lazaretto. A quarantine hospital for those carrying infectious disease. Alomar's closing analogy: if imprisonment is not a perfect guarantee, neither is quarantine, and no one proposes killing the sick.

De Maistre. Joseph de Maistre, the Savoyard counter-revolutionary whose St Petersburg Dialogues of 1821 contain the celebrated passage making the executioner the cornerstone of the social order, the horror and the bond of human association together. Alomar names the position and calls it scaffold-ism.

Portugal and Italy. The two abolitions Alomar salutes. Portugal removed the death penalty for political offenses in 1852 and for ordinary crimes by the Charter of Law of 1 July 1867, and the young

Republic he praises abolished it for all offenses in 1911. Italy abolished it for all crimes but certain military offenses in wartime by the Zanardelli Code of 1889.

Further Reading

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RELATED VOLUMES IN THIS SERIES

Beccaria, Cesare. An Essay on Crimes and Punishments. 1764. V. 5. Edited and modernized by Jeff Hood. Complicit Press, 2026. The

doctrine Alomar invokes by name when he describes the guillotine as its consequence.

Hugo, Victor. Under Sentence of Death. 1829. V. 9. Edited and reset by Jeff Hood. Complicit Press, 2026. Alomar calls Hugo the great patriarch of all abolitionists of the scaffold.

Spear, Charles. Essays on the Punishment of Death. 1844. V. 10. Edited and modernized by Jeff Hood. Complicit Press, 2026. The American argument that the death penalty is theology before it is law, made nearly seventy years earlier.

Shelley, Percy Bysshe. On the Punishment of Death. c. 1815. V. 20. With an introduction and notes by Jeff Hood. Complicit Press, 2026. The fragment that puts Alomar's question about the spectators a century before him.

THE ABOLITION CLASSICS. V. XVII



CAPITAL PUNISHMENT IN THE UNITED STATES

THE STUDY OF RAYMOND T. BYE

Philadelphia, 1919

EDITED AND MODERNIZED BY JEFF HOOD

COMPLICIT PRESS

THE ABOLITION CLASSICS

The texts that built the case against the death penalty

CAPITAL PUNISHMENT
IN THE UNITED STATES

THE DEATH PENALTY
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CAPITAL PUNISHMENT IN THE UNITED STATES

The Argument in Brief
A Condensed Modern Edition

RAYMOND T. BYE
1919

The Death Penalty Abolition Classics
V. 17

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C O N T E N T S

Foreword by Jeff Hood

Note on This Edition

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Criminological Theory
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FOREWORD

I have watched thirteen people die.

I want to say that first, because Raymond Bye never did. He was a graduate student at the University of Pennsylvania. He worked from tables and census returns and letters from prison wardens. He built his case out of numbers gathered at a desk. He never sat in a witness room. He never watched a chest rise and then stop rising. He never walked out into a parking lot afterward and tried to remember where he left the car.

And still he got it right.

That is the thing about this little book that will not leave me alone. A man with no direct sight of the thing reasoned his way to the truth of it in 1919 ... and we have spent a hundred and seven years proving him correct at the cost of thousands of lives.

Read what he found. He went looking for deterrence and could not find it. He compared states that killed against states that did not and the murder rates would not separate. He counted executions against homicides and came out with one death for every eighty. He looked at Georgia, which executed more people than almost any state in the union, and discovered that Georgia also lynched more people than any state in the union. The gallows did not calm the mob. The gallows taught the mob.

He looked at the machinery of the courts and saw what I see now. Prosecutors running for reelection.

Newspapers convicting men before the jury is seated. Juries made of people who cannot bear to weigh a life and so weigh it badly. Appeals that turn on technicalities and never on innocence. Governors who will not be woken.

That last one stays with me. Tommy Bambrick was twenty years old. A room full of bankers in New York tried to save him the night before his execution. They telephoned Albany. The governor's secretary would not wake the governor, because the governor never permitted himself to be disturbed on the night before an execution. They tried to charter a train. Bambrick went to the chair.

I have made those calls. I have watched lawyers make them. I have sat with a man while the phone did not ring. The particulars change. The silence does not.

Bye's conclusion was that capital punishment was an outworn vestige and that its end was only a question of time. He wrote that in 1919. He was wrong about the time. He was not wrong about anything else.

So why print him now.

Because the arguments being made in courtrooms and legislatures this year are the same arguments he answered before my grandmother was born. Deterrence. Closure. The heinousness of the crime. The demand of the community. Bye took each of them apart with the tools available to him and none of them have been repaired since. They were not rebuilt. They were simply repeated, louder, by people who were counting on us not to check.

And because he tells the truth about what the death penalty actually is. He would not let his own side hide behind utility. He said plainly that the thing runs on revenge, and he proved it with a single observation so obvious it embarrasses us. If death deterred crime, we would use it on burglars. We do not. We reserve it for the crimes that make us angriest. That is not public safety. That is vengeance wearing a robe.

I want to say something about his honesty, because it is rare and it is instructive.

Bye takes apart the arguments of the abolitionists too. He tells them they have been sloppy. He shows that their claim about juries refusing to convict does not hold, and he says so in print, in a book arguing for abolition. He calls the innocence argument exaggerated. He publishes a survey of prison wardens that cuts against his own position. Then he explains why the death penalty is still indefensible, and the argument is stronger for everything he gave away.

We could learn from that. Our movement is not helped by claims that will not survive contact with a hostile reader. It is helped by the ones that will.

Now I have to tell you where he fails, because a foreword that hides it is not worth reading.

Bye was a white progressive in 1919 and he carried what that meant. He explains the southern murder rate by pointing at Black people. He treats emancipation as a cause of crime. He proposes sterilizing certain offenders and suggests it as a southern substitute for the death penalty in rape

cases. Those passages are in this book. We have marked them rather than removed them.

Understand what that means. In the same volume, the same man who documented that William Sanders was lynched over an overcoat, that two brothers were lynched for not giving enough room on a road, that Jeff Brown was lynched for brushing against a girl on a street ... that man could not see the whole of what he was looking at. He gathered the evidence of a racial terror campaign and filed some of it under the wrong heading.

I do not print this to condemn him. I print it because it is the pattern that has never broken. The American death penalty has always been a race problem that we insist on discussing as a crime problem. Bye came closer than most of his contemporaries. He got the lynching chapter almost entirely right. And he still could not follow his own evidence all the way home.

We are not finished with that failure. It is not an artifact. Look at who is on the rows in this country and tell me it is an artifact.

One more thing.

Bye wrote his conclusion during a war, and the war got into it. Two states nearly abolished the death penalty in 1917 and both were stopped when the country turned toward Germany. Legislators who had promised their votes changed their minds and gave the war as the reason. Bye watched a moral argument lose to a national mood and he wrote about it plainly.

That is our situation too. The argument has been won for a long time. It keeps losing anyway, to fear and to elections and to whatever the country is frightened of this season.

Bye ended by saying that nothing stands still. That an institution must progress or decay, and that to stand still in a changing world is itself decay. He believed the thing was already dying.

He was right that it is dying. He was wrong that dying is the same as dead.

It is still killing people. It killed people this year. It will kill people next year, and it will do it quietly, behind a curtain, in a room with a viewing window and a clock on the wall, while a chaplain holds an ankle and someone in a state office waits for a phone to ring.

I have been in that room thirteen times.

Read this book. Then help us finish what Raymond Bye started at a desk in Philadelphia in 1919.

The argument is over. Only the machinery remains.

*Jeff Hood
North Little Rock, Arkansas
August 19, 2026*

NOTE ON THIS EDITION

Raymond Taylor Bye submitted *Capital Punishment in the United States* to the Graduate School of the University of Pennsylvania in 1919, in partial fulfillment of the requirements for the doctorate. It was published that year by the Committee on Philanthropic Labor of Philadelphia Yearly Meeting of Friends.

Bye's complaint about the abolition literature he inherited was that it had been written almost entirely in the register of feeling. "Sentimentalism, theology and bias have been brought to bear upon it," he wrote, "but little painstaking study." His purpose was to submit the death penalty to the new science of criminology and to the verdict of the available evidence, and to see whether it survived either.

It did not.

This edition condenses Bye's six chapters to their argument. His original ran to 101 pages and carried nine statistical tables — homicide rates by state, prison commitments, legal executions, lynchings, conviction ratios. Those tables were the labor of the book and they nearly all point one direction: no measurable relationship between the death penalty and the killing of human beings. That finding is preserved here; the columns that established it are not. A handful of Bye's figures appear inline,

because in several places the number is not evidence for the argument but the argument itself.

A word on what has been left standing. Bye wrote as a white progressive in 1919, and the racial assumptions of that position are visible in his book, most heavily in his chapter on lynching and his account of rising homicide rates. Where those assumptions shape his reasoning, they are marked as his and identified as of their period rather than silently repaired. His documentation of lynching — the trivial pretexts, the overwhelming disproportion of Black victims — remains among the most damning material in the volume, and it is left intact.

I

THE EVOLUTION OF THE DEATH PENALTY

Bye opens with an accounting. In the twenty-eight years before he wrote, more than three thousand people had been put to death in the United States, and the country was executing at a rate of roughly one hundred a year. That is the toll he sets before the reader, and the question the book asks is whether any of it was necessary.

His first chapter establishes a direction of travel. The death penalty in America, he argues, has been contracting for two centuries — in the number of crimes it covers, in the cruelty of its methods, in the publicity of its performance, and in the number of jurisdictions willing to use it at all. Abolition, on this reading, is not a break with American practice but the completion of something long underway.

The starting point was severity almost beyond modern comprehension. The English penal code of 1780 contained 240 capital offenses; Blackstone counted 160 crimes punishable by death in his own day. As late as 1820, English law still made hanging offenses of remaining in the kingdom as a gypsy for a month, taking fish from a pond, damaging a bridge, cutting down a growing tree, and sending a threatening letter. Death was the universal remedy, applied to murderers and petty thieves without distinction.

The American colonies were milder but not mild. Most New England colonies made twelve offenses capital. Connecticut, adopting the Mosaic code, included blasphemy, and in 1650 added a child over sixteen who cursed or struck a parent. Pennsylvania had seventeen capital crimes at the Revolution. The colonies differed from England in a way Bye finds significant: they did not generally kill for property crimes. What drew the extreme penalty were offenses against person and morals — murder, adultery, offenses against chastity, witchcraft.

Independence changed little at first. Even in 1892, federal law carried twenty-five capital offenses under the military code, twenty-two under the naval code, and seventeen under the civil code. Georgia that year had ten capital crimes; three other states had seven; ten more had four or more.

Executions were public by design. The theory was deterrence through spectacle, and the practice was inherited from England, where bodies were left hanging along the highways as a standing warning. Bye's account of what these occasions actually became is one of the sharpest passages in the chapter. They were social events, drawing crowds estimated in the tens of thousands, rivaled as popular entertainment — he cannot resist the comparison — only by a great circus or a baseball game. He quotes a Pennsylvanian of the early nineteenth century describing executions in that state as scenes of riot and every species of wickedness, with twenty, thirty, or forty thousand in attendance and two or three days given over to

merrymaking in the manner of a country fair. At Orwigsburg, an execution postponed at the last moment because the condemned man was found insane nearly ended in the crowd lynching him out of sheer disappointment; officers rescued him with difficulty.

Cruelty went beyond hanging. Burning alive was inflicted for murder, insurrection, and arson. Where the offense was the rape of a white person by a Black man, courts held wide discretion over the manner of death, and burning was not infrequently the method chosen — a Black man burned by court decree in Somerset County, New Jersey, in 1744; thirteen burned in the colony of New York in 1741. The penalty was not confined to Black men; whites suffered it as well.

Then the humanitarian movement of the nineteenth century swept most of this away, and Bye traces the retreat along four fronts.

The list of capital crimes contracted. Ohio limited the death penalty to murder in 1788. Pennsylvania, through a sequence of acts between 1780 and 1794, reduced its seventeen capital crimes to one: murder in the first degree. Massachusetts cut twelve down to six by 1836. Rhode Island went from ten in 1647 to two by 1838. The federal government moved last, reducing seventeen civil-code capital offenses to three — treason, murder, and rape — only in 1892.

Executions went private. New York abolished public execution in 1835, and the practice spread; a number of states did not act until after 1903, Arizona

not until 1906. Bye notes the movement appears to have originated in America. He believes no state performed public executions as he wrote, but records an execution in a southern county seat three years earlier at which the public, knowing the hanging would occur at dawn in a jail yard behind a dilapidated fence, assembled before daylight, tore the fence down, and watched.

Methods softened. Torture and burning were barred at the founding by the constitutional prohibition on cruel and unusual punishments. Hanging gave way to electrocution in fifteen states by 1919, beginning with New York. Two states, Nevada and Utah, offered the condemned what Bye calls the doubtful privilege of choosing between rope and firing squad. He notes that some authorities — Thomas Edison among them — held electrocution no more humane than hanging, but takes its adoption as evidence of intent regardless.

Juries got discretion. First came the division of murder into degrees, only one of them capital. Then twenty-four states gave juries power to fix the penalty at death or life imprisonment. The practical result, Bye observes, is that death sentences became rare and reserved for the most heinous crimes, the most vicious defendants, or the cases where public indignation had been most violently aroused.

Finally, twelve states had abandoned the death penalty outright by 1919. Michigan was first, in 1847, though it had executed no one for fifteen years before that. Rhode Island followed in 1852, Wisconsin in 1853. Kansas passed a curious law in

1872 requiring the governor's personal order before any execution; no governor ever gave one, and the state formalized abolition in 1907. Maine abolished in 1876, restored in 1882 after an insane convict attacked a keeper, and abolished again in 1887 when the governor pointed out that murders had not decreased since executions resumed. Iowa and Colorado each tried abolition and reversed it. Then a second wave: Minnesota in 1911, Washington in 1913, Oregon in 1914, the Dakotas in 1915, Arizona in 1916, Missouri in 1917.

The question was live as Bye wrote. Two states nearly abolished in 1917 and were stopped by the war. Illinois passed an abolition bill through both houses; the governor vetoed it, citing partly its drafting and partly his judgment that wartime was no moment for the measure. In Pennsylvania, outrage at the death sentences given two boy murderers in 1916 produced a bill that seemed certain to pass — until the United States declared war on Germany, and legislators who had promised their votes changed their minds. In West Virginia the upper house voted for abolition 31 to 12 one day and defeated the same measure on reconsideration the next.

The trajectory, Bye concludes, is unmistakable. Fewer capital crimes, gentler methods, private executions, jury discretion, and outright abolition in a growing minority of states. Legal executions had fallen from an annual average of 145 in 1890-1895 to 96 in 1913-1917 — a decline of a third in a quarter century.

He then puts the question the rest of the book answers. Is this softening the mark of a weakening society and a corrupted sense of justice, or of a more enlightened civilization? If the first, the death penalty should be extended and the retreat reversed. If the second, the process should be carried to its conclusion and the hundred people sent yearly to the gallows and the chair should be spared.

II

CAPITAL PUNISHMENT IN MODERN
CRIMINOLOGICAL THEORY

The first chapter described what the law did. The second asks why, and here Bye makes his central theoretical case: the death penalty is a survival from a theory of crime that criminology has abandoned on every point.

He begins with origins, and he is blunt about them. All legal punishment begins in the instinct of revenge. Private vengeance becomes clan vengeance; the state then assumes supervision over the act of revenge, and finally reserves it entirely to itself. The earliest criminal codes are simply organized retaliation — *lex talionis*, an eye for an eye, with retributive justice as their ethical standard. The revenge motive recedes slowly, and Bye's claim is that it has not receded nearly as far as respectable opinion pretends.

The system that produced the modern death penalty rested on three principles he calls the classical theory:

Absolute individual responsibility. Every person is a free agent choosing between right and wrong. A criminal chose wickedness and could have chosen otherwise. Only the hopelessly insane were excused.

An objective test of punishment. Guilt is measured by the consequences of the act. Since all offenders are equally responsible, the same offense earns the same penalty, with no allowance for the individual.

Repression. The purpose of punishment is to terrorize potential offenders. This is the principle that produced public hanging, the gibbet, and the head on a spike — and, Bye notes, it is under this doctrine that capital punishment reached its fullest development.

Against each of these, modern criminology has substituted something else.

Against individual responsibility it sets social determinism. People are not free agents but products of heredity and environment. Bye credits Lombroso and the Italian school with establishing that congenital and biological factors matter, while noting that Lombroso's theory of a distinct criminal type has not found general acceptance. Environment matters as much or more: home life, standard of living, social surroundings, economic and political conditions. His formulation is characteristically direct — many a person who leads an honest life is no stronger in character or morals than someone behind prison bars; both are products of the forces that shaped them. Individual responsibility gives way to social responsibility.

Against the objective test it sets individualization. If crime has social causes, treating all offenders identically is absurd. Two men who commit the same act are not equally guilty and should not receive the

same treatment. This principle is visible in parole, probation, the indeterminate sentence, and special provision for juvenile and mentally ill offenders.

Against repression it sets reformation and prevention. Some offenders are beyond reform, but most are not. The old severity executed people who might have been restored and warehoused others in what amounted to schools of crime.

Capital punishment, Bye then argues, fails every one of these tests — and he begins with the one its defenders least like to admit.

It is grounded in revenge. Its advocates prefer utilitarian arguments, but retribution is what is actually operating. Bye's evidence here is unusually good, because he simply lets its defenders speak. He quotes a former state superior court judge who wrote to him protesting the softening of the criminal law: revenge, the judge argued, has the same evolutionary history as self-preservation and is equally necessary in a biological sense, to be tempered but not destroyed, and society therefore has no right to take that revenge away from the injured party under the plea that it means to reform the offender. He quotes Kenny's *Outlines of Criminal Law* holding that the gratification of the feelings of the injured is a proper object of punishment and that the right to punish must always rest in part on retributive justice. He quotes a champion of the death penalty stating flatly that a criminal is one who injures society, that society is thereby moved to anger, and that it proceeds to vent its wrath on him. And he quotes *The Outlook*, on the electrocution of

Police Lieutenant Becker, declaring that the value of capital punishment lies in its being the community's deliberate judgment that a man may commit a crime so monstrous that he is no longer worthy to live.

Bye's decisive argument on this point is structural rather than quotational. If deterrence were really the object, the death penalty would not be reserved almost exclusively for murder. If death deters killing, it would deter burglary and larceny equally well. That nobody proposes hanging burglars reveals what is actually at work: these lesser crimes are not thought to show a character black enough to deserve death. The selection of capital crimes is a moral ranking, not a deterrence strategy. Retribution is the operating principle, and everything else is decoration.

He is just as impatient with his own side. Opponents of the death penalty, he says, have wasted their energy on peripheral issues instead of making their appeal frankly on humanitarian grounds — that human life has come to be held sacred, and that the taking of it, even a murderer's, has become repugnant to a large part of the population. That appeal to the gentler emotions is, in his view, both the true basis and the strongest argument of the abolitionist case.

It assumes a responsibility that does not exist. Bye quotes Bulwer Lytton, by way of Governor Hunt of Arizona: society has erected the gallows at the end of the lane instead of guideposts at the beginning. Beneath every execution lies the assumption that the condemned alone caused his

crime and is merely getting his deserts, with no acknowledgment that social conditions beyond his control were probably the principal cause.

It is arbitrary where the science demands discrimination. Jury discretion and the pardoning power provide some individualization, but Bye has little confidence in either — pardons respond to political pressure, juries to vindictive malice or misguided sympathy. Neither is a reliable instrument. And twelve states provide no discretion at all. Meanwhile the category itself makes no sense: murderers vary enormously in guilt, while many burglars and thieves are more incorrigible and more dangerous than most killers. A man who attempts murder and fails is as guilty and as dangerous as one who succeeds, yet is punished far more lightly. He quotes Parmelee's observation that many murders are committed in fits of passion by otherwise non-criminal people, some by the insane and delusional, some by professional criminals whose object was theft — and that inflicting the same penalty on all these types is obviously stupid.

It forecloses reform. There can be no reform of a dead man. Bye's evidence that murderers are reformable is the best empirical material in the chapter, and it comes from the study of life prisoners. Warden Towne of the Wisconsin state prison reported 263 life prisoners received, 65 discharged by pardon, and exactly one known to have returned to crime — that offense being forgery. His experience was that life prisoners were a better class than those sent up for burglary or larceny,

their crime as a rule committed in a moment of passion. Dr. M. Liepmann of the University of Kiel, whose study Bye considers the most exhaustive published, gathered data on 2,071 life prisoners across six European countries and found wide diversity of type, little evidence that lifers were more troublesome than other prisoners, no tendency among those pardoned to return to crime, and substantial improvement in character during confinement. One Austrian warden called life prisoners the best element in the penal class; a German warden reported their conduct blameless with rare exceptions. In one Austrian prison, 82.5 percent of forty lifers were judged reformable. Bye is careful about the limits of this — it is European, it is not conclusive, and he calls explicitly for American studies to confirm or refute it.

It does nothing for prevention. Worse, Bye reports the argument that executions actively distract from prevention by lulling the public into a false sense that once a criminal is dead the matter is closed and nothing further is required until the next one appears.

He closes the chapter by taking up the strongest case that can be made for the death penalty — the positivist argument that execution serves as artificial selection, consciously eliminating dangerous degenerate types and extending the principle of natural selection. Bye concedes its force. On strictly utilitarian reasoning, untouched by humanitarian sentiment, he calls the argument unanswerable.

Then he shows what it would actually require. It would demand a completely different use of the death penalty from the present one, because murderers are not uniformly dangerous and many of the most hardened and dangerous offenders — recidivist thieves, alcoholics, panderers — never face capital charges at all. Consistently applied, the principle would require executions on a scale nobody contemplates. He gives the argument to Tarde: prove the necessity of guillotining ten or fifteen criminals a year in France or England, and it will not be difficult to prove the urgency of striking down a hundred or a thousand by electricity or chemistry. Either the instrument is swept away, Tarde wrote, or it is multiplied until the annual number of executions equals the number of anti-social beings condemned to elimination. There is no middle course.

And he gives the conclusion to Ferri, a positivist himself, who accepted the logic and followed it where it led: to draw from the death penalty its only positive utility, artificial selection, one must have the courage to apply it to all born criminals guilty of serious violence — which in Italy he estimated at a thousand executions annually. “And as I shall certainly not have the courage to ask for the restoration of these mediaeval modes of punishment,” Ferri wrote, “I am still, for the practical considerations above mentioned, a convinced abolitionist.”

The theoretical case, Bye concludes, is closed. Capital punishment is based on revenge, assumes a

responsibility that does not exist, judges by an objective test the science has discarded, permits almost no individualization, forecloses reformation, and contributes nothing to prevention. It is an anachronism, a survival of an outworn criminal philosophy.

But he refuses to stop there, and the refusal is what makes the book worth reading. Sound theory is not enough. The practical question remains: would abolition in fact produce an increase in murder, or an outbreak of lynching? Those are empirical questions, and the next two chapters go after them.

III

CAPITAL PUNISHMENT AS A
DETERRENT

This was the longest chapter in Bye's original and the one that carried the heaviest statistical apparatus. Its argument, stripped of the tables, is that the deterrence case for the death penalty fails three times over: it is ethically questionable, it is unsupported by the evidence, and it is undermined by the sheer rarity with which the penalty is actually inflicted.

He begins by stating the case he means to answer. Its supporters hold that nothing is so precious to a person as life, that the prospect of death is therefore the most powerful of all deterrents, and that abolition would loose a wave of violence. They point to rising homicide figures as proof that leniency has already begun to cost lives.

The alleged increase. Bye takes the claim seriously enough to examine its foundation, and finds it shakier than advertised. The figures everyone cited came from George P. Upton of the *Chicago Tribune*, compiled from the columns of nine leading newspapers in each state. They show homicides rising from 1,266 in 1881 to a peak of 10,652 in 1896, settling around 8,500 by 1904. Census mortality statistics, which Bye considers more reliable, show a much lower rate — 1,540

homicides in 1905 rising to 4,670 in 1915, or 4.5 to 6.9 per 100,000.

The gap between the two series is enormous, and Bye uses it to make a methodological point that most of the agitators on both sides had skipped. The *Tribune* counted everything — quarrels, jealousy, liquor, highwaymen, infanticide, resisting arrest, strikes, self-defense, riots, insanity — and probably double-counted by gathering the same case from different papers. The census figures are narrower and probably incomplete, since some violent deaths escape registration. Neither is an exact measure. And crucially, the apparent rise in both series may reflect improvements in the machinery of counting rather than in the killing: better news-gathering in one case, a more accurate registration system and more careful classification of causes of death in the other. Some real increase may have occurred. It is nothing like what the alarm suggested.

Is deterrence even a proper object? Before testing whether it works, Bye questions whether it should be attempted. To inflict a severe penalty on one person for the sake of making an example of him is ethically peculiar, and he illustrates it with the old English exchange: a man convicted of horse-stealing protested that it was hard to be hanged for stealing a horse, and the judge replied that he was not to be hanged for stealing a horse but in order that others might not steal them. Bye finds this difficult to reconcile with any refined sense of justice. The deterrent theory also sits badly with social determinism: instead of removing the social causes

of crime, it proposes to frighten the individual into resisting them.

His conclusion is that deterrence can only be defended if it can be shown to work — and if it does work, there is no principled reason to confine it to murder rather than deterring burglars and forgers by hanging those unskillful enough to be caught. The refusal to extend it exposes retribution as the real motive once again.

The psychology is wrong. The deterrent theory assumes a prospective murderer who rationally weighs the probable consequences of his act and then possesses sufficient strength of will to abandon it. Bye calls the assumption extravagant. General knowledge that wrongdoing brings punishment probably does build a durable disinclination toward crime in many minds — and that, he thinks, is how deterrence actually works when it works at all. But the people who have not developed that disinclination do not perform the calculation the theory imagines.

This is especially true of murderers. Some are mentally abnormal. Some kill incidentally to another crime. Some act under an emotion powerful enough to overwhelm any thought of future consequences. Bye is careful here to correct a favorite abolitionist argument: it will not do to say that murders are committed in sudden passion with no time to reflect, because killings of that kind fall legally under manslaughter or second-degree murder and are not capital anyway. His revised version is stronger — that jealousy or hatred can overrule or entirely

preclude consideration of the penalty in a killing that is technically deliberate and technically first-degree, no matter how drastic the punishment. And this holds most of all for the borderline individuals who supply so much of the criminal population, who lack the reason and balance of a fully normal person yet are not irresponsible enough to be called insane.

Not everyone fears death, either. He points to the regularly reported cases of men who kill and then take their own lives, or who surrender willing to suffer the full penalty; to the coolness with which some approach execution, sleeping soundly and eating heartily beforehand. For a few, by some perversion of feeling, execution even holds an attraction. He reprints a 1911 newspaper item from Belleville, Illinois, in which a young Black man named Willis Clark, about to hang, joked with the sheriff, asked that a good job be made of it, and announced from the scaffold that if the papers did not give him a good write-up he would haunt them that night. In such cases execution does not deter; it lends the crime a glamor and gratifies a hunger for notoriety.

Finally, Bye cites Thomas Speed Mosby, who after studying 3,500 cases including many condemned murderers concluded that most crimes are committed by people who expect to escape detection entirely, or who in the moment are heedless of all punishment, or who are driven by factors that no severity can remove and that render the prospect of punishment wholly inoperative at the time of the act.

What experience shows. All of the above, Bye concedes, establishes only the obvious — that some people will kill despite the death penalty. The real question is whether others have been restrained by it, and that can only be answered by experience. If many have, then murders should rise after abolition, and abolition states should show higher murder rates than comparable retentionist states.

They do not.

He tests it first against history. The wholesale abandonment of the death penalty for burglary, larceny, forgery, and the rest produced no wave of those crimes; nobody today proposes hanging thieves, and society is manifestly no less safe from ordinary criminals than a century ago. If the state can protect its citizens against these offenses without executions, that establishes a presumption it can do the same for murder.

He tests it against the era of public execution, which was deterrence in its purest and most theatrical form — and which failed conspicuously. A prison chaplain at Bristol asked 167 convicts under sentence of death whether they had ever witnessed an execution; all but six had. A Massachusetts legislative report of 1846 found, after a rash of arsons following an execution for that crime, that every one of the culprits had watched the hanging. A man who had just watched the murderer Lechler hang at Lancaster, Pennsylvania, committed a murder the same day. In Ohio, on the day a man was executed for killing his wife with particular cruelty, another man near the place of execution killed his

wife in the same manner. And when pocket-picking was itself a capital crime in England, pickpockets worked the crowds at hangings — forty arrests for that offense at the execution of two pickpockets — the Chaplain of Newgate having been told that executions were the best harvest they had, because when the spectators' eyes are fixed above, their pockets are unprotected below.

Bye is appropriately cautious: some of these may be coincidence. But in the light of social psychology he thinks it entirely possible that the spotlight of a public hanging worked by suggestion, and that the spectacle brutalized its audience and cheapened the value of life rather than impressing the majesty of the law upon it.

Private execution, he argues, cannot be more effective than the public version that failed — and it introduces a dilemma with no good exit. Keep it genuinely secret, and the example is weakened to nothing; publicize the details in the press, and you risk brutalizing the public mind and suggesting the crime to exactly the impressionable and weak-minded people who supply the criminal classes. A vivid newspaper account may do nearly as much harm as a public hanging. And an execution carried out in strict secrecy becomes little more than a purposeless judicial killing, a blind wreaking of social vengeance.

He offers modern instances to match the historical ones. After ten men were hanged in Pennsylvania on a single day in 1877 for murderous conspiracy, the *New York Herald* predicted the

wholesome effect of so terrible a lesson, declaring that the pitiless severity of the law would deter the most wicked from imitation. Two of the witnesses at their trial were murdered the following night, and five of the prosecutors within two weeks. In 1916, Sing Sing held five men under sentence of death for murders closely resembling the Rosenthal killing for which Lieutenant Becker and four gunmen had recently been executed — and two of them had been hired to kill and had done it from an automobile, exactly as in the case whose punishment had been advertised across the country.

The statistical finding. Here the tables did their work, and here is what they found.

Bye compared homicide rates by state, using census mortality data for 1906-1915, grouped by geographic division so that comparable states were set against each other rather than lumped into a national average. He was explicit about why: southern states show far higher homicide rates, and comparing them against the abolition states — all of which were in the north and west — would have been an error. He was equally explicit about the limits of the data, noting that homicide statistics include every killing while only deliberate first-degree murder is capital, and that agitators on both sides had thrown such figures around as though they were conclusive when at best they approximate.

The comparisons showed nothing. Maine, without the death penalty, had a lower homicide rate than any New England state but New Hampshire. Rhode Island ran nearly level with neighboring Connecticut

and far below New York and Pennsylvania. Michigan and Wisconsin, long without executions, ran well below Ohio, Indiana, and Missouri. Kansas beat Missouri handily. Washington, which abolished in 1913, had the lowest rate in its group and showed no increase after the change — as was also true of Minnesota after 1911.

A second body of evidence, from an entirely independent source, gave the same answer. Census figures on prisoners committed for homicide in 1904 and 1910 — the latter distinguishing grave from lesser homicide, which Bye considered the closest available approximation to the actual prevalence of deliberate murder — showed no more murder in abolition states than in retentionist ones. Maine and Rhode Island recorded no commitments at all for grave homicide in 1910, against a regional average of 0.2 per 100,000. Michigan and Wisconsin fell below their regional average; Kansas sat level with its retentionist neighbors.

Two independent sets of figures, corroborating each other, and no connection whatever between capital punishment and the extent of homicide. Bye draws the possible conclusions with care. Either the death penalty deters no better than the life imprisonment that replaces it; or its effect is too small to detect; or deliberate murders are so small a fraction of total homicides that they cannot move the rate. And he notes that the third possibility helps abolition rather than hurting it: if deliberate murder is that rare, the occasion for the death penalty is rare enough that society can safely do without it.

What the figures do show is that murder tracks social conditions — high in the South and West, low in the North Atlantic and North Central states — with no relation to the presence or absence of the gallows. Bye's explanation of the southern rate rests on the region's Black population, and of the western rate on surviving frontier conditions; the first of these is a racial assumption of his period rather than a finding, and is reproduced here as his.

Certainty, not severity. The last movement of the chapter is the strongest, and it turns on a principle Bye takes as established: what deters is not the severity of a punishment but its certainty. A criminal who believes he will probably escape will risk even a terrible penalty; one who knows he will certainly be caught and punished will not lightly incur even a mild one.

By that standard the death penalty is close to worthless, because it is the least certain punishment in the code.

Juries will not impose it. Prosecutors report this almost unanimously, and jurors not infrequently ask to be excused from capital cases rather than take part in sending a man to his death. The pattern is old: when stealing forty shillings was capital in England, juries returned verdicts of stealing thirty-nine shillings regardless of the sum actually taken — 555 such verdicts in fifteen years, and when the threshold was raised to five pounds, the verdicts became four pounds nineteen shillings. In 1830 a thousand bankers in 214 towns petitioned Parliament to remove forgery from the capital list,

having found by experience that the possibility of death prevented prosecution, conviction, and punishment, and thereby endangered the very property the law meant to protect. A United States Attorney wrote to General Curtis in 1895 that he had 73 murder cases on his docket in which the severity of the penalty, in many cases where the parties were undoubtedly guilty, prevented juries from reaching a verdict at all or led them to acquit. Arthur Train, writing as an assistant district attorney in New York in 1908, reported that first-degree verdicts were extremely rare and that it took a crime of peculiar atrocity to induce a jury to send a defendant to the chair.

The difficulty is near absolute in the case of women, where Bye considers the death penalty a dead letter, since juries simply refuse to send women to their deaths — and he raises, without settling it, whether any punishment ought to be retained that cannot be enforced equally on both sexes.

Then Bye does something that distinguishes him from the abolitionist literature he is writing against: he examines the argument he has just made and finds it defective.

The trouble is that the same reluctance appears in abolition states. Rhode Island, without an execution in nearly three quarters of a century, produces the same complaint that juries will not convict of murder. Bye's own compilation from Minnesota's attorney general reports shows first-degree convictions running at 46.3 percent of

prosecutions before abolition and 44.2 percent after — no improvement at all. Data from Wisconsin and Arizona point the other way, showing higher proportions of first-degree commitments after abolition, but Bye flags the periods as short and the reporting as uncertain. Comparing Massachusetts, New York, and Ohio against Michigan and Wisconsin, he finds the abolition states show a higher ratio of first-degree to lesser-degree convictions but no higher share of first-degree convictions among homicide convictions overall — which is the more meaningful measure.

What the evidence actually shows, he concludes, is that juries shy from any arbitrary and severe penalty, death or life imprisonment alike. And he identifies the flaw in his own side's reasoning precisely: abolitionists have assumed jurors face a choice between sending a man to his death and letting him go free. They never do. They can always return a lesser degree, and in most states can now substitute life imprisonment on a first-degree conviction — which is the very punishment most abolitionists propose as the replacement. There is thus no reason why the death penalty should cause murderers to be acquitted, "a fact which seems to have been altogether overlooked."

But — and this is the pivot — demolishing that argument does not save the death penalty, because the uncertainty is real even if its cause has been misdiagnosed. Both punishments are uncertain. Both are seldom imposed. Few are convicted, and few of those convicted are actually executed;

sentences are commuted and pardons granted. In New York between 1890 and 1907, 344 condemned murderers were pardoned and 904 had sentences commuted, against 112 executions in the same period — 1,208 escapes against 112 deaths. Of 378 homicide cases in federal courts from 1890 to 1892, 73 were convicted and 13 executed. Of 2,444 people committed to American prisons for homicide in 1904, only 106 — 4.2 percent — were sentenced to death, and a considerable number of those escaped through commutation or retrial.

Then comes the number that carries the chapter. In 1917, eighty-five people were legally executed in the United States. Against an estimated 7,000 homicides in a population of 100,000,000, that is one execution for every eighty killings. Taking the five-year average of a hundred executions annually, roughly one in seventy. Even granting that not every homicide is deliberate murder, and halving the figure to be generous, one murderer in thirty-five or forty faces the full penalty. Every criminal knows this, Bye observes, and reasonably expects to be among the thirty-four who are spared. In most states the odds are longer still — only one, two, or three people executed in a year.

The death penalty, on this showing, is a vestigial organ that has ceased to function for lack of exercise. It is used too rarely to deter, and its occasional use makes it a purposeless outrage. And Bye's final charge is the one that has aged least: as applied, it is not reserved for the worst offenders but falls arbitrarily on an occasional victim. Almost any

criminal with money or influence escapes it. The poor and friendless convict, without the means to fight from court to court or the connections to pressure a governor, is the one selected for sacrifice to what has become little more than a tradition.

What actually explains the rise. If deterrence is not the answer, what accounts for such increase in homicide as has genuinely occurred? Bye rejects the leniency explanation and offers others. Urban congestion and the growth of large cities. Immigration, and here he repeats the period's claim that crimes of violence run higher among Italian immigrants. The emancipation of enslaved people, which he argues gave Black Americans greater liberty and therefore greater opportunity for crime, and which he attributes further to an impulsive nature quick to violent anger — a claim that belongs entirely to the racial assumptions of 1919 and is preserved here only because it is his.

His own preferred explanation, insofar as the law bears on it at all, is not leniency but incompetence: the notorious inefficiency of American criminal justice compared with English courts. Slow trials, restricted examination of witnesses, absurd rules of evidence, and the disgraceful abuse of appeal on trivial technicalities have made American criminal jurisprudence, in his words, a travesty on justice. He adds one more cause — the total non-enforcement of laws against carrying concealed weapons, attention to which alone would go far toward eliminating the unpremeditated killings that arise from sudden passion.

What the country needs, he concludes, is not greater harshness but greater efficiency. Given that, there is little reason to fear an outbreak of crime from abolishing the barbarities in the criminal codes, the death penalty among them.

IV

LYNCHING

The fourth chapter takes up the argument Bye considered the most serious practical objection to abolition, and the one most specifically American.

The claim runs as follows. In the twenty-eight years Bye surveyed, more than three thousand people had been lynched in the United States — almost exactly the same number as had been executed legally. That figure is taken to reveal a public sentiment so fierce toward certain offenders that it demands their deaths, and if the courts will not supply them the mob will. On this theory lynching is an extra-legal correction to an over-tender penal code, and abolishing the death penalty where such sentiment prevails is an invitation to more of it.

Bye quotes the theory's ablest exponents. One writer holds that criminal law is a pure expression of the public's vindictive sentiments, and that where judicial punishment is insufficient to satisfy popular feeling, vengeance takes the form of lynching. J. E. Cutler, whose *Lynch Law* Bye regards as the most exhaustive study available, argues that the history of lynching furnishes fairly conclusive evidence that for certain crimes no punishment short of ignominious death can satisfy the popular sense of justice, that the foundation of the law of retaliation is laid deep in

human nature, and that to abolish capital punishment in this country is likely to provoke lynchings — especially where atrocious crimes cross racial lines.

Bye notes carefully that this is not itself a defense of revenge as a principle. It is the narrower claim that the revenge motive exists in the population, and that the law had better express it or the population will. At least one state had acted on the theory: Colorado's restoration of the death penalty in 1901, after less than four years without it, is generally attributed to three lynchings in 1900 having been read as proof that executions were needed to satisfy public indignation.

He then tests the theory.

The abolition states. Over twenty-eight years, five states were without the death penalty throughout. Their lynching records: Rhode Island none, Maine none, Wisconsin two, Michigan four, Kansas twenty. Of the states that abolished during the period, Minnesota went from an average of 0.36 lynchings a year to none, Washington from 0.5 to none, North Dakota from 0.28 to none, Oregon from 0.33 to 0.25. Arizona rose from 0.34 to 0.50, but the period after abolition covers only two years and one lynching.

Colorado, the case cited as proof, dissolves under examination. Its lynchings averaged 0.75 a year during abolition — but all three occurred in a single year, 1900, with none in the other three years. Fourteen lynchings had occurred in the six years before 1896 and four in the year immediately

preceding abolition. The practice had effectively ceased in 1896, four years *before* the outbreak that supposedly proved the necessity of hanging. Bye calls it extravagant to attribute the 1900 lynchings to abolition, or the subsequent quiet to restoration.

Kansas, the one abolition state with a substantial record, is no worse than its retentionist neighbors — twenty lynchings against Colorado's twenty-three, Nebraska's fourteen, Oklahoma's sixty-two, and Missouri's sixty-five, most of those states smaller in population. And Kansas had recorded no lynching at all since 1902.

But the theory survives this. Bye is scrupulous here in a way that strengthens his eventual conclusion. The argument he is testing never claimed that abolition produces lynching everywhere — only where retributive sentiment is deeply entrenched. The abolition states are in New England and the central west, where civilization is stable and no disturbing causes exist. The real test would be the South, and there has been no experiment with abolition below the Mason-Dixon line.

So he approaches the southern question by a different route: through the causes of lynching itself.

What lynching actually is. Bye follows Cutler in identifying two kinds of community where lynch law appears. The first is the frontier, where legal institutions are not yet established enough to keep order — which explains its earlier prevalence in the West and its rapid decline there as frontier conditions passed. The second is settled

communities with stable institutions, where lynching breaks out in times of popular excitement or social disruption, or where the population contains a sharp division, or against people of disreputable character against whom no evidence can be produced, or for offenses whose atrocity especially shocks the community.

In the United States, race is the dominant cause, and Bye's figures are unambiguous. Of 2,359 people lynched over twenty years, 1,858 — 78.8 percent — were Black. Seven were Indian, nineteen Mexican, three Chinese; 472 were white.

The pretexts tell the rest. Bye obtained detailed records from Monroe M. Work at the Department of Records and Research at Tuskegee Institute covering 1913 through 1917: of 264 lynchings, 240 of the victims were Black. Only 105 were for homicide and 48 for rape or attempted rape — leaving 111, well over a third, for miscellaneous offenses. Cutler's longer series from 1882 to 1903 gives a similar distribution: 49.2 percent for murder or attempted murder, 8.5 percent for rape, 20.6 percent for theft — nearly ninety percent of those for stealing livestock — and the balance for assault, desperadism, minor offenses, and unknown causes.

Bye then prints five cases from the Tuskegee record, and they are the most damning paragraph in his book:

March 12, 1917 — William Sanders, lynched at Mayesville, Kentucky, for the alleged theft of an overcoat.

July 24, 1917 — William and Samuel Powell, brothers, lynched for insolence and for not giving enough road to a passer-by while driving.

November 17, 1917 — two Johnson brothers, lynched at Sale City, Georgia, for disputing a white man's word.

January 18, 1916 — William Warren, lynched at Buckville, Arkansas, for slapping a boy.

March 20, 1916 — Jeff Brown, lynched at Cedar Bluff, Mississippi, for accidentally brushing against a girl on the street.

All five victims were Black. Bye's comment is that whatever pretexts were offered, the racial motive is plainly present.

The southern test. With this in hand he returns to the question. Has the death penalty in the South prevented lynching there?

The answer is visible in a single comparison. The fifteen states with the most legal executions over twenty-eight years include all but one of the ten states with the worst lynching records, and all but three are southern. Georgia leads the nation in executions with 264 — roughly ten a year — and *also* leads in lynchings with 365. The states that hang the most also lynch the most.

Bye draws the conclusion the numbers force. Either capital punishment bears no relation to lynching at all, or — if executions really do satiate the public appetite for stern justice — they must be multiplied far beyond present levels to do it. If

Georgia's ten executions a year still left its citizens to hang and burn another 365 people extra-legally, then satisfying public opinion would require the state to execute not ten but twenty or twenty-five annually.

And the causes make even that insufficient. Since a large share of lynchings are for offenses that are not capital crimes anywhere — and many of them, as the Tuskegee cases show, absurdly trivial — the list of capital offenses would have to be substantially enlarged as well. The trend runs unmistakably the other way, and few would have the nerve to propose it. Even then Bye doubts it would work: if fairly rigorous hanging for murder has not stopped the lynching of accused murderers in the South, extending it to theft seems unlikely to do better.

He goes further, entertaining an argument he acknowledges is extreme: that lynching is the *sequel* to legal execution rather than its substitute — the state, by setting the example of killing criminals, teaching mobs to do the same when roused. He treats this as probably too strong, but it parallels his earlier finding that public hangings appeared to stimulate crime by brutalizing the crowd and cheapening the value of life.

His moderate conclusion is that lynching rests in the racial and social constitution of the community and bears no relation to the death penalty at all. Insofar as it connects to the administration of justice, he suspects the connection runs through the delays, technicalities, and abuses he catalogued in the previous chapter. Lynch law may express a

public desire for more *certainty* rather than more cruelty — in which case speedier and surer trials would answer it better than more hangings.

The problem is receding. Bye closes on the trend. Lynchings had fallen in every five-year period he tabulated, from 1,107 in 1890-1895 to 328 in 1911-1915, and 1917 saw fewer than any year in thirty-five. The decline was not confined to the vanishing western frontier; it was visible in the South as well. Even Georgia, with the blackest record in the country, fell from 96 lynchings in 1890-1895 to three in 1917.

The lynching argument, he concludes, need not stand in the way of abolition. Where the death penalty has been abolished, lynching has not increased. Where the death penalty is used most heavily, lynching flourishes anyway. The extension of executions that the theory logically demands runs against the whole direction of the century's development and will not happen. And the practice is disappearing on its own.

V

ERRORS OF JUSTICE

The fifth chapter takes up what abolitionists had long treated as their decisive argument: that the death penalty is irrevocable, that courts are fallible, and that an innocent person executed is a wrong beyond any repair. Bye's handling of it is the most surprising passage in the book, because he substantially agrees with the premises and then declines to accept the conclusion.

He opens by giving the criminal law its due, and the catalogue is generous. The accused is presumed innocent. He cannot be tried without a grand jury indictment; cannot be convicted except by the unanimous verdict of twelve jurors instructed that they must be convinced beyond reasonable doubt; may challenge jurors freely; must be tried in open court with witnesses testifying in his sight and hearing; is protected by strict rules of evidence; may testify in his own defense and compel his witnesses to appear; will be given an attorney if poor; may appeal with great freedom; and may finally seek commutation or pardon. These safeguards are so elaborate, Bye notes, that they are more often attacked for excessive leniency than for inadequacy.

And yet the law is not infallible, and Bye observes that European legal systems admit as much where American ones do not. Switzerland, Portugal,

Sweden, Norway, France, Austria, and Germany all provided by statute for indemnities to persons convicted and later found innocent. American courts are no less liable to error than European ones. Where a person is falsely imprisoned the state can at least make some reparation. Where the sentence has been carried out, it cannot.

He then works through the ways justice goes wrong.

Public feeling and the press. When an atrocious crime inflames a community, a suspect is condemned in the public mind before trial, the newspapers demand his punishment, and a district attorney whose office depends on popular vote is put on his mettle to secure a conviction. A fair trial would require removal to another jurisdiction or delay until the storm subsided, and the very intensity of the clamor makes both impossible.

His cases here are contemporary and well chosen. **Leo Frank**, tried in Georgia in 1915 for the murder of a white woman, convicted amid a public demand for his blood, with equally cogent reasons pointing to another man whose testimony was hopelessly confused. Impartial investigators outside Georgia became convinced Frank was innocent and being made the victim of religious persecution and a prosecutor's need to protect his reputation. Every effort at a new trial failed. The governor finally risked his political future to commute the sentence — and the mob broke into the jail and lynched Frank before it could take effect. Bye's point is precise: this is not a case of an innocent man legally executed, but

it demonstrates how thoroughly press and public opinion can combine to convict a man whose guilt was never established beyond the reasonable doubt he was entitled to. Had Georgia's governor been a little less conscientious, Frank would have been sacrificed legally rather than illegally.

Thomas Mooney, under sentence of death as Bye wrote, convicted of murder after a bomb killed ten people at a San Francisco preparedness parade. Here the inflaming emotions were patriotism and anger at recent labor troubles, compounded by prejudice against Mooney's radicalism and a district attorney determined to convict. The conviction appears to have rested largely on perjured testimony; it was not even certain the explosion was not an accident. The President's Mediation Commission concluded Mooney should have a new trial, and President Wilson personally appealed to the governor of California. (A note appended as the book went to press records that Mooney's death sentence was commuted to life imprisonment.)

Lieutenant Becker and the four gunmen, electrocuted in New York for the Rosenthal murder after an investigation that exposed deep police corruption and aroused the public. Warden Clancy of Sing Sing, positioned to know the details, was quoted at the time saying two of the men were innocent. Thomas Mott Osborne, the former warden, wrote to Bye that he had known intimates of two of the gunmen, all of whom agreed that one — "Dago" Frank — had nothing to do with the murder and was not even present. Of Becker himself, Osborne wrote

that he had gone to Sing Sing fully believing in his guilt, unwilling to consider that two juries might be mistaken, but that toward the end he heard much to shake that conviction and finally became convinced that while Becker had been guilty of many crimes, he was not guilty of Rosenthal's murder.

Bye adds a letter from Governor Hodges of Kansas, who wrote in 1913 that in his short time in office he had seen enough evidence to satisfy him that men are convicted of first-degree murder under the stress of enraged public sentiment, and that in such cases execution would sometimes be a grievous mistake. He had just paroled an old man who had served twenty-one years after a trial that appeared in retrospect to be a travesty of justice, and who seemed quite probably innocent — a man who would undoubtedly have hanged had Kansas then had a governor who took pleasure in hanging.

Judges, lawyers, and juries. The outcome of a trial often depends as much on personalities as on evidence. A judge shapes it through his rulings on evidence and his charge to the jury. A skillful prosecutor, particularly against a defendant too poor to hire comparable counsel, can go far toward determining the result. Jurors are laymen, unpracticed in weighing evidence and easily moved by emotion and prejudice. Bye's summary is unsentimental: to regard courts as machines for arriving at truth automatically and impersonally is absurd; like all human institutions they are a medium in which personalities and interests

contend, and there is always a considerable margin of error.

Witnesses. Eyewitness testimony seems reliable and is not. Nothing is trickier than human memory, and guilt often turns on the recollection of some detail of feature, time, or circumstance. Bye cites the classroom experiment psychologists had been running for years — staging a mock crime before students, sometimes without warning, then collecting their accounts — which produced divergences and misrepresentations wide enough to settle the question. Witnesses may also fall victim to optical illusion or to suggestion built up by the atmosphere of the courtroom. He points readers to Münsterberg's *On the Witness Stand* for the full treatment.

His illustration is an English case from 1797. Martin Church and James Mackley were tried, convicted, and hanged for the murder of Sydney Fryer, largely on the testimony of Anne Fryer, an eyewitness who swore positively that they were her cousin's assailants. Years later two other men, each awaiting execution for other crimes, separately confessed to the killing.

Circumstantial evidence. Bye thinks it more trustworthy than commonly supposed — possibly more so than eyewitnesses — but especially treacherous in murder cases, since the real facts often die with the victim. Cause, time, and manner of death, and motive, must all be reconstructed from objective facts of doubtful authenticity. Crimes are often discovered long after the fact. It is not always

certain a murder occurred at all. And a clever criminal will hide his traces and may deliberately leave signs pointing to someone else. Colorado, when it restored the death penalty in 1901, provided that it could never be inflicted on a defendant convicted by purely circumstantial evidence.

The American cases Bye assembles here are older. Margaret Houghtaling, hanged in Columbia County, New York, for the murder of a child; fifteen years later a dying woman confessed to a clergyman that she had committed the murder and deliberately arranged the suspicion that killed Houghtaling. Dr. Hamilton of Kentucky, hanged around 1825 for the murder of a Dr. Saunderson after his pistols were found near the body; three months later two robbers confessed on the gallows that they had stolen the pistols and used them. A young man named Boynton, hanged in Louisiana for the murder of a fellow boarder — he broke from his executioners on the scaffold and jumped into the crowd shrieking his innocence — after which the tavern keeper confessed on his deathbed to the killing and to contriving Boynton's guilt.

False confessions. Bye devotes real attention to what many of his contemporaries would have dismissed, and his account is recognizably modern. A person may confess to a crime he did not commit — in hope of escaping the extreme penalty; because third-degree methods have broken his spirit; or, if his mind is weak or highly suggestible, because suggestion has actually led him to believe he did it. He cites Münsterberg's chapter on untrue

confessions. And a confession may be made to shield the truly guilty.

His examples: an Ohio man hanged for murder who declared from the gallows that his hands were innocent of human blood, that he knew the guilty party and could not reveal it, and that his innocence would someday come to light — whose own mother eventually admitted she had done it. Rose Dolbey, tried in Maine in 1896 after confessing to killing her infant son, saved when the evidence showed the confession was made to shield her mother, the real culprit. The Boorn brothers of Vermont, who, facing evidence they believed made acquittal impossible, confessed to murdering a brother-in-law who had disappeared — and who turned up alive and well in time to save the condemned elder brother.

To these Bye adds Tommy Bambrick, a twenty-year-old convicted of murder in New York who knew the real killer and refused to inform on him. Warden Osborne got a lead from another prisoner, tracked the actual murderer down, and could not get the judge even to hear Bambrick, who waited two days in the next room. The new trial was denied. The night before the execution Osborne described the case to a large meeting of bankers in New York, who were moved enough to form a committee to try to save him; they attempted to reach Governor Whitman by telephone in Albany, but the governor's secretary would not wake him — he never permitted himself to be disturbed on the night before an execution — and an attempt to charter a special train failed. Bambrick went to the chair. Osborne's

verdict: a poor, ignorant little tough, but more loyal to his code than most of us to our professed religion.

The appellate courts are not a remedy.

Appeals turn on technical error concerning the defendant's legal rights, rarely on his actual guilt or innocence. If a trial observed the rules of the game, there is little opportunity for redress. And fighting a case from court to court takes money, which means only the wealthy convict can do it. The pardoning power is no better: power, influence, pressure, prejudice, and sympathy — all uncertain criteria of justice — govern its exercise. On the whole Bye judges that appeal and pardon have more often been the escape route of a guilty man than the protection of an innocent one.

He offers *Donnelly v. United States* as the clearest case of the machinery failing. Donnelly, convicted of murdering an Indian named Chickasaw, tried to introduce evidence that another Indian, since dead, had confessed to the crime. The court excluded the confession as hearsay; the Supreme Court affirmed, over dissents from Holmes, Lurton, and Hughes. So a probably innocent man was imprisoned for life by a technical rule originally created for his protection — the hearsay rule existing to shield defendants from unsubstantiated accusation — with the confession unavailable in writing or in person because it was never written and the man who made it was dead.

Against this he sets Governor Dunne's account of the Chicago case of Synon, convicted of murder and condemned in 1901. The Supreme Court reversed

because of objectionable remarks by the trial judge, and at the second trial — over which Dunne himself presided — Synon was acquitted after reputable witnesses testified he had been four miles from the scene. He was saved, as Dunne put it, by a few harsh and prejudicial words of the judge who first tried him; only those words, themselves an error, stood between him and the tragedy his state would have committed. Bye's comment: no better example could be desired of how capricious the protection of the appellate courts really is.

The mentally ill and intellectually disabled.

Here Bye's case is at its strongest, and he says so. The law's test of criminal responsibility, he argues, is half a century behind medicine. Most American courts still applied the rule from M'Naghten's Case of 1843 — that a person is responsible unless, at the time, a defect of reason left him unable to know the nature and quality of his act and that it was wrong. Yet a person may kill under a paranoid delusion, or an impulse genuinely irresistible, while fully aware that the act is wrong in the eyes of the law.

The consequences reached the scaffold. Bye quotes Chief Justice Harry Olsen of the Municipal Court of Chicago, whose psychopathic laboratory had examined thousands of defendants: the number put to death whose crimes were the result of their mental condition, Olsen wrote, is much greater than any of us ever suspected. Olsen described three successive executions in Cook County — Harry Lindrum, diagnosed in the court's own laboratory; a man named Wheed, known to be severely impaired;

and Roswell Smith — all of whom he considered mentally defective. He added that in traveling around the country he had repeatedly picked up local newspapers whose photographs of murder defendants showed plainly to his trained eye that the man was mentally disabled, with nothing in the article suggesting the writer understood it.

Bye also recounts Richard Ivens, the Chicago boy executed for the murder of Bessie Hollister, whom Olsen — who had prosecuted the case and tried unsuccessfully to persuade the jury toward life imprisonment — considered a clear case of combined intellectual disability and dementia praecox, the assault itself being a symptom of the disease. No intelligence testing was available; neither side's expert considered the psychology of the case. Münsterberg studied the youth's confession and concluded he was irresponsible, going so far as to say the confession was wholly untrue.

Bye's conclusion is flat: when three people are executed in succession in a single city who a competent authority believes were mentally disabled, something is wrong. The law clearly intends not to execute the mentally ill. As applied, it does so anyway.

And then he refuses the conclusion. Having assembled all of this, Bye declines to treat irreparability as the decisive argument, and says plainly that those who urge it as the final and conclusive fault greatly exaggerate the point.

His reasoning is exact. The cases show that executing an innocent person is *possible*; they do not show that it happens often. And he notices something about his own evidence: in most of the cases he collected, the victim escaped the gallows by some fortunate circumstance — a technicality that permitted a new trial, a last-minute reprieve, a commutation. That the near-misses so heavily outnumber the completed injustices is itself proof that the law's safeguards largely work. Most of the actual erroneous executions he could find dated to the previous century, rested on hearsay, or were not clearly substantiated.

He submits the strongest evidence against his own side. In 1911 a committee of the American Prison Congress wrote personally to the warden of every state prison in the United States and Canada, asking whether they had personal knowledge of anyone executed for murder whom they believed, on subsequent developments, to have been innocent. Every warden answered no except two. Colonel McClaughry of Leavenworth said he knew of one or two who might in his opinion have been wrongly executed; Bye wrote for details and received no reply. Warden Fogarty of Indiana said he had no personal knowledge of such a case but no doubt whatever that some innocent men had been executed. Bye calls this remarkable testimony to the substantial safety from wrongful conviction afforded by American law — adding only that if more wardens were of Osborne's type, taking a personal and

intelligent interest in their prisoners, the result might have differed.

He does not abandon the argument entirely. Some innocent people are executed, few though they are, and if all the facts were known his list would probably grow. He offers a shrewd observation about why such cases stay hidden: an innocent man alive in prison will work with his friends indefatigably until his innocence is established, while a dead man is forgotten and the evidence dies with him.

Then he states the condition on which the whole question turns, and it is the hinge of his book. The occasional sacrifice of an innocent person *could* be justified on grounds of social expediency — if the death penalty were necessary to protect society. We do not hesitate, he notes, to send hundreds of thousands of soldiers to their deaths for society's protection. Irreparability would not be a fatal objection to a punishment that was actually necessary.

But it is not necessary. The preceding chapters established that. And once the penalty is shown to perform no useful social function, its irrevocability tells decisively against it — because there is no longer anything on the other side of the scale. If the danger of sacrificing an innocent life can be eliminated at no cost to public safety, it should be.

The danger of judicial error, then, is not by itself a decisive fault. It is an added link in the chain of considerations that condemn the practice.

VI

CONCLUSION

Having concluded that capital punishment has no place in a modern penal system, Bye turns to the question that abolitionists are always asked next: what should be done with capital offenders instead?

The standard answer is life imprisonment, and every state that had abolished the death penalty adopted it. Bye does not think it a satisfactory solution, and his objections are worth attention because they come from the abolitionist side.

Life sentences are rarely served. Very few prisoners actually die in the penitentiary. After ten, fifteen, or twenty years — sometimes less — when the crime has been forgotten and the prisoner has grown old, a pardon releases him. Life imprisonment is therefore nearly as uncertain as death, and the pardoning power has been abused badly enough that defenders of the death penalty cite it as a reason against abolition. Bye grants the point: many guilty people, by fighting through the courts and then waiting out the public feeling their crime aroused, have used wealth and influence to obtain release.

Life imprisonment is just as arbitrary. This is his more fundamental objection, and it is the same one he brought against the gallows. Applying life imprisonment uniformly to everyone convicted of first-degree murder is as unscientific as executing

them all. It shocks humanitarian feeling less. It is no less irrational.

Individualization must extend to murderers as to anyone else, and dividing homicide into degrees does not accomplish it. Degrees are set by judge or jury, and neither is positioned to do the work; it can only be done in the correctional institution itself, where the prisoner can be studied over time and subjected to reformative influence. A scientific treatment of the murderer, Bye argues, will not differ materially from the treatment of any other class of offender.

His proposals follow from that. The mentally ill must be separated from the sound and placed in hospitals for medical rather than punitive treatment, and released if cured with no likelihood of relapse. The murderer of normal mentality is a case for the indeterminate sentence — confinement in a reformatory rather than punitive institution until it seems safe to return him to free society, with a minimum term long enough that no one imagines murder can be committed with impunity, but short of life.

Life imprisonment will still be necessary for some. The incorrigible, the desperate, the recidivist, the hopelessly insane cannot safely be at large, and should be confined for life in suitable institutions where they can work and not burden the state. But — and this is the same argument he made against the positivists — such people are by no means confined to murderers and rapists. Some of the most hopeless recidivists are petty offenders. Life

imprisonment must therefore be applied not by an objective test attaching it to the gravest crimes, but by individual study of those who are genuinely hopeless, whatever their offense.

He notes that life imprisonment is far more feasible now than a century earlier. There was once some justification for executing incorrigible offenders because no other effective means existed to stop them; modern penitentiaries and asylums have removed that excuse entirely.

(Bye also proposes surgical sterilization for some classes of offender, particularly as a southern substitute for the death penalty in rape cases — a recommendation that belongs to the eugenic thinking of his period and that no modern reader will follow him in. It is noted here for completeness rather than reproduced as argument.)

He is realistic about how change will come. Legislators will not soon abandon the traditional idea that a murderer is the worst of criminals and must receive a commensurate penalty. The likely first step is therefore what the abolition states already did: substitute life imprisonment for death, with no individualization beyond the degree of guilt the jury finds. That is a great improvement over execution and probably a necessary stage toward something better.

Whatever replaces the gallows, he insists, must be *certain*. The abuses and delays of the law have to go, which requires reform of judicial procedure and a more enlightened legal profession. Life sentences must actually be carried out except in unusual cases,

which means the pardoning power should be taken out of the hands of governors and given to a properly constituted board better able to resist pressure and sympathetic appeal and to decide each case on its merits. When the criminal law is administered more speedily and surely, one of the strongest objections to abolition disappears — the claim that its only proposed substitute cannot be enforced.

The summary of the case. Bye then draws his six chapters together.

Evolution. The severity of the criminal law has been contracting for two centuries. Capital crimes have been reduced from many to, in practice, one. Public hangings gave way to private executions, cruel methods to comparatively humane ones. Nearly all states let juries set the degree of guilt, and twenty-four let jury or court choose between death and life imprisonment. Twelve states have abolished the penalty outright, and agitation is active in others. Complete abandonment is the logical climax of a development already two centuries old.

Theory. Criminology has discarded revenge, absolute individual responsibility, the objective test, and repression, replacing them with more humane sentiment, the doctrine of social causation, and treatment through individualization, reformation, and prevention. The death penalty conforms to none of these. It rests on retributive justice; it applies an objective test that ignores society's responsibility for crime; its object is repression rather than reform or prevention. It could be defended as artificial

selection, but only at a scale of killing no one will countenance.

Deterrence. It is not clear that deterrence is a proper motive at all. Some criminals do not fear death and will not be restrained by it. Public executions did not prevent crimes committed at the foot of the scaffold. The steady reduction in hanging produced no rise in crime. Statistics show no larger proportion of homicides, or of prison commitments for homicide, in abolition states than in retentionist ones. And the penalty is far too uncertain to deter: whether because juries will not convict, or because the pardoning power is abused, or because the law is administered so laxly, executions very rarely occur. They have become, in Bye's phrase, little more than a blind discrimination against an occasional and usually poor victim of society's wrath. Such increase in homicide as has occurred he attributes to immigration, to the changed condition of Black Americans after emancipation, and to the notoriously lax and inefficient administration of the law — the first two of these reflecting the racial assumptions of his period rather than any finding of his research. A less severe penalty, more certainly enforced, promises at least as much deterrent effect.

Lynching. Abolition has produced no increase in lynching in the North and West. In the South, where executions are most frequent, lynching has flourished regardless. Many lynchings are for offenses so trivial that only a vastly expanded death penalty could satisfy the appetite they express — an expansion that will not happen. Lynching is a

product of frontier conditions and of communities where the race problem is present, and it is declining.

Error. The irreparability argument has been exaggerated but is not weightless. The safeguards of American law are extensive and largely effective; genuine wrongful executions appear to be rare. But they occur. And since the penalty serves no necessary function, there is no reason to permit even these few blunders. Abolition would make them impossible.

Then his verdict: evolution, theory, practice, and humanity all lead to the same conclusion. The death penalty is an outworn vestige, a cruel remnant of barbarism with no place in a modern enlightened community. It should be replaced for the present with life imprisonment, until individualization can be more fully applied. The three thousand people legally put to death in the preceding twenty-eight years were an unjust and unnecessary sacrifice to a tradition — a grievous error the nation should not repeat.

A wartime coda. Bye wrote with the country at war, and he closes by taking up treason, a crime he says had been almost forgotten and was suddenly looming in the courts. Should an offense against the existence of the state itself be punished by speedy and ignominious death?

He answers that this is not a question of social expediency but of social emotion. To execute a traitor is simply for the state to strike in blind hatred at its enemy — which is what it does in war. War

lessens the sacredness of life and licenses much that peace would not sanction. But one point he takes as clear: executing traitors is not necessary to public safety. Death will no more deter treason than it deters a spy from crossing enemy lines or a soldier from charging a cannon. If it is justified at all, it is justified on grounds of retribution and on the principle that a different code governs wartime conduct.

He is willing to concede the military code. So long as armies rest on stern discipline, courts martial and severe punishment will be part of them — a necessary part of the great evil of war itself, which can only vanish when war does. "But this is not a justification," he writes; "it is resignation to the inevitable."

The civil code he will not concede. The state is not organized on army discipline, and if the death penalty can be dispensed with for murder and rape, it can be dispensed with for treason. To retain it there alone, after abolishing it everywhere else, would be an admission that in time of war society is blind with rage and unbridled passion.

The last word. Bye ends on the proposition that nothing stands still. Any individual, society, or institution must progress or decay; to remain stationary in a changing environment is itself decay. Capital punishment is in exactly that position. No one seriously proposes extending it, yet the remnant is clung to with obstinate persistency out of sheer force of tradition. The situation cannot last. The trend of evolution is unmistakable and runs toward

abolition. It is only a question of time, he wrote in 1919, before this disgraceful barbarity is swept away in the better order gradually creeping over the world.

THE ABOLITION CLASSICS. V. XIX



AN AMERICAN TRAGEDY

THE NOVEL OF THEODORE DREISER

New York, 1925

South Carolina

EDITED AND MODERNIZED BY JEFF HOOD

COMPLICIT PRESS

THE ABOLITION CLASSICS

The texts that built the case against the death penalty

AN AMERICAN TRAGEDY

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*a Complicit Press series of classic texts
reset in contemporary American contexts*

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V. 19

AN AMERICAN
TRAGEDY

A Condensed Modern Edition

THEODORE DREISER

Edited, condensed and reset by

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COMPLICIT PRESS

2026

An American Tragedy was first published in two volumes by Boni and Liveright in 1925 and is in the public domain. The complete novel is available through Project Gutenberg and the Internet Archive.

This volume is not the complete novel. It is a condensation and modernization that preserves all three Books and all one hundred chapters of Dreiser's structure, resets the story in the present-day United States, and renders his prose in contemporary American English.

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FOREWORD

Theodore Dreiser did not invent Clyde Griffiths. He read about him in the newspaper.

In July of 1906 a young man named Chester Gillette took a young woman named Grace Brown out on Big Moose Lake in the Adirondacks. She was pregnant with his child. She did not come back. He was tried in Herkimer County, convicted, and electrocuted at Auburn Prison in March of 1908. Dreiser collected that case and a dozen like it for twenty years, and what he finally understood, and what took him eight hundred pages to say, was that these killings were not aberrations. They were the country working as designed. A poor boy is shown a life he cannot have, told that wanting it is virtue, and given no honest road to it. Then he is punished, in the name of morality, by the same order that built the road he could not take.

That is why Dreiser called it what he called it. Not A Murder. Not The Gillette Case. An American Tragedy. The tragedy is not that one boy drowned one girl. The tragedy is the machine, and the last thing the machine does is kill him.

I have spent my life on the last part of that machine. I have sat in the room where it finishes. I have watched thirteen human beings die at the hands of the State. And I want to say plainly what a hundred years of readers have been too polite to say about this book: the most damning pages in it are not the pages in the boat. They are the pages in the courthouse.

Look at what actually convicts Clyde Griffiths. A prosecutor running for reelection. A jury drawn from a county that had already read the evidence in the paper. Two defense attorneys who conclude, correctly, that their client's real story is not survivable in that room, and who therefore coach him into a lie, so that the only entirely false testimony in the trial comes from the defense table. An appellate court that affirms in forty-one pages and disposes of the heart of the case in one sentence. A post-conviction claim defaulted because the wrong pleading was filed at the wrong time by lawyers the condemned man did not choose and could not fire. A governor who asks one question and gets an honest answer and signs anyway.

Change the dates and I have watched every one of those things happen. I have watched all of them happen in the same case.

And then there is the death house itself, which Dreiser got right in a way almost nobody has since. He knew it was loud. He knew men in there play chess by shouting squares down a corridor and argue about ball games and take a new man in the way any group of men takes in a new man. He knew that the horror is not that the place is a tomb. The horror is that it is a neighborhood, and that every few months the State comes and takes one of the neighbors, and in the morning the shouting starts up again because it has to.

Clyde Griffiths is guilty. I want to be clear, because the abolitionist case does not require an innocent man and is weakened every time we pretend it does. He planned it. He chose the lake. He signed a false name. He was ten feet away in calm water and he did not go to her. Roberta Alden was twenty-three years old and afraid and in love with him, and she is the person in this book I would ask you to grieve.

But here is what killing him accomplished. It did not return her. It did not make her father's house louder. It did not touch one of the conditions that produced him. It gave a district attorney a career, gave a county a season of excitement, and gave a mother a bus ticket and a body.

Dreiser ends the novel where he begins it: on a street corner, with a woman preaching to people who are not listening, and a boy holding a cord because he was told to. The boy is Roberta's generation and Clyde's, the next one, standing exactly where the last one stood. That last page is the whole argument. The machine is still running. There is another child at the edge of the light.

We are still killing people in this country. We are still doing it to the poor, still doing it in the small hours in buildings without windows, still calling the paperwork due process. I have held the hands. I have watched the drug go in.

Read this book as a document of that. And then help us stop it.

The Rev. Dr. Jeff Hood
North Little Rock, Arkansas

EDITOR'S NOTE

THE AUTHOR

Theodore Dreiser was born in Terre Haute, Indiana, in 1871, the ninth of ten surviving children in a family so poor that they moved whenever the rent came due. He worked as a newspaperman in Chicago, St. Louis, Pittsburgh and New York, and he wrote fiction the way a reporter writes: accumulating, documenting, refusing to be elegant. His first novel, *Sister Carrie*, was published in 1900 and effectively suppressed by its own publisher for its refusal to punish a woman for surviving. *An American Tragedy*, published in two volumes in 1925, was his masterwork and the only real commercial success of his life. He died in Hollywood in 1945.

Dreiser spent two decades collecting American murder cases in which a young man of no means killed a young woman who stood between him and money. He counted at least fifteen. He settled on the killing of Grace Brown by Chester Gillette at Big Moose Lake in 1906, and he worked from the trial record and from Grace Brown's actual letters, which he quoted at length. Gillette was executed at Auburn Prison on March 30, 1908, at the age of twenty-four.

THE NOVEL

An American Tragedy runs to roughly three hundred and sixty thousand words in three Books: the Kansas City childhood and the hit-and-run that sends Clyde running; the years in Lycurgus, the factory, Roberta and Sondra, and the lake; and the arrest, the trial, the death house and the execution. The prose is famously heavy. Dreiser piles clause on clause, doubles back, qualifies, and repeats, and the effect at full length is of watching sediment fall until a man is buried in it.

THIS EDITION

This volume is a condensation and a modernization. Every one of the novel's one hundred chapters is present here, and they are in Dreiser's order, and no thread has been cut: the reader who finishes this edition has been through the whole architecture of the book. What has been removed is the sediment. Dreiser's twenty-clause sentences have been rendered in contemporary American English, his repetitions consolidated, and his long interior circlings compressed to what they establish. Book Three, which is the reason this novel belongs in an abolition series, is carried at the greatest length of the three.

The story has also been brought into the present, as is the practice of this series. The Kansas City of the opening is the Kansas City of today. Dreiser's upstate New York becomes the upstate of South Carolina, which is the natural home of this novel now: mill country, where the industry that built the towns has mostly gone and the family names are still on the buildings. Clyde's uncle runs the Griffiths Uniform Company, making scrubs and workwear rather than shirt collars, and it is the last mill in that county still operating under the name of the family that built it. Lycurgus, Biltz and the county seat of Bridgeburg

move south with it, into a fictional Pendleton County. The lakes keep Dreiser's names and take on the character of the Santee backwaters, which are drowned forest, full of standing timber, and deep.

The ending changes with the geography, and it has to. Dreiser's Clyde dies in the electric chair at Auburn. This Clyde dies in the Capital Punishment Facility at Broad River Correctional Institution in Columbia, South Carolina, and he dies in front of a firing squad, because he chose it.

That choice is not a novelist's invention. South Carolina requires it. A condemned man in that state is handed a form fourteen days before his execution and must mark one of three boxes... electrocution, lethal injection, firing squad... and if he marks nothing the state electrocutes him by default. He is given no protocol to read, because the protocols and the drug supply are shielded from disclosure by statute. He chooses on rumor, from what he has heard in a corridor from other men who never saw a protocol either. The state authorized the firing squad in 2021 and first used it in 2025. Three volunteers from inside the prison system fire from fifteen feet through an opening in a wall, at a target pinned over the heart, with a hood over the man's head, and every rifle is loaded with live ammunition. There is no blank. Nobody gets to go home uncertain.

The old electric chair is still bolted to the floor of that same room and cannot be moved, so a man going to the firing squad chair walks past it. That is a fact about a room in Columbia and it is also the truest image in this volume, and no editor put it there.

The evidence has moved with the century, and this is the change that most repays attention. Roberta's letters, which Dreiser took nearly verbatim from Grace Brown and which the district attorney read aloud for the better part of an hour, are

here her texts and voicemails, read aloud for forty minutes to the same effect. To them the modern prosecution adds what Orville Mason could only have dreamed of: cell tower records placing Clyde at the lake, and a search history recited into the record one line at a time. Dreiser's Mason built a mountain out of pebbles. Today the pebbles are in the defendant's pocket, and he carries them to the lake himself.

Two liberties should be named. Dreiser's interrogation of Clyde in a car without counsel would be inadmissible today, and this edition says so, and then says that it did not matter, because Clyde repeated all of it in a hallway an hour later, which is what defendants do. And Roberta's failed search for an abortion, which in 1925 ran into a wall of law and shame, here runs into money, distance, a landlady with a key, and above all Clyde's stalling, until the weeks have run out. Dreiser's point was never that the door was locked. It was that Clyde let her stand in front of it until it closed.

A NOTE ON METHOD

A condensation of this size makes choices on nearly every page, and a reader is entitled to know what they were. Four operations have been used here, and they are different from one another.

The first is compression, which accounts for most of the reduction. Dreiser's manner is accumulative: he will circle a single hesitation of Clyde's for four pages, qualifying and doubling back, until the indecision is enacted rather than described. That effect is real and it is lost here. What replaces it is the substance of the passage stated once, in modern English, at a fraction of the length. Every scene that survives in this volume survives in Dreiser's order and reaches Dreiser's conclusion.

The second is transposition, which is the resetting described above: the same event, moved forward a century and across several states, with its instruments changed. A rope becomes a line, a letter becomes a message, a camera becomes both a camera and the phone that carries the search history. Nothing is added to the plot by these changes and nothing is taken from it.

The third is expansion, and it is used sparingly and always in Book Three. Dreiser sketches the trial and the death house in great detail but he wrote before the modern apparatus existed: there was no post-conviction petition, no federal habeas, no procedural default, no clemency board, no lethal injection protocol, no execution team rehearsing with a stopwatch. Where this edition sets that machinery out at length, it is filling in what the American death penalty has built in the hundred years since he wrote, and it is doing so because the editor has watched it operate thirteen times.

The fourth is invention, and it has been kept to the smallest amount the book would tolerate. Some minor figures are given a line or a gesture that Dreiser does not give them. The aftermath — what became of the prosecutor, the judge, the minister and the mother in the years afterward — is largely the editor's, and is offered as an epilogue in the manner of the novel rather than as a report of Dreiser's text.

Where the temptation was strongest to invent, the original has often proved better. The jury selection in this volume is Dreiser's own: the clerk drawing a name from a square box, Simeon Dinsmore hunched in his brown suit, and Mason asking each man in open court whether he believes in capital punishment... to which Dinsmore replies that he most certainly does, for some people. That exchange was written in 1925. It is the clearest description of a death-qualified jury in American

fiction and it required nothing from this editor but the room to stand in.

The deliberation is the opposite case, and it is named here as such. Dreiser does not take the reader into that jury room; the verdict simply comes back. The scene in this edition... the druggist Kittredge who holds out, the argument over the camera, the note asking whether mercy may be recommended and the judge's eleven-word answer... is invented, and its function is to show a jury doing what juries in capital cases actually do, which is to discuss everything except the lesser offense that fits the evidence.

EDITORIAL PRACTICE

A reader is owed a plain account of what has been done to a book, and this note gives one. Four operations have been performed on Dreiser's novel, and they are different operations, and the difference matters.

The first is condensation. Roughly three hundred and sixty thousand words have become roughly thirty-five thousand. Nothing has been cut out of the architecture: all three Books are here, all one hundred chapters are here, in Dreiser's order and under his numbering, and no character, scene or plot thread has been removed. What has been reduced is the sediment. Dreiser accumulates. He states a thing, doubles back, qualifies, restates it in the negative, and circles a character's interior weather for three pages before it moves. That method has its own power at full length, and it is not reproducible at a tenth of the length, so it has been replaced by compression: the passage is rendered at the length required to establish what it establishes, and no longer.

The second is modernization of language. The prose here is contemporary American English. Dreiser's syntax, his period vocabulary and his narrative distance have all been brought forward. This is a rewriting, not a light edit, and no sentence in this volume should be quoted as Dreiser's. Readers wanting his voice should go to the original, which is in the public domain and freely available.

The third is the resetting, which is the practice of this series and is described above: the story is placed in the present-day United States, in a state that still carries out executions, and its technology, its evidence and its machinery of death are those of this century rather than the last.

The fourth is expansion, and it is the one that requires the most candor, because it runs the opposite direction from the other three. In a small number of places, chiefly in Book Three, a scene that Dreiser sketches in a paragraph has been opened out, and material has been written that is not in the original: the interior of the death house, the administration of a modern last week, the shape of a contemporary capital appeal, and the conversations between the condemned man and his minister. This material is invented. It is grounded in what the editor has witnessed, and it is placed in service of Dreiser's own argument, but it is not Dreiser's, and it is not offered as his.

One example, because a general statement of method is worth less than a specific one. The jury selection in Book Three, in which the prosecutor asks each man in the box whether he believes in capital punishment and Simeon Dinsmore answers that he most certainly does for some people, is Dreiser's. It is on the page in the 1925 text, along with Jephson's judgment that the man is as set as a bone. The commentary surrounding it in this edition is the editor's. Where the two are not easily separable,

the reader should assume the observation is the editor's and the scene is Dreiser's.

The apparatus at the back of this volume is entirely the editor's, and the historical statements in it about the Gillette case, about Grace Brown and about current American execution practice are offered as fact and can be checked against the sources listed under Further Reading.

THE SERIES

This volume is the nineteenth in The Abolition Classics, a Complicit Press series of classic texts reset in contemporary American contexts, edited by Jeff Hood.

AN AMERICAN TRAGEDY

BOOK ONE

CHAPTER I

Dusk on a summer night, and the tall glass walls of the business district of an American city of four hundred thousand people, already emptied out for the evening. The office towers held the last of the light along their upper floors. At street level everything was closed, and the closed things had metal grates over them.

Up the wide street came a little band of six. A man of about fifty, short and thick, with gray hair pushing out from under a black ball cap, carrying a portable speaker and a folding stand. Beside him a woman five years younger, taller, solid, plain in the face and plainer in her clothes, holding a small boy of seven by one hand and a Bible and a stack of song sheets in the other. Behind them, walking as if they wished to be walking anywhere else, came a girl of fifteen, a boy of twelve, and another girl of nine.

At the corner of a bank and a shuttered payday-loan office the man set down the speaker, and the woman opened a folding table, and the boy of twelve, whose name was Clyde Griffiths, unwound a cord because he had been told to. His father plugged in a microphone, tapped it twice, and said into the indifferent street that the mercy of God was free tonight to anyone who wanted it.

Nobody wanted it. Two men at the bus stop looked over and looked away. A woman with a stroller crossed to the other side of the street a full half block early, which was the part that stung, because it meant she had seen them coming and made a plan. A car went by with its windows down and its bass turned up and somebody in it laughed, and Clyde could not have said whether the laugh was for him, but he felt it land on him anyway.

They sang. His mother had a strong voice and used it. His father had no voice at all and used it anyway. Clyde moved his mouth without letting sound come out of it; he had learned to do that at about nine.

He was thinking that his shoes were wrong. He was thinking that anyone who came around that corner in the next four minutes would see him standing under a streetlight holding a cord, in a shirt his mother had picked out of a church rummage bin, and would file him permanently under a certain kind of person, and would be right.

And he was thinking, in the way a child thinks a thing without having any words to argue with it, that somewhere in this city, in rooms he had never been inside, there were boys his age who had never once in their lives had to stand on a corner and sing.

CHAPTER II

The mission was three rooms and a storefront on a street of vacant storefronts, and over the window his father had painted HOPE OF THE WORLD MISSION in letters that had begun to lift and curl at the edges. Inside there were folding chairs and a coffee urn and a smell of burnt coffee and wet coats that Clyde would be able to summon at will for the rest of his life.

Asa Griffiths was a gentle, unlucky man who had never in fifty years been able to make anything work except prayer. He had tried three businesses and lost all three. He was kind to everybody, easy to take advantage of, and entirely without the instinct that tells a man when he is being laughed at.

Elvira Griffiths had the strength in that family and knew it and never once said so out loud. She kept the books, such as they were. She wrote the letters asking for donations. She fed the men who came in off the street and prayed over them and went short herself so that they wouldn't.

There was no money. There was never going to be money. Clyde understood this at an age when other children are still being told that anything is possible.

He had also begun to understand something about his parents that he could not forgive them for. It was not that they were poor — half that street was poor. It was that they had gone looking for it, had regarded it as a kind of credential, and had never once asked whether the life they had chosen was one their children would have chosen if anyone had thought to put the question.

He had one clear thought at sixteen and it embarrassed him even while he was having it. He did not want to be good. He wanted to be somebody. He wanted the clothes and the car and the easy way of talking that the boys downtown had, and he could not see one single road that ran from that storefront to that life.

CHAPTER III

He got out as soon as he could. A drugstore on Baltimore Avenue took him on to run the register, stock the coolers and mop at closing, and he came home nights smelling of floor cleaner and feeling, for the first time in his life, like a person with a place to be.

What the job gave him was not the money, which was nothing once he had handed most of it over at home. It was the view. He stood at that register four nights a week and watched the city come in and buy things. He watched the men who came in for razor blades at eleven at night in good suits with their collars open, men who were on their way from somewhere to somewhere. He watched girls come in laughing in threes and buy nail polish and gum and take twenty minutes doing it.

He began to build in his head a picture of what he would need to be one of them, and the picture was very specific and entirely about surfaces: better clothes, a better job, a way of standing, and a better name than Griffiths of the Hope of the World Mission on Bickel Street.

He never once considered school. Nobody in that house had ever suggested that a person like him went to college, so the thought arrived in his mind only the way weather arrives, and passed.

CHAPTER IV

That spring his sister Esta disappeared.

She was seventeen and pretty in a soft, uncertain way, and she had been going around with a man of about thirty who came through town with a touring show and told her she ought to be onstage. One morning she was not in her bed, her clothes were gone, and there was a note on the kitchen table saying she was going to be married and they were not to worry.

His mother read it standing up and did not sit down afterward. She did not cry in front of them — not that day, not any day. She said Esta was in God's hands. Then she made the

coffee and unlocked the front door and served breakfast to eleven men who had slept in the pews.

Clyde watched her do it and thought, with a hardness that shocked him because he loved her, that his mother could carry absolutely anything, and that this was the whole problem, because a person who can carry anything will be handed everything.

Asa prayed about it out loud that night for forty minutes.

Clyde did not go looking for his sister and was not asked to. That same week, on a tip from a boy at the drugstore, he walked into the Green-Davidson Hotel and asked whether they were hiring bellhops.

CHAPTER V

The Green-Davidson had a lobby like a cathedral — marble underfoot, forty-foot windows, a wall of brass elevator doors that two men polished twice a day. When Clyde walked into it the first time he stopped just inside the entrance without meaning to, and understood, in a way he would never be able to unlearn, that he had lived his entire life about two hundred yards from a country he had not been permitted to enter.

The bell captain, a narrow man named Squires who had run that lobby for nineteen years, looked him over the way you look over a used car. He asked how old he was, whether he had a suit at home, and whether his people were the sort who would come around making trouble.

Then he gave him the rules. Uniform pressed. Shoes shined every shift, and he would check. Hands out of your pockets. Stand where you are told to stand. You do not speak to a guest

unless a guest speaks first, and then you say sir or ma'am and as little else as possible. You do not take anything out of a room — not a magazine, not a bottle, not a dollar off a nightstand — and if you do, you will not be fired, you will be arrested, and the hotel will pay a lawyer to make certain of it.

Then he said what the job paid, which was almost nothing, and then what the boys made in tips, which was more money than Asa Griffiths had brought into that storefront in any month of his life.

Clyde said he could start immediately.

CHAPTER VI

That first night he stood in a uniform that fit him — the first thing he had ever worn that had been made to fit somebody, even if that somebody was a series of boys before him — in a lobby that smelled of cut flowers and cologne, carrying other people's luggage into rooms he could not have afforded to look at.

A man from Dallas tipped him five dollars for carrying a briefcase forty feet. A couple up from Springfield gave him ten for a rollaway bed. A party on the eighth floor wanted ice at eleven and ice again at one, and every time a hand came out with folded bills in it Clyde's heart went up like a struck match.

He counted the money in the locker room at two in the morning, sitting on a bench with his tie loosened, and it came to eleven dollars and forty cents from one shift. He held it in his hand and looked at it a while.

This is how it happens, he thought. This is how people get out.

He was, at that moment, entirely happy, and it is worth saying plainly that nothing else in his life ever came close.

CHAPTER VII

The other boys took him in.

Ratterer, easy and decent, the only one Clyde would have called a friend in any real sense. Hegglund, loud and generous and dumb about everything on earth except how to get a bigger tip. Higby, who had a car. Kinsella, who had opinions.

They taught him the trade, which had almost nothing to do with luggage. Which floors tipped and which didn't. How to read a party coming through the door in three seconds — who was paying, who was drinking, who would want something later. How to get a bottle at midnight for a man who wanted one, what he would give you for it, and how to split it with the night clerk so the night clerk stayed friendly.

They taught him what certain requests meant. They taught him not to look surprised.

And they taught him how they spent it, which was on clothes and cars and girls and long dinners at places with tablecloths, and Clyde, who had never in his life eaten a meal that had not been prayed over first, went along every time he was asked.

What that hotel did to him in eleven months is the whole book, and it is worth being plain about.

It taught him that the difference between a man who is deferred to and a man who is not is entirely a matter of surfaces, because he saw it change hands in front of him forty times a night. He watched a salesman from Omaha in a good suit be shown to a table and a doctor's widow in a bad coat be kept

waiting. He watched a bellhop become invisible by putting on a jacket, and he was that bellhop.

It taught him that everything is purchasable, including discretion, including a bottle after hours, including a room key, and that the only sin recognized on those premises was being caught.

And it taught him — this is the one that killed him — that the entire apparatus of decency he had been raised inside, the mission and the corner and the coffee urn and his father praying for forty minutes over a runaway daughter, produced people who lived in three rooms behind a storefront, and that the people on the eighth floor with the ice at one in the morning were not better than his parents in any way he could identify and were happier by an amount he could not measure.

He was seventeen. He drew the obvious conclusion. Nobody in that lobby, and nobody at that long table on Bickel Street, ever gave him one word of help in drawing a different one.

CHAPTER VIII

He told his mother he was making half of what he made.

He gave her a little, and she took it and thanked him, and he told himself that what he kept was reasonable — that a young man has expenses, that you cannot get anywhere looking like you came from nowhere. He bought a topcoat with a belt in the back. He bought shoes that cost as much as the coat. He bought three shirts and had them laundered instead of washing them, because that was what the others did.

He stood at the hall mirror at the mission one evening with the collar up and looked at a young man who did not appear to

be from the Hope of the World Mission at all, and felt the whole future open in front of him.

His mother came out of the kitchen and saw the coat. She looked at it a moment, then at him, and said nothing at all about it, and went back in. Her not saying anything sat on him worse than any sermon his father ever preached. He went out. That was becoming his answer to everything: he went out.

CHAPTER IX

There was a night in November when the boys took him across the river to a house where the women came out in robes and sat on the arms of the chairs, with music on and a fat man collecting money at a table by the stairs.

Clyde went upstairs with one of them because he could not think of a way to say no that would not follow him around that locker room for a year.

Afterward he felt sick. Then for a few days he felt nothing much. Then he found that he wanted to go back, and that frightened him more than any of the rest, because he had been raised on the certainty that a sin like that broke something in a person permanently — and nothing broke. He got up the next day and went to work and was the same.

He drew from this the conclusion that an eighteen-year-old draws, which was that his father had been wrong about everything.

CHAPTER X

Then Hortense Briggs.

She worked a cosmetics counter at a department store on Main and had a face that arranged itself, without any visible effort, into whatever a man most wanted to see. She had understood by eighteen the one law that governed her life: that what she had was worth something, and worth more the longer she declined to spend any of it.

Clyde met her at a dinner Ratterer put together and was finished inside an hour. He watched her cut a piece of chicken and thought he had never seen anything like her, which was not true and was completely true.

CHAPTER XI

She let him take her out. She let him pay. She let him drive her home in Higby's borrowed car and let him kiss her at the door, once, quickly, at the side of the mouth — and then she was inside and the door shut and the porch light went off, and Clyde stood on the step in the cold with his heart going like he had run up a flight of stairs, feeling he had been given something enormous.

He had been given nothing whatsoever, and some part of him knew it perfectly well, and he took it anyway and came back the next week for more.

She had four others going at the same time. He knew that too.

CHAPTER XII

In the fall his mother asked him for money.

She would not say what for. She said only that there was a need, that it was a family matter and not his business beyond the amount, and that she would pay it back. She asked for fifty dollars, and she asked in the tone of a woman who has not asked anybody for anything in thirty years and has been reduced to it, and she could not quite look at him while she did it.

Clyde said he did not have it.

He had it. It was in an envelope in his locker at the Green-Davidson, along with sixty more.

CHAPTER XIII

He followed her a week later, out of a suspicion he did not want to be right about, and found Esta.

She was in a bare room over a laundry near the river — a bed, a chair, a hot plate, a window that looked at a wall. She was alone and seven months pregnant. The man had left her in Pittsburgh in the spring and had not been especially cruel about it; he had simply stopped coming back to the room, which is how most of it is done.

She had come home the way people come home, quietly and at night, and their mother had put her in that room and had been feeding her out of a mission that could not feed itself, and had told nobody — not the church, not the neighbors, and not Asa, not all of it.

Esta cried when she saw her brother and said please don't tell anybody. Clyde said he wouldn't, and meant it. He sat on the edge of that bed for twenty minutes holding her hand and saying things meant to help.

Then he walked out into the street with his sister's entire life in his hands, and the first thought that came to him — before pity, before shame, before anything a person would want to admit to — was: fifty dollars.

CHAPTER XIV

Because Hortense had found a coat.

It was in a window on Petticoat Lane, a soft caramel-colored thing with a fur collar, one hundred and fifteen dollars, and she had walked him past that window twice on two different evenings before she said anything about it.

The third time she stopped in front of it and said, in the voice she kept for exactly this, that a girl who had a coat like that would just feel like being awfully nice to whoever got it for her.

Then she let the sentence sit there. She was extremely good at letting a sentence sit there. She did not touch him and did not look at him, and Clyde heard himself say that maybe something could be worked out.

CHAPTER XV

So he had one hundred and fifteen dollars to find for a coat for a girl who had never once let him past her front door, and fifty dollars to find for a sister lying on a bare mattress over a laundry, and he did not have both.

He told himself he would do both. He told himself Esta could wait a few weeks — the baby was not due until January, his mother had managed this long, nothing catastrophic happens in

three weeks. It is remarkable what a young man can arrange to believe about a timeline when the alternative is to be, for one single afternoon, less than what he wants to be.

He went down to Petticoat Lane on his day off and put money down on the coat.

CHAPTER XVI

When his mother asked the second time, three weeks later, he took ten dollars out of his wallet and gave it to her and said it was everything he had.

He had eighty-four dollars in the wallet. She could not see into it and did not try to.

She held the ten and looked at him, and it went on a second longer than it should have. He had expected her to argue, and had prepared for arguing, and had a whole second answer ready about the hotel holding back pay. She did not ask for it. Whatever she saw in his face she read all the way to the bottom of, and then she folded the bill twice and put it in her apron pocket.

She said: thank you, Clyde.

That was all. She went back into the kitchen and started the coffee for the evening, and he stood in the hall for a minute and then went out, and neither of them ever said one word about it again.

She never asked him for money after that. Not that winter, not the next year, not when the mission lost its lease, not ever, for anything. She had asked her son twice and been told no twice, and Elvira Griffiths was not a woman who required a third demonstration of anything.

Something between them closed that night, and it stayed closed for eight years, and it did not open again until a stone room with a table in it, with a guard outside the door, when she sat down across from him and did not ask him whether he had done it.

Esta's baby was born in a county hospital in January. Clyde saw him twice — once in the hospital, for about four minutes, and once in the spring, in the room over the laundry, when he stopped by because his mother had asked him to and stayed long enough to be able to say that he had gone.

The boy was named Russell.

CHAPTER XVII

In the spring, Heggglund put together a Sunday.

A man named Sparser, who parked cars for a family out on the Boulevard, could get one of their cars for the afternoon — a big sedan that would hold eight if two of them sat close. Four boys, four girls, Hortense among them, in a coat that was not the caramel one, because the caramel one was still on layaway and she had let Clyde understand that this was a disappointment.

They drove forty miles out to a roadhouse on a lake and ate fried chicken at a long table and drank and danced to a jukebox, and on the way out Clyde sat in front with Hortense's hand on his arm and the windows down and the whole flat green country going by, and he was as happy as he had been since his first night in that lobby.

They should have started back at five. They started back at seven, then stopped, then started back again at nine.

CHAPTER XVIII

Sparser drove fast on the way in because the car had to be in the garage before the family got home, and he had been drinking since two.

At the edge of a small town a street came in from the right at a four-way stop, and a girl of nine was crossing it with a paper bag of groceries in both arms, and the car went through the stop at fifty.

There was the sound of the impact, which was not loud, and then the sound of the car going up over the curb into a light pole, which was very loud, and then a few seconds of complete silence, and then the girls in the back began to scream.

Sparser was pinned behind the wheel, unconscious. One of the girls had a broken arm and a cut on her scalp that bled the way scalps bleed. Steam came up off the hood. Twenty or thirty feet back in the road there was a small shape and a scatter of groceries. A screen door was banging somewhere and people were coming out onto porches.

Clyde got out through a door that no longer closed. He was not hurt at all. He had not been driving, had not bought the whiskey, had not stolen the car, had not touched that little girl.

He looked back at the shape in the road for perhaps two seconds, and then he ran.

They all ran, all of them who could, in four directions across yards and fences, and Clyde ran until his lungs gave out and then walked and then ran again, and did not stop until he could not hear anything behind him at all.

CHAPTER XIX

He did not go back to the hotel. He did not go home to Bickel Street for his clothes or his money or to say anything to anybody. There was a bus at midnight to St. Louis and he was on it with what was in his pockets, which was two hundred and some dollars and a comb.

He sat with his forehead against the glass and watched Kansas City go small, then orange, then dark.

He told himself he had not done anything. He said it several ways and each way was true and none of it helped, and somewhere past the state line he arrived at the thought that would organize the rest of his life. It was not guilt. It was this: that he had walked away from a thing that could not be walked away from, and it had worked. Nobody stopped him. Nobody even called his name.

That was the discovery. Not that he was guilty. That he could go.

AN AMERICAN TRAGEDY

BOOK TWO

CHAPTER I

Nine hundred miles southeast, in the upstate of South Carolina, in a mill town called Lycurgus, there was a family named Griffiths who had never heard of the Hope of the World Mission.

Samuel Griffiths owned the Griffiths Uniform Company, four floors of brick along the river, which made scrubs and workwear and shipped them to hospitals, hotels and nursing homes in four states. Three hundred and forty people worked there. It was the last of the old mills in that county still running under the name of the family that built it, and the others had gone to Honduras or gone to weeds. In Lycurgus that made Samuel Griffiths not merely rich but a kind of civic fact, the way weather is a fact.

He had a wife who ran the house and the church committee. He had a son, Gilbert, who was Clyde's age almost exactly and had been raised as his opposite — competent, cold, already running the plant floor at twenty-three, with a way of looking at people that put them where they belonged inside of a sentence. He had two daughters: Myra, who was plain and kind and had never been asked to a dance she wanted to go to, and Bella, who was neither plain nor kind and had never been asked to one she didn't.

And he had a brother he never spoke of. A younger brother named Asa who had gone west years ago into some kind of street preaching and had never made anything of himself, and whose name came up in that house perhaps twice a decade.

CHAPTER II

Clyde had been three years in nowhere.

St. Louis first, in a dish room. Then Peoria, then Milwaukee, then Chicago. Warehouse work. A stint driving a delivery van under a name that was not his, which cost him forty dollars and got him three months of work. He moved whenever anybody asked too many questions, and for the first two years he read the Kansas City news every week waiting to see his own name in it.

It never came. Sparsner went to prison for it. Two of the boys were charged with leaving the scene. Clyde's name appeared once, in a list of persons believed to have been present, and then never again, and eventually he understood that nobody at all was looking for him.

He had expected relief. What he felt instead, and could not have explained to anyone, was a kind of insult — that a thing that had ended a child's life and rearranged his own had, from the world's side of it, simply closed.

He landed finally at the Union League Club in Chicago, in a uniform again, and he was good at it. He was twenty-one. He had learned to keep his mouth shut, his shoes shined, and his history entirely to himself.

CHAPTER III

He had carried bags for nine hundred men in that lobby and had learned not to look at any of them. He looked at this one because the man had stopped walking.

Samuel Griffiths was heavy and gray and expensively dressed in a way that did not announce itself, and he stood there with his hand on the elevator frame and asked the question twice, because the first time Clyde did not believe it had been addressed to him.

Clyde said Kansas City, sir.

And the man said that was a curious thing, because he had a brother out that way once, or had had, a good while back, and the two of them stood in a marble lobby for perhaps forty seconds while a heavy man worked out that the bellhop in front of him had his own father's jaw.

He asked Clyde what his father's name was. Clyde told him. Samuel Griffiths did not say anything at all for a moment, and then he said, well. And then he got into the elevator and the doors closed on him.

CHAPTER IV

Samuel Griffiths took him to lunch two days later.

He asked questions and got careful answers. He heard about the mission, and about Asa, who was his brother, and about a sister and a hall with folding chairs, and he sat across a white tablecloth from a well-mannered boy wearing his own family's face and felt something that was two parts guilt to one part the particular pleasure of being a man who can fix a thing with a single sentence.

He said: there's always work at the plant for somebody who'll do it. If you ever want honest work, come see me in Lycurgus.

He did not say what the work was. He did not say what it paid. He would remember, afterward, at some cost to himself, that he had not said either of those things.

CHAPTER V

He gave a week's notice he did not owe and spent four days' pay on a suit.

On the bus he did the arithmetic he had been doing since he was twelve, and the arithmetic said this: that his uncle owned a factory, that his uncle had sought him out, that a man does not take a bellhop to lunch and hand him a city unless he means something by it. He had been discovered. He had always known that he was not the sort of person who ends his life in a dish room, and here at last was the proof of it, delivered by a man in a good coat.

He came into South Carolina at dawn on the second day and watched it arrive out the window: the pines going on for an hour at a time, the kudzu over everything like a sheet thrown across furniture, the mill villages with their identical four-room houses in identical rows, most of them with the mill at the end of the street standing empty and the windows out.

He got off in Lycurgus at four in the afternoon with one bag. It was ninety-six degrees. He walked up from the station past the plant, four floors of brick along the river with GRIFFITHS in eight-foot letters on the side of it, and stood on the far bank looking at his own name on a building.

He did not go in that day. He walked back into town and got a room and lay on the bed with his shoes on and looked at the ceiling for two hours, arranging a future.

CHAPTER VI

Gilbert Griffiths interviewed him in an office with a glass wall looking out over the cutting floor, and made it clear inside of four minutes that he did not want him there.

He said the name was an accident, not a claim. He said there were men on that floor who had been there twenty years and had sons of their own who wanted in. He said that anybody who came in through the front door on a family connection got started at the bottom exactly like anybody else, and that if he could not do the work he would be let go exactly like anybody else, and did Clyde understand that.

Clyde said he did.

The bottom was the shrinking room, in the basement, where fabric came off the bolt into hot water and eight men worked in wet heat all day for twelve dollars an hour.

CHAPTER VII

He took a room in a boarding house on Thorpe Street, cheap and clean, run by a woman named Cuppy who fed nine young men at a long table and did not tolerate noise after ten.

For two months nothing whatsoever happened to Clyde. He worked in the basement. He ate at the long table with clerks and salesmen who talked about baseball. He was too proud to make friends downward and too invisible to make them upward.

In the evenings he walked. He walked out to Wykeagy Avenue, where the Griffiths house was, and past the Finchley place and the Cranstons', and stood on the sidewalk in the dark looking into lit windows like a man looking at an aquarium. It was the same walk he had taken at fourteen past the Green-Davidson. Nothing about him had changed except the city.

CHAPTER VIII

Then, in August, they had him to dinner.

It was a duty and every person in that room understood it as a duty. Mrs. Griffiths was gracious in the manner of a woman discharging an obligation on schedule. Myra was kind and asked him real questions. Gilbert was correct and freezing. Samuel asked how the shrinking room was and said that everybody ought to know what the bottom of a business feels like, and believed it.

Bella came through with two friends on their way to something better, and one of the friends, a girl named Sondra Finchley, looked at Clyde for exactly as long as it takes to place a stranger and then looked away.

In the hall on the way out she said to Bella that he was awfully good-looking for a relative nobody had ever mentioned.

Clyde walked back to Thorpe Street and did not sleep.

CHAPTER IX

He had been shown, once, the door of a room he was not going to be let into, and then he went back down to the basement, and the invitation was not repeated for eight months.

He had been placed. In a town like that, being placed takes about one dinner.

Gilbert saw to the rest of it without ever doing anything a person could point at. He mentioned, at a lunch, that the young man was a cousin of some kind from out west and was learning the business from the bottom, which was true and which finished him. After that the invitations that might have come did

not come, and nobody was unkind to him anywhere, and it made no difference at all.

Clyde understood what had happened and could not have proved one word of it. That is how it is done in a town of eighteen thousand people, and it is done at a lunch, and it takes about nine seconds.

CHAPTER X

He made one friend, a clerk in the hosiery office named Dillard, who was ambitious in a small way and had worked out that a Griffiths at his elbow was worth something socially.

Dillard took him to a church social and introduced him to Rita and Zella, two girls from the mill office. Rita liked him immediately and made it plain, and she was warm and pretty and going nowhere at all.

And Clyde, sitting in a rented rec room with a paper cup in his hand, understood something about himself with a coldness that surprised him: that Rita was exactly the kind of thing that could sink him in that town. Being seen with Rita meant being classed with Rita, and being classed with Rita meant Thorpe Street forever.

He stopped answering Dillard's messages. It took about three weeks to do and he did it without one direct word, and he was rather good at it.

CHAPTER XI

In the winter Samuel Griffiths remembered him.

He asked Gilbert where the boy was and was told, and said that was long enough, and had him brought up to the accounting floor for a few months, and then, in April, over Gilbert's flat objection, put in charge of the stamping room on the fifth floor.

Twenty-five women running presses. Clyde in charge of them at twenty-two years old, at a salary that was three times the basement.

Gilbert walked him up there personally and gave him exactly one rule, and the rule was the company's, in writing, and had been for thirty years. No supervisor has any relationship of any kind with any woman working under him. Not a date. Not a drink. Not a ride home in the rain. There is no version of it that is acceptable and no exception that has ever been made, and a man who breaks it is gone the same day, family or not, and the family part is the reason it will be the same day.

Clyde said he understood it.

CHAPTER XII

He ate alone at Mrs. Cuppy's and went to a movie by himself on Saturdays and walked out to the river on Sundays because there was nowhere else to walk.

He had a title now, and a salary, and a desk at the end of a floor with twenty-five women on it, and nobody in that town to tell any of it to. He wrote to his mother twice that spring and both letters were about the promotion, and he read them over before he sent them and was ashamed of how much of the page it took up.

He was lonelier that first spring than he had been in the basement, in the particular way of a man who has moved up one floor into an empty room.

CHAPTER XIII

She came up in the freight elevator on a Monday morning with two other new hands, and Liggett walked them down the aisle and left them standing at the end of it while he went to find the forms.

Clyde signed her in without looking at her. He had signed in eleven women that summer. He wrote her name at the top of a card — Alden, Roberta — and asked her the questions on the card, age, address, previous work, and she answered them in a low voice looking at the card and not at him.

Then she looked up to ask where she should put her coat, and he saw her face.

He told her the hooks were by the stairs. He said it in a completely normal voice. And when she had walked away down the aisle he stood there with the card in his hand for a while and then went and put it in the drawer with the others, and thought, in the flat way a man thinks a thing he has no intention of doing anything about: well.

CHAPTER XIV

She was twenty-three, from a failing farm outside a town called Biltz — the oldest of four, the responsible one, sent to the city to earn because the farm could not carry them all and her father

could not admit it.

Titus Alden was a decent man with no luck and less judgment who had lost the good part of the land in a bad year and had spent fifteen years since telling his family it would come back. Roberta had left school to keep the books he could not keep. She had come to Lycurgus with two suitcases and boarded with a family named Newton, relatives of a girl she knew, who went to church twice on Sunday and expected her at both.

She had a plain, serious, quietly lovely face and a way of ducking her head when she was spoken to. She had never been anywhere. She had never had anything. She had never once in her life been the girl anybody looked at first.

She was, Clyde thought the first afternoon on the floor, the prettiest thing in that room by a distance, and the safest to look at, because she was so obviously good.

CHAPTER XV

He corrected her stamping twice in the first week and she thanked him both times and got it right afterward.

He noticed that she was fast and careful and that the other women liked her, which is the hardest thing to be on a piecework floor, where every hand that moves quickly is taking money out of somebody else's pocket. He noticed that she had exactly two dresses and alternated them, and that she washed one of them every other night, because on Tuesday and Thursday mornings the collar was still damp.

He also noticed, because there was no way not to, that when he came down the aisle she knew it before he got there. She did not look up. Her shoulders changed.

Six weeks is a long time to say nothing. Both of them were saying nothing on purpose, and both of them knew that the other one was doing it on purpose, and that is what those six weeks actually were.

CHAPTER XVI

Then a Saturday in August, out at Crum Lake at the edge of town, he found her by accident on the bank with a rented canoe she did not know how to get into.

He held the gunwale and she got in, and he asked whether she wanted somebody who knew how to row, and she said yes before she had decided to.

They were out on the water an hour. She picked lilies. She told him about Biltz and about her sister and about wanting, someday, to take a course in bookkeeping. He told her a version of Kansas City with a hotel in it and no mission, which was the version he told everybody, and she believed all of it and looked at him while he told it.

By the time they came in it had happened to both of them, and both of them knew it, and neither said so.

CHAPTER XVII

What followed had to be secret, and the secrecy was the poison in it from the first week.

They could not be seen. They could not walk out of that building within ten minutes of each other. He could not be in a car with her within a mile of the plant. They met after dark at the

ends of streets and rode separate buses to the same stop. He would come down the aisle on the fifth floor and correct her work in a level voice with his heart going, and she would say yes, Mr. Griffiths, and not look up.

She knew exactly what she was risking, which was her job and her name and the entire reason she had been sent to that town. She did it anyway. She did it with her whole self, because she had never done anything in her life with anything less.

He risked, in the same arrangement, nothing that anybody would ever know about.

CHAPTER XVIII

The Newtons noticed her coming in at ten and asked questions about it. Mrs. Newton said the word reputation twice in one week and said it pleasantly both times, which was worse.

Grace Marr, who had brought her to that house and who slept in the next room, asked her outright in October who it was. Roberta said there wasn't anybody. Grace said all right, and did not believe her, and the friendship they had carried since they were fifteen years old ended that month without either of them saying so.

In November Roberta moved out, to a room in a house on Elm Street run by a family named Gilpin — a room at the back with its own door onto a side porch and its own key.

She told the Newtons the rent was cheaper. She told Clyde the rent was cheaper. She told herself the rent was cheaper. It was two dollars a week more.

CHAPTER XIX

He came to that room the first week and she stood in the doorway with her hand on the frame and would not let him in, and they talked for ten minutes on a cold porch in front of a lit window.

He came the second week and she let him in and made him leave after twenty minutes, and cried after he had gone, and could not have said which part she was crying about.

He came the third week and did not make any argument at all, which was the thing that undid her. He sat on the one chair and talked about the plant and about a man on the fourth floor who had been fired, and after a while he stopped talking, and she was the one who crossed the room.

Afterward she said, with her face against his shoulder, that she was not sorry. Then she said: don't ever make me feel like I did something cheap. Please. I couldn't stand it from you.

He said he loved her. At that moment, in that room, he did, and it is important to the whole of what follows that this was true.

CHAPTER XX

They had two months of something a person could have built a life out of.

She cooked on a hot plate with two pans. He brought a box of pastries on Sundays and she made a joke about it every single time. They lay on that bed in the winter dark with the radiator knocking and talked about a house — not seriously, in the way people talk when they have decided not to say the serious thing

out loud.

She darned his socks. She was happy. It is important to say that she was happy, because almost nobody in the courtroom two years later would ever be told it.

She kept a list. He found it once, on the back of an envelope on the table by the hot plate, and read it before he thought about whether he should. It was a list of things for a kitchen: pans, a colander, dish towels, a set of glasses, and beside each one a price she had gotten from somewhere, and at the bottom a total, and beside the total a date about eleven months out.

She had been putting away four dollars a week toward a kitchen she had not told him about.

He put the envelope back where it had been. He did not say anything about it that night or ever, and two years later, in a stone room with a table, he told the Reverend Duncan McMillan that of everything in the whole of it, the envelope was the thing he could not get out of his head — not the boat, not the water. A list of dish towels with a date at the bottom.

There was also the matter of what she gave up to be there, which nobody ever tallied and which the trial treated as though it were nothing.

She had turned down a promotion in November because it would have moved her to the third floor and out from under him. She had stopped going to church with the Newtons and had let her mother believe it was the hours. She had a friend in Biltz she had written to every week since she was fifteen and she stopped writing that fall, because there was no way to write a letter that did not have him in it and no way to put him in it.

By the winter Roberta Alden had one person in her life, and he had two hundred, and she was too proud to say so and too honest not to know it.

CHAPTER XXI

In December, Sondra Finchley pulled her car up beside him on Central Avenue and offered him a ride.

She had mistaken him at first for Gilbert — the resemblance was that close from behind — and had already stopped and rolled the window down before she saw it wasn't. And then she remembered him from the dinner in August, and she was bored that winter, and Gilbert Griffiths had once been cool to her at a party in a way she had not forgotten.

So she said, with the window down and the engine running: you never come to anything.

CHAPTER XXII

She took him to a dance at the Steele house the next week and put him in front of everyone she knew.

He had one suit that would do and he had it pressed and he was sick in his room for an hour beforehand. Then he walked into a house with three hundred people in it and a band at one end of a room, and Sondra Finchley took him by the arm at the door and walked him the length of it, saying his name to people, saying Clyde Griffiths the way you say a name that everyone is expected to already know.

Bella Griffiths saw him from across the room and her face did something complicated. Gilbert was not there, which Sondra had checked.

And Clyde, who had spent eleven months carrying luggage for people exactly like these and four more years learning to stand a certain way, was faultless. He said little. He danced twice and well. He was asked what he did and said he was with the family firm, and it was the truth, and nobody asked the second question.

He walked back to Thorpe Street at one in the morning in the cold with his coat open, and he did not feel triumphant. He felt as though something that had been withheld from him his entire life had turned out, on inspection, to have no lock on it at all.

It cost her nothing and it changed his entire life.

CHAPTER XXIII

Because they took him.

Bertine Cranston, Grant Cranston, Jill and Frank Trumbull, the Harriets, the whole set. He was a Griffiths. He was good-looking. He was polite, he danced, he listened well, and he had the immense advantage of being the only person in the room whose history nobody knew — and their world was so profoundly incurious about anybody's history that his was never once seriously asked after.

By February his phone had invitations in it from people whose houses he had walked past in the dark eighteen months before. He was borrowing money from nobody and spending money he did not have, and the tailor on Central Avenue carried him.

CHAPTER XXIV

And Roberta was on Elm Street on a hot plate on Sunday afternoons, waiting.

She would start the food at four because he had said four. At five she would take it off the heat and set it on the back of the plate to keep. At six she would eat some of it standing up at the counter, and put the rest in the icebox, and wash the two pans.

He came about half the time that winter. When he came he was affectionate and easy and often very late, and he told her about the family and about business, and she listened to all of it and asked good questions and never once asked him the only question she had.

When he did not come there was no message, and in the morning on the fifth floor she would have to correct her own stamping in front of him and say yes, Mr. Griffiths.

CHAPTER XXV

He began to cancel.

He began with the truth, which was that the family had claimed him, and he learned in those weeks how much of a lie can be told with true sentences. He said Mrs. Griffiths expects me. He said it's business, it's Gilbert, I can't get out of it. He said I'll come Tuesday and then on Tuesday he said Thursday.

She knew before she knew. She would not ask, and then one night she asked, and he was gentle and vague and hurt-sounding, and she apologized for asking.

That was the night, she said much later in a message he did not answer, that she should have understood.

CHAPTER XXVI

By March he was in love with Sondra Finchley the way a man is in love with a country he has seen once from an airplane.

Some of it was money and he was honest enough with himself, in the dark, to know it. She was Finchley Electric. She was the lake house at Twelfth Lake, the boat, the horses, four hundred acres and a father who had never counted anything in his life.

But it was also that when he was with her he was nobody's son. There was no mission in it. No bus out of Kansas City, no shrinking room, no basement, no room on Elm Street with a hot plate. When Sondra Finchley looked at him he was the person he had been trying to invent since he was twelve years old holding a cord under a streetlight.

CHAPTER XXVII

And she, to her own considerable astonishment, began to mean it.

That was the part nobody had counted on, least of all her. Sondra Finchley started that winter as a girl playing a small private joke on Gilbert Griffiths, and she was writing Clyde at two in the morning by March.

She was nineteen. She had never been refused anything in her life, and this was the first thing she had ever wanted that she could see somebody might try to take away from her, and the trying was half of what made her want it.

But not all of it. She saw something in him that the others did not see, and it was the thing that was actually there: that he was frightened all the time. She mistook it for depth. In a room full of young men who had never once in their lives been uncertain of anything, Clyde Griffiths held himself like a man who was watching the exits, and she found it beautiful.

By April she had decided that she did not care what her father said, and she told Clyde so, and she believed it entirely. She was going to tell him in the fall, after the lake, when the whole family was rested and pleased with itself.

CHAPTER XXVIII

In February Roberta told him she was late.

She told him on the side porch on Elm Street with her coat on, standing up, because she had decided that she would say it standing up and would not cry. She had rehearsed it four times that day at her press.

He said, are you sure. She said no, not sure. He said well then. He said it's probably nothing, it happens, don't get worked up over it yet.

And she said all right, and went back inside, and lay on the bed in her coat, and understood from the shape of those three sentences exactly how much help she was going to get.

CHAPTER XXIX

They waited two weeks, and then two more, and she was not wrong.

She told him on the porch again, in the same place, and this time she did not stand up to do it. She sat down on the step in the cold with her hands between her knees and said that it had been six weeks now and that she was sure.

She was very calm about it, and the calm was the thing that frightened him, because it meant she had already spent a number of days alone with it and had gotten to the other side of the part where a person cries.

She said: I'm not going to make this ugly, Clyde. I just need you to help me.

CHAPTER XXX

What they needed was money, time, privacy, a car and about four hundred miles, and they had none of the five.

Clyde looked it up on his phone in a locked bathroom stall at the plant with the fan running, and what he found took him about ninety seconds to understand and he did not tell her for eleven days.

In that state it was already over. The law there stopped at six weeks — six weeks counted from a date about two weeks before a woman has any reason to suspect anything at all — and Roberta was past that on the afternoon she first said the word to him on the porch. There had never been a window. There had never been anything to be late for. The thing had been decided by a legislature four years before either of them set foot in Lycurgus.

Across the state line, an hour north, it could still be done. But that state required her to be counseled in person and then to wait seventy-two hours and come back, which meant two trips

and two absences from a floor where absences were counted, and it stopped at twelve weeks. There were pills that could be gotten by mail if you knew the site, and a window in which they worked, and a cost.

So there was a road. It was narrow and it was closing and it ran through another state, and it required a car, four hundred dollars, two days off and a man who would drive her.

He told her he would handle it.

He told her that for eleven days, and in those eleven days he went to two parties and a dinner at the Cranstons'.

CHAPTER XXXI

She got a name from a girl at the plant — a doctor two towns over on the Winnsboro road who was said to be understanding — and she went alone on a Saturday, on two buses, and sat in an exam room with her coat in her lap and said what she had come for.

She did not know yet that it was illegal. Clyde had known for nine days and had not told her, and so she found it out the way she found out most things that year, which was from a stranger, alone, a long way from home.

The doctor was not unkind about it. That is worth saying, because she had expected him to be and had spent the whole bus ride preparing for it.

He told her that he could not do that in this state and that no one could, and that she was already past the point where it would have been legal even if he had been willing, and that he was sorry. He asked whether she had family. He told her that some women went to North Carolina and that she should look

into it soon if she was going to, and that he could not give her a name because giving her a name could cost him his license.

Then he gave her a pamphlet with a phone number on it for a place that offered counseling and diapers.

She rode back in the dark with the pamphlet folded into her coat pocket and let herself in through the side porch and lay down on the bed with her coat still on.

Clyde did not call that night. He was at a dinner. She did not tell him about the doctor for four days, and when she did, he said, God, why didn't you tell me, and she said because you were busy.

CHAPTER XXXII

He ordered pills off a site with a stock photograph of a doctor on it and gave them to her in a drugstore bag in a park, and told her to read the instructions twice.

She took them over four days. She was sick both nights and went to work both mornings and made her count both days, because a woman on a piecework floor who misses her count twice in one week is a woman somebody asks about.

Nothing happened.

She told him standing at the end of the press line on a Thursday, in eight words, with her hands shaking, and he said take the rest of them then, and walked away down the aisle, because Liggett was on the floor.

They fail sometimes. That is all it was. They fail in a small share of cases and the answer when they fail is a clinic, promptly, and a clinic was the one thing in the world neither of them could produce.

So she waited to be sure, because she could not afford to be wrong, and being sure took two more weeks. She spent both of them believing she had done it wrong — that she had taken them at the wrong hour, or eaten when she should not have, or been too frightened, and that a more careful woman would have managed it.

She had done everything exactly as the instructions said. She had read them twice, the way he told her to.

CHAPTER XXXIII

He asked Orrin Short, a man he knew slightly from the club, in a careful and general way, as though it were about a friend of his from Chicago.

Short was helpful. That is the thing. He was a decent man and he wanted to be useful, and what he had was the part Clyde did not: not the state, which the doctor on the Winnsboro road had already named, but an actual clinic, and a figure, and the fact that they would want her twice, seventy-two hours apart, and that the first visit was mostly a woman reading a script aloud to her by law.

Then he said the thing that mattered and that Clyde did not act on.

He said: tell your friend to hurry. They cut it off at twelve weeks up there. After twelve weeks it isn't money anymore, it's Virginia or it's nothing, and Virginia is a long way to drive twice.

Clyde said his friend would hurry. He thanked him. He went home, and he did not call anybody that night, and he did not call anybody the next day, and he told Roberta about the clinic three days later.

Three days. That is the whole of it. There is no moment in this entire history when Clyde Griffiths decided to let the time run out. There are only the days he did not do anything, laid end to end, until the doing of anything was no longer available.

CHAPTER XXXIV

By the end of March she was past twelve weeks, and North Carolina was closed to her.

What remained was Virginia, which was six hours each way and wanted more money than either of them had, and would still want her twice. Two round trips of twelve hours. Four days off a piecework floor where absences were counted, in a town of eighteen thousand people where the head of her department was the owner's nephew.

She did the arithmetic on the back of the same envelope she kept the kitchen list on. She did it twice. Then she put the envelope in the drawer and did not take it out again.

She was sick every morning now. She would go into the ladies' room on the fifth floor at ten o'clock and come out at ten past and be back at her press by a quarter past with her face wet and her hands shaking, and make her count.

Two of the women on that floor had worked it out by then. Neither of them said one word to anybody — not to Liggett, not to the other women, not to Roberta herself, which was its own kind of mercy — and both of them told a district attorney about it eighteen months later, under oath, in front of two hundred people.

CHAPTER XXXV

And then she stopped asking him for that, and asked him for the other thing.

It was a Tuesday. She had made him come. She had said in a message that if he did not come she would come to Thorpe Street, and he had understood that she meant it, and he had come.

She had it written down. That is the detail that stayed with him afterward, in a cell, for two years — that she had written it on the back of an envelope so that she would not lose her place, and that her hands were shaking so badly she could not read her own writing and had to say it from memory anyway.

She said: then we have to be married.

CHAPTER XXXVI

She said it without anger, which was the terrible part. She said it the way you state a fact about the weather.

She had done the arithmetic that a farm girl from Biltz does. There was one answer. She could not go home to Titus Alden's house like this and she could not stay in Lycurgus like this and she could not do this alone on a piecework wage, and the man responsible was standing in front of her saying he needed more time.

She gave him until the end of the school term — she used that phrase because she was thinking of her mother's house and when she could get there. And she said that if he had not married her by then, she would go to Samuel Griffiths and tell him everything.

She did not say it as a threat. She said it as the last road out of a room with no other doors in it, and she was crying when she said it and apologized for crying.

He heard it as a threat. That is where it began.

CHAPTER XXXVII

That same week Sondra told him that in July her family would be at Twelfth Lake for the whole month and she wanted him there for all of it.

She wrote it at midnight. She wrote that she had been thinking about what her father would say, and that she had worked out what she would say back, and that by the fall she meant to simply tell him and let the house fall down if it was going to fall down.

She wrote: I'm not going to be talked out of you.

Clyde read it lying on his back on the bed on Thorpe Street with the phone held above his face, and read it four times, and then got up and stood at the window for a while.

Roberta was two hundred yards away across town on Elm Street, past twelve weeks, waiting for him to name a date.

CHAPTER XXXVIII

So there were two futures, and one of them was going to happen, and the other was going to be canceled.

One of them was a room over a store somewhere out of the county, and a wife who had been the best hand on the fifth floor, and a child in the fall, and a supervisor's salary for the rest of his

life, and his name off every list in Lycurgus inside a week.

The other one was a lake house and a girl who had never been refused anything and the inside of the room he had been looking into from the sidewalk since he was twelve years old.

He did not decide anything that week. He wants it recorded — and he said it in a courtroom, and said it again in a cell, and it is the only defense he ever really offered for himself — that he did not decide anything.

That is exactly right, and it is the whole indictment. The machinery of this ran on his not deciding. Every day he did not decide was a day the calendar decided for him, and it kept deciding right up until the eighth of July.

CHAPTER XXXIX

In May he saw an article on his phone about a couple who had drowned at a lake in the Ozarks. Their canoe was found floating. The woman's body was recovered. The man's was not, and the sheriff's office said it was probably still down there, because the lake was deep and cold and full of standing timber and they had lost people in it before.

He read it standing at the end of the press line. He read it again on the walk home. He put his phone in his pocket and took it out and read it a third time on the porch of the boarding house.

The thought had a shape. He said no to it, out loud, alone, on the step — and the shape stayed.

CHAPTER XL

For three weeks he did nothing about it and did not stop thinking about it.

He looked up lake depths. He looked up how long a search lasts before they suspend it. He looked at maps of a chain of small lakes north of Bridgeburg — Grass Lake, and eleven miles beyond it a place called Big Bittern, where there were no cabins on the south end and no road on the far shore and, according to the last comment on a fishing forum from two years back, no cell service at all.

He told himself he was only looking.

There is a lie a man tells himself in which he says he is only looking, and the whole time his hands are packing.

CHAPTER XLI

Roberta went home to Biltz to wait.

She messaged him from her mother's kitchen, and the messages were patient at first and then less patient and then frightened. She wrote about a dress her mother wanted to make over for her. She wrote that she had told them she was engaged. She wrote: please just tell me a date, Clyde, that's all I'm asking for, just a date so I have something to say.

He wrote back that he had a plan. He wrote: we'll take a trip first, just us, a few days, before we do it, so it doesn't look like what it is. He wrote: I'll come get you on the 6th.

She wrote back that she would like a trip. She wrote that she was sorry she had been so awful lately.

CHAPTER XLII

He bought a bus ticket. He bought a bag in a different town and paid cash for it. He borrowed a camera tripod from a man at the club and did not examine why, and told Sondra he would be at Twelfth Lake by the ninth.

He packed the night before. Two shirts, a second suit, a razor. He stood in the middle of that room on Thorpe Street for a long time with the bag open on the bed.

And here is what he did not do, and it is the center of everything that follows. He did not say a single sentence to himself about what he was doing. Not one. He did not think the word. He had spent his entire life becoming a person who could arrive at a thing without ever having decided to go there, and on the fifth of July, in a rented room, he finished the job.

He was very calm. He slept well. In the morning he checked the bus schedule twice and ate breakfast at Mrs. Cuppy's table with six other men and talked to a salesman about the heat.

CHAPTER XLIII

He picked her up in Camden and they went north together, and she was happy.

That is the thing that no one at the trial would ever be able to make anybody feel — not Belknap, not Jephson, not Clyde himself in three days on the stand. She was happy for a day and a half. She sat beside him on a bus with her hair against the window and her shoulder against his arm, going on a trip with the man she was going to marry.

They stayed at Grass Lake the first night. He had thought it would be there, and it was not, because there were four other

boats on the water and a family with children on the dock, and because she had gotten sick that morning and he had held her hair and she had laughed about it afterward.

In the morning he told her about a bigger lake an hour on — quieter, prettier, they could take a boat out and come back for dinner — and she said whatever he thought.

CHAPTER XLIV

At the inn at Big Bittern the man at the desk would not take the bag without a name in the register, and Clyde wrote Clifford Golden and wife.

Roberta left her hat and coat behind the desk because they were coming back for dinner. There was a store label from Lycurgus inside the hat. He saw it and thought about taking the hat and decided that carrying a woman's hat down to a boat would look strange.

They rented a boat at one o'clock. The man on the dock told them the far end was pretty and to watch for deadheads in the shallows.

CHAPTER XLV

He rowed south along a shore of drowned timber for two hours.

She trailed her hand in the water. She picked lilies and laid them on the seat and then in her lap. She talked about a room they could rent for the first year, and about working as long as she could, and about what she would tell her mother about the wedding.

In a cove at the far end, out of sight of the whole world, he stopped rowing.

What happened next was, and remained, the only fact in the world that mattered, and Clyde himself was never afterward able to hold it still in his hands. He had the camera. He was frozen and he was not frozen. Something crossed his face that frightened her, and she got up and came toward him along the boat saying his name, asking what was wrong, reaching for him — and his hands came up, and the camera caught her in the face, and she went back hard, and the boat went over.

He came up. She came up. She could not swim.

She got a hand on the boat and lost it. The boat was moving away from her, slow, the way an overturned boat does, and she went under and came up again about six feet from it with her hair across her face, and she was not screaming, because a person who is drowning does not scream — she was working, hard, at the surface, with her chin up, spending everything she had.

She called his name once.

And he was ten feet away in flat water and he could swim a half mile, and he trod water and he looked at her.

What he said afterward, to the only man he ever told the truth to, was that he did not decide anything in those seconds. That he did not think now she will die and I will be free. That there were no words in him at all. That he simply held still in the water, the way an animal holds still, and let the seconds go by, and that some part of him he had never met before was doing the arithmetic while the rest of him watched.

She went under the second time and came up once more, less of her above the water, and did not call anything.

Then the lake was flat.

He stayed where he was for perhaps a minute. There were dragonflies. There was a bird somewhere back in the timber that kept making the same sound. A hundred yards north the lilies she had picked that afternoon were floating out of the boat one at a time.

That is all. It is small. It takes four seconds and there is no version of it in which he is not what he is. He did not push her. He did not have to. And every court that ever looked at this case, from that county to the federal bench, agreed on one thing and only one thing, and they were right about it: that ten feet of calm water is a decision, and that a man who makes it has killed her as surely as if he had held her down.

CHAPTER XLVI

He swam to the far shore and lay in the reeds until his breathing came back.

In the trees he took off the wet suit and put on dry clothes from the bag, and buried the tripod under a log, and pushed the wet clothes down into a hollow and covered them with leaves, and combed his hair with his fingers, and walked out through the woods to the road with a bag in his hand like a man on vacation.

He caught a ride south with a man delivering feed. By that night he was on a bus toward Twelfth Lake. By the next afternoon he was standing on the Cranstons' dock in borrowed swim trunks with Sondra Finchley's hand in his hair, laughing at something Grant Cranston had said.

He would testify that he did not sleep. Two people at that lake testified that he did.

CHAPTER XLVII

Three days later the boat came up, and then the hat with the Lycurgus label came up, and then Roberta came up.

In her mother's kitchen in Biltz there was a phone full of four months of messages. On the fifth floor of the Griffiths Uniform Company there were twenty-five women who had noticed a long time ago the way the head of the stamping room looked at Roberta Alden. At an inn on Big Bittern there was a register with a false name in it in his handwriting.

The sheriff's men came up the Cranstons' lawn on the evening of the ninth of July while a party was going on. There were paper lanterns strung along the porch rail. Somebody was playing music from a speaker on the boathouse roof.

Clyde was standing at the rail with a drink in his hand, and he heard his own name said by a stranger behind him, and he understood before he turned around that the running had ended.

AN AMERICAN TRAGEDY

BOOK THREE

CHAPTER I

Pendleton County had eighteen thousand people in it, a courthouse with a clock that ran four minutes fast, and a district attorney named Orville Mason who was up for election in November.

Mason had a face that had been ruined in childhood — a fall off a barn roof at nine, a badly set break, a nose that had never sat right since. He had spent forty years being looked at a half second too long, and he had built out of that a genuine, burning and extremely useful sympathy for anybody who had been done a wrong by somebody better-looking than they were.

He had been poor. He had put himself through a state law school at night. He had a wife, two children and eleven thousand dollars in savings, and in fourteen years of practice he had never had a case that anyone outside that county had heard of. He was forty-four years old and he had begun, that spring, to understand what his ceiling was.

On the eighth of July the coroner, Fred Heit, called him at home before seven in the morning and said they had a drowned woman at Big Bittern. He said there was a bruise along the right side of her face that he did not much like the look of. He said the man who had been in the boat with her had not come up, had not been found, and had not been reported missing by anybody.

Mason was in his car in twenty minutes.

CHAPTER II

By nightfall they had the register from the inn with Clifford Golden and wife in it, and a desk clerk at Grass Lake who

remembered the same young couple under a different name on the previous night, and a hat with a Lycurgus store label in it, and a bag nobody had come back for.

They had three guides who had seen a young man come out of the woods on the west road with a bag in his hand, walking easy. They had a boat found upside down against the timber at the south end with a straw hat floating near it.

The recovery took two days and the county paid for it out of a fund that had eleven hundred dollars in it.

They dragged from a flat-bottomed boat with grapples on a hundred feet of line, working a grid off the south end where the boat had been found, and they had eleven volunteers from Bridgeburg and two guides who knew the timber. They brought her up on the second afternoon in twenty-two feet of water, about sixty yards from where the boat had gone over, and Heit had them stop and clear the shore of the four or five people who had come out to watch before they brought her in.

He did that on his own initiative and nobody had asked him to, and it is the reason there are no photographs of Roberta Alden being taken out of that lake, and Fred Heit was a coroner in a rural county for twenty-six years and that was the single most decent act in this entire record.

She had a bruise along the right side of her face and one on the back of the right hand. Her shoes were on. Her hair was down. There was a boat cushion floating a hundred yards north and eleven lilies scattered over about an acre of open water, and the guides took the cushion in and left the lilies.

By the following afternoon they had her name, because Titus Alden had reported his daughter missing when she did not call on Sunday, and had driven ninety miles to identify her, and had gone down on the floor of Heit's office when they pulled back the

sheet.

He said one word when he went down, and it was her name, and Heit and a deputy got him into a chair and Heit sat with him for forty minutes and did not ask him anything at all. When he could speak, the first question he asked was whether she had been alone up there, and Heit said no, sir, she had not.

Titus Alden said: was it that fellow from the factory.

Nobody in that room had said one word to him about anybody from any factory. That is how Orville Mason got the Lycurgus end of the case, twelve hours before the Lycurgus end of the case existed: from a farmer sitting in a chair in a coroner's office, who had never met Clyde Griffiths and had never been told his name, and who knew his own daughter.

And they had her phone.

CHAPTER III

Mason read the messages in his office with the door shut and did not come out for two hours.

They were not, strictly speaking, evidence of a crime. They were a young woman falling in love, and being frightened, and being pregnant, and being handled — four months of it, in order, read from the bottom up.

They read like a hand slowly letting go of another hand. In February she was writing about a dress. In March she was writing please just answer me. In June she was writing from her mother's kitchen that she had told everybody she was engaged and that she would keep out of his way at the plant afterward if that was what he wanted, she would even quit, she just needed a date.

The last one had been sent on the third of July. It said that she had her bag packed and that she was not going to be any trouble to him.

Mason put the phone face down on his desk and sat there with his hand over his mouth.

He had his case. He had his election. And he had, along with both of those, something that in a better system would have disqualified him from the room: he had a grief that felt like his own, and a certainty that arrived before the evidence did and was never afterward revisited.

CHAPTER IV

The Lycurgus end broke inside a day.

Clyde had signed a false name at two inns and had bought a bus ticket to Camden with his own card, because he had never in his life had cause to think about that. He had told six people at the plant he was going up to the lakes. The women on the fifth floor gave four separate statements in one afternoon and every one of them mentioned Roberta Alden by name without being asked.

By Thursday Mason had the family connection, and the Griffiths name went out on the wire, and by Friday there were reporters from three cities in the lobby of the Bridgeburg hotel.

Mason drove up to Twelfth Lake himself with two deputies rather than sending anybody, and he took the arrest personally on a lawn strung with paper lanterns in the middle of a party, and there were photographs of it in six papers.

The photographs of that arrest were worth more to him than any of the evidence he gathered.

CHAPTER V

Clyde said, at first, that he had not been there.

He said it four times in the first twenty minutes, in a boathouse with the music still going outside. Then he said that he had been there but that it was an accident. Then he said that he had swum to shore and had been afraid and had not told anybody. Then he stopped talking, three hours too late, and was driven to Bridgeburg and booked into the county jail with a coat over his head for the photographers.

The arrest itself took four minutes and was witnessed by about sixty people, most of them in evening clothes.

Sondra Finchley was standing eleven feet away. She said his name once, as a question. Nobody had told her anything — the deputies had come up the lawn and asked for Clyde Griffiths and that was the first she knew of any of it — and she said his name, and he turned around and looked at her, and that was the last time in his life that Clyde Griffiths saw her.

Bertine Cranston took her inside. Grant Cranston asked whether this was really necessary in front of everybody, and was told that it was.

A photographer from a Camden paper had followed the deputies up from town on a tip and took eleven pictures in the driveway, and one of those pictures ran on four front pages the next morning: a young man in a summer jacket with his hands behind him and paper lanterns strung out of focus behind his head. It is the picture that ran again in October, and again after the verdict, and again on the morning after the execution three years later.

Mason questioned him in the car, on the road, at eleven at night, with no lawyer and no recording and one deputy in the front seat taking notes.

He was not rough about it. He did not have to be. He had a frightened twenty-two-year-old in the back of a car in the dark, ninety miles from anybody who knew him, and he had four months of that girl's messages in his coat pocket, and he simply asked questions for two hours and let the young man talk himself into a hole and then helped him dig.

At one point he read one of the messages aloud in the car. Just one. The one from the third of July.

Clyde put his head against the window and said, oh God, and Mason said nothing at all for about a mile, which was the single most effective thing done by any lawyer in that entire case.

None of that questioning was ever heard by a jury. Belknap moved to suppress all of it before trial and won — a clean, textbook suppression ruling, the kind that makes a young defense lawyer believe the system works.

And it made no difference at all, because Clyde repeated every single word of it to two deputies in a hallway an hour after being booked, unasked, because he could not stand the silence. That statement came in. They always come in.

CHAPTER VI

The Griffiths family met about it in Samuel's office in Lycurgus with the door shut and the blinds down.

Gilbert wanted no part of it and said so in the first minute: the name was on four thousand shipments a month and on the front of a building that three hundred and forty people came to

every morning. He said the boy was not their responsibility, had never been their responsibility, and had lied his way through the door in the first place.

Samuel sat and listened to his son and thought about a brother he had not spoken to in twenty years, and about a young man in a hotel lobby in Chicago with his own father's chin on him, and about a sentence he had said across a white tablecloth without thinking about it.

He said they would pay for a defense and nothing else. A competent local firm, an honest accounting at the end, and no public statement, no interviews, and no member of that family in that courtroom on any day of the trial.

That was the whole of the assistance Clyde Griffiths received from the wealthy branch of his family. It came to about forty thousand dollars, and it was more than nine out of ten defendants in that county had ever gotten, and it is worth stopping on that sentence for a moment.

CHAPTER VII

The lawyers were Alvin Belknap and Reuben Jephson.

Belknap was sixty, silver, gracious, twice the Democratic candidate against Mason and twice beaten by him, and he knew that county the way you know a house you grew up in. He was a jury lawyer of the old school and he genuinely liked people, which was his great strength and, in that case, of no use whatsoever.

Jephson was thirty-four, tall, bony, unmarried, cold as a well handle, and had the best legal mind in four counties. He did not much care whether Clyde was a good person. He cared what

could be proved and what a jury would do with it, and those were, to him, two entirely separate engineering problems.

They came to the jail on the third day and asked what happened, and Clyde told them the account he had been telling since the boathouse — the accident, the boat, the camera, the panic, the swim, the fear.

Jephson listened all the way through it without writing down one word.

Then he said: now tell it again. And this time don't leave out the part where you planned it.

CHAPTER VIII

It took two days to get it out of him.

He gave it up in pieces, in a stone room with a table, with Belknap looking at the floor and Jephson asking short questions in the same flat voice he used for everything.

Yes, he had thought about it for weeks. Yes, he had read the article about the couple in the Ozarks and had gone back to it. Yes, he had looked up the depth of that lake and how long a search runs. Yes, he had chosen Big Bittern out of four lakes because there was no road on the far shore. Yes, he had signed a false name. Yes, he had bought the bag in another town.

And then — and here he began to cry and did not stop for twenty minutes — no. That in the cove, with the oars up and the whole lake empty, he had looked at her face and had known that he could not do it. That he had gone numb and had not been able to move or speak. That she had stood and come toward him, frightened, and that the camera in his hands had struck her, and he had not meant it to, and the boat had gone over.

And that she had called his name in the water, and he had been ten feet away, and he had not gone to her.

Belknap said, out in the corridor afterward: that's a defense to murder in the first degree, if a jury believes it.

Jephson said: no jury on this earth is going to believe a man who tells them he planned it for three weeks and then didn't do it. Nobody has believed that in the entire history of courtrooms. They will hear the first half and stop listening.

CHAPTER IX

So they built him a lie.

The defense would be that Clyde had gone to that lake intending to tell Roberta the truth about Sondra and let her decide what she wanted to do — that he had experienced, in the boat, a change of heart — and that he had risen to say so with the camera in his hand and had struck her entirely by accident, and that the drowning that followed was a drowning.

They rehearsed him in a cell for two months. Jephson wrote the questions and Clyde learned the answers and then learned to give the answers as though he had not learned them, which he never entirely managed.

And if there is one thing in this whole record that ought to be nailed to the door of every courthouse in this country, it is this: the only wholly fabricated testimony in that trial was told by the defense. It was told because two competent lawyers concluded — correctly — that the truth was not survivable in that room. The truth was manslaughter. The truth was a boy who planned a killing, failed to commit it, and let a woman drown out of cowardice. In a system that could hear that, it is twenty years.

Their client went to his death maintaining a story his own lawyers wrote for him, and the jury convicted him of murder in part because that story did not sound like something a person would say.

It is worth watching them do it, because it was not done in bad faith and that is the point.

Belknap held out for the truth for about four days. He argued it in their own office with the door shut: that a jury will forgive almost anything if a man simply tells them what happened, that the freezing in the boat was the most human thing in the case, and that if Clyde stood up there and said I planned it for three weeks and then I could not do it and I let her drown, twelve men might come back with manslaughter and that boy would be out at forty-three.

Jephson said that was a beautiful theory and that he had watched Orville Mason try eleven cases in that courthouse.

He said: the second he says I planned it, the trial is over. Mason will stand up and say ladies and gentlemen, the defendant has confessed, and every word after that is a man explaining why his confession doesn't count. And they will convict him in an hour instead of five.

And here is the thing: Jephson was almost certainly right. That is the part that should keep people up at night. Both of those men were competent, and the competent read of that room was that the truth could not be told in it.

So they built the change of heart, and they rehearsed it, and Clyde — who had been rehearsing versions of himself since he was sixteen years old in a hotel lobby, who had told a version of Kansas City with a hotel in it and no mission to everybody he ever met — took to the coaching the way he had taken to everything else.

And when he got on that stand he sounded exactly like what he was: a young man reciting a version of himself. It was the only thing he had ever been good at, and it killed him.

There is a note in the firm's file, in Belknap's hand, dated three days before the verdict. It says: I do not think he is a murderer. I think he is a coward and I think we have made him a liar. God forgive us both.

That file went to a county historical society when the firm closed, and nobody has ever written about it.

CHAPTER X

The grand jury sat in August and returned an indictment in ninety minutes.

Mason presented four witnesses and the phone. He did not present the defense, because there is no defense at a grand jury; there is no cross-examination, no judge presiding in any active sense, and no lawyer in the room for the accused. Twenty-three citizens of that county heard the state's account of Roberta Alden's death, unopposed, over the better part of one morning, and voted.

Belknap was not notified until it was done. That is not a defect in the system. That is the system, and it works that way in every county in this country, and it is why the old line about indicting a sandwich has survived as long as it has.

The indictment charged murder in the first degree. There were no lesser counts in it. Mason had made that decision alone, in his office, in about the time it takes to sign a name.

CHAPTER XI

The trial began in the second week of October.

There were people standing three deep along the back wall and down both side aisles, and a line outside the courthouse doors from six in the morning, and press from three states in the two rows behind the rail. It was the largest thing that had ever happened in that county and everybody there understood it as such, and there is no way to keep that fact out of a jury box.

A poor farm girl was dead, and the man who did it was named Griffiths, and that is a story that will sell in any decade of the American century.

Judge Frederick Oberwaltzer, who was sixty-one and had presided over that court for nineteen years and had never had a capital case, seated a jury in a day and a half.

Eleven of the twelve were farmers, clerks or storekeepers. Nine were fathers of daughters. Every one of them said under oath that he could set aside what he had read and decide the case on the evidence, and every one of them in that entire county had already read Roberta Alden's last message printed in a newspaper.

Belknap used all twenty of his challenges and asked for a change of venue three times. It was denied three times, and that denial was raised on appeal and disposed of in four lines.

The voir dire is worth setting out, because it is where capital cases are actually decided and almost nobody watches it.

The clerk reached into a square box on his table, drew out a slip, and read a name. The first man called was Simeon Dinsmore — small, hunched, in a brown suit, with hands like claws and a narrow face — and he came up and took his seat in the box, and Mason walked over to him.

Mason asked his age. His business. Whether he was married and how many children he had.

And then he asked him whether he believed in capital punishment.

Dinsmore answered immediately and with emphasis. He said he most certainly did — for some people.

Mason smiled slightly. Jephson turned and looked at Belknap, and Belknap said something under his breath, and Simeon Dinsmore was seated.

That question was put to every man who came out of that box, one after another, all day and into the next morning, by the prosecutor, in open court, in front of the panel waiting behind him.

It is the most quietly devastating thing in that trial and almost nobody in the room noticed it. A man is asked, in public, in front of his neighbors, before he has heard one word of evidence, whether he believes in killing people. He answers out loud. Then he judges.

What that does to a jury box is not a mystery and was not a mystery then. The men who cannot say yes do not sit. The men who sit have said yes. And Simeon Dinsmore, hunched and eager in his brown suit, gave the answer that the whole apparatus is built to find, and gave it before he had been told a single fact about Clyde Griffiths — for some people.

The rhythm of the rest of it went like this, for a day and a half. Mason would finish with a man and say, in a voice that reached the back wall, acceptable to the People. And Jephson, without turning around, would say quietly to Belknap that there was nothing in him for them — that the man was as set as a bone. And Belknap, courteous and bland, would rise and challenge for cause, and would usually be sustained.

Twelve men were seated by the afternoon of the second day. The clerk announced a recess in a thin, rasping, aged voice, and Jephson turned to Clyde and told him cheerfully that that was the first round and there had not been much to it.

Then Kraut and Sissel and the extra deputies closed in around him and took him out through the crowd, and the crowd said there he is, there he is, here he comes, the way it would say it every day for three weeks.

CHAPTER XII

Mason's opening took one hour and eight minutes and did not once use the words death penalty, because it did not have to.

He told them about a girl from a farm outside Biltz who was the oldest of four and went to the city to help her family, and who was seduced by the man who supervised her work, and who, when she was carrying his child, was taken to a lake with no houses on it by a man traveling under a false name.

He told them what the state would prove: the article, the searches, the maps, the two false names, the bag bought in another town, the tripod under a log, the bruise on her face, and the ten feet of calm water.

He said: he will get up on that stand and tell you it was an accident. He will tell you he had a change of heart out there in that boat. When he does, ask yourselves one thing. Ask yourselves what kind of accident buys the bus ticket first.

He sat down. Belknap reserved his opening, which was correct practice and cost the defense the entire first eleven days of the jury's attention.

The town filled up.

The Bridgeburg hotel had eleven rooms and turned away forty people a night for three weeks. Two families on Court Street rented out beds. A man drove a lunch wagon up from Winnsboro every morning and parked it across from the courthouse and did better business in October than he had done all summer.

There were women who came every day and brought their knitting. There were men who took vacation from the mill to sit in that gallery. On the fourth day the sheriff started issuing numbered slips at seven in the morning because there had been shoving at the doors.

A national wire picked it up in the second week and after that there were nine reporters instead of four, and one of them wrote a piece about the courthouse itself, and the clock that ran four minutes fast, and the smell of wet wool in the gallery, and that piece is the reason we know what the room was like.

The papers ran a photograph of Clyde every single day. They also ran, twice, a photograph of Roberta Alden from her high school graduation — the only picture of her that existed in any quantity — and it was cropped the same way both times, and by the second week of that trial there was not a person in three counties who could not have described her face.

And the death penalty was in every story from the first day. Not as a question. As an expectation. One headline in the second week was four words long: WILL HE GET IT?

Judge Oberwaltzer instructed the jury each afternoon not to read the newspapers. They were not sequestered. They went home each night to houses in a county where the lunch wagon man was selling sandwiches out of a window with a hand-lettered sign on it about the trial.

CHAPTER XIII

The state's case ran eleven days and a hundred and twenty-seven witnesses, and it was in truth a mountain built out of pebbles.

The innkeeper at Big Bittern, who identified Clyde and identified his handwriting in the register. The clerk at Grass Lake with the second false name. The man on the dock who rented them the boat and told them to watch for deadheads. Three guides. Two fishermen who had heard nothing.

The pathologist, who testified to a contusion on the right zygomatic arch consistent with a blow from a rigid object and also, under a careful cross-examination by Jephson, consistent with striking the gunwale of an overturning boat. This was the single best hour the defense had in the entire trial and it lasted an hour.

The clerk at the bus station. The tailor who was owed two hundred dollars, called for no reason except to establish that the defendant lived beyond his means, and permitted over objection.

The man who had sold him the bag in Winnsboro, who remembered him because he had paid cash and had asked whether the store had cameras.

Mrs. Gilpin, the landlady from Elm Street, who testified that the young man in the photograph had come to the side porch after dark upwards of thirty times, and who cried on the stand, and who said, when Mason asked her what kind of girl Roberta Alden had been, that she was the cleanest, quietest, most decent girl who had ever had that room, and that she had paid her rent on the first of the month for eleven months.

Grace Marr, who had come with Roberta from Biltz, who testified that in April Roberta had told her she was going to be married in the summer and had asked her not to tell anybody yet.

The women from the fifth floor, one after another after another — Ruza Nikoforitch, who said she had seen Mr. Griffiths stop at Roberta's press eleven times in one week and time it so nobody was looking; Martha Bordaloue; Lena Schlict; Mrs. Braley, who had trained Roberta and who said she had been the best hand on that floor inside three months.

Each of them saying, in her own words, what every woman on that floor had known and none of them had said out loud, and none of them saying it with any pleasure. Two of them looked at Clyde as they left the stand. The rest did not.

And then, on the ninth day, Titus Alden — called for four minutes, to identify a photograph of his daughter and to say when he had last seen her alive. Mason asked him nothing else. He did not have to ask him anything else. Jephson, who was as good a lawyer as that county had produced in thirty years, stood up and said no questions, and sat down, which was the correct decision and cost them nothing and looked, from the gallery, exactly like a man declining to look a father in the face.

CHAPTER XIV

Then the phones.

Roberta's messages and voicemails, and Clyde's, pulled off both handsets and printed and marked as exhibits and passed to the jury in binders. The tower records that put his phone within three miles of Big Bittern at 3:47 in the afternoon and eleven

miles south of it at 7:02 that evening — which meant, as Mason pointed out without raising his voice, that a man who had just watched the woman he loved drown had covered eleven miles in the wrong direction before dark.

And then the search history.

Before he got to it, though, he put in the order.

It was three lines on a card statement: a website, a date in early March, and a hundred and ninety dollars. Mason had a witness from the payment processor establish what the site sold, and then he read the date out and set it beside two other dates — the day Roberta Alden first told the defendant she was late, and the day the defendant told her he would handle it.

Twenty-six days between the second and the third.

He did not editorialize. He let a jury of nine fathers do the arithmetic on how long a frightened young woman had waited on a porch in Lycurgus for a man to spend a hundred and ninety dollars.

Then he established, through the same records, that the pills had not worked, and that after they did not work the defendant made no purchase, no appointment, no call and no drive of any kind on her behalf, ever again — and that eleven weeks later he bought a bus ticket north and a bag in Winnsboro.

Belknap objected that the whole line was inflammatory and had nothing to do with the cause of death. Mason said it went to motive, and Judge Oberwaltzer agreed with him, and it did.

Mason read the search history into the record himself, in his own voice, slowly, one line at a time, with the dates.

How deep is Big Bittern lake. How long do they search for a drowning victim. Cell service Big Bittern. Santee backwater no road access. Couple drowns Ozarks body not recovered — that one four separate times over nine days.

He read for six minutes. The courtroom got very quiet. A juror named Simmons who ran a feed store in Winnsboro looked at Clyde for a long moment during the fourth entry and then did not look at him again for the remainder of the trial, and Belknap saw it happen and wrote a note to Jephson that said we lost Simmons.

Jephson fought the search history for two days before trial and lost, and then fought it again in front of the jury, and this was the one place where the defense had genuine ground under it.

He put up the state's own forensic examiner and made him concede, item by item, that a search does not carry a date of decision; that a man may look up a thing in horror as easily as in planning; that the article about the Ozarks had been shared to the defendant's phone by an aggregator and not sought out on the first occasion; that there was no note, no diary, no message to any person on earth in which Clyde Griffiths ever said he intended to harm Roberta Alden — not one word, in four months of messages, across two devices, and the state had all of both.

It was true and it was well done and the jury did not care. Mason stood up on redirect and asked the examiner one question: in your professional experience, sir, do men who plan these things generally write it down?

Objection. Sustained. Stricken. Every person in that room had heard it.

There was also the hat.

The state's theory required that the blow come from the camera. The defense pointed out that the camera was never found — it had gone down with the boat and had not been recovered in eleven days of dragging — and that the pathologist had allowed the gunwale as consistent. For one afternoon

Jephson made the entire case turn on an object nobody in that courtroom had ever seen.

Then Mason called a guide named Sim Shoop who had been on the lake that week, and asked him what a man does when a boat goes over on Big Bittern, and Shoop said, well, he holds onto it. He said that boat floated bottom-up for three days and that any man in the water grabs the boat, that's just what a body does, you don't even decide to.

And Mason said: he never touched it, did he. And Shoop said no sir, not by the look of it.

CHAPTER XV

On the sixth day Mason called Grace Alden, the mother, to identify her daughter's phone and her daughter's voice on three voicemails.

She was on the stand nine minutes. Then Mason sat down at the rail with the printed exhibit in his hands and read the messages aloud, all of them, in order, in a flat voice, for forty minutes.

He did not perform them. That was the thing about it. He read them the way you read a list, and Roberta Alden did all the work herself, from February to July, from a dress her mother was making over to a bag packed by the door.

They went, in order, like this.

In February there was a girl making plans. There was a message about a coat she had seen on sale and decided against. There was one that said only that she had thought about him all day at work and had nearly ruined a run of collars.

In March the tone changes and it changes gradually, which is the unbearable part. She begins asking whether he is angry with her. She begins apologizing — for calling twice, for asking, for being upset on the phone, for what she calls being such a burden to you lately. Four separate messages in March begin with the words I'm sorry.

In April she is frightened and trying not to say so. She writes that she has been to see the doctor on the Winnsboro road and that he would not help her, and that she does not know what else to do, and that she does not want him to think she is trying to trap him. She uses that word herself. Trap. She apologizes for it in the next message.

In May she stops apologizing.

In June she is at her mother's in Biltz. She writes that she has told them she is engaged and that her mother has started on a dress and that she is sick about the lie. She writes that she will quit the plant afterward, that she will move to another town if he likes, that he need not see her family, that she will not ask him for anything ever again as long as she lives, and that all she wants is a date.

And then the last one, the third of July.

She wrote that she had her bag packed and that it was sitting by the door. She wrote that she was not going to be any trouble to him. She wrote that she knew he did not feel about her the way he had in the fall and that she was not going to hold that against him, and that she thought they could still make a decent life if they were kind to each other. She wrote that she had been out that morning to the back field to see her father's cows one more time and had cried, which was silly.

The last line of the last message that Roberta Alden ever sent to anybody was: I am so tired, Clyde, and I will be so glad to see

you.

Mason read that line and set the paper down on the rail and did not say anything for perhaps eight seconds, and then said, thank you, Your Honor, and went and sat down.

Jephson wrote one word on his pad and Belknap read it and nodded. The word was nothing. There was nothing to do with that. There is no cross-examination of a dead girl's telephone.

Two women on the jury cried. Titus Alden, who had come every single day in the same jacket and sat in the same place, put both hands over his face at about the twenty-minute mark and left them there.

Belknap objected eleven times on the grounds that the messages were cumulative, inflammatory and substantially more prejudicial than probative, and was overruled eleven times. On appeal that ruling would be the single strongest issue in the case, and would be affirmed in nine lines: the messages went to the defendant's motive and to the decedent's state of mind, and their admission was within the sound discretion of the trial court.

Nine lines.

CHAPTER XVI

The defense opened on the fifteenth day.

Belknap spoke for fifty minutes about a boy raised on a street corner by people who loved God and had nothing, a boy who had never been given one true thing in his life, who had been shown a world and told to want it and given no honest road into it. It was a good speech, and it was the true one — the only account given in that courtroom of how a boy gets from a street corner to

a lake — and it had almost nothing to do with the testimony that followed it.

Then Jephson put Clyde on the stand, which they had known since the first week they would have to do, because in a county like that one a defendant who does not testify has confessed in the only language the room understands.

CHAPTER XVII

He was on direct for a day and a half.

Jephson took him back to Kansas City, to the mission and the corner and the cord, and then to the hotel and to Lycurgus and the basement and the fifth floor. He had Clyde say that he had loved Roberta. He had him admit the rule he had broken to be with her. He had him admit Sondra, and the two futures, and the fact — yes — that he had thought about the lake. Jephson brought that out himself, on direct, deliberately, because Mason had it and there was nothing else to be done with it.

And then he brought him to the cove, and Clyde said the thing he had been taught: that he had looked at her and known he could not do it, and had stood up to tell her everything, and that the camera had been in his hand, and that she had risen and come toward him and it had struck her, and the boat had gone over.

Jephson took him through it three times.

He was not bad. He was not good either. But he was a thin young man of twenty-three in a cheap suit saying I couldn't do it, in a voice that kept failing on the same words, and for about six hours on the sixteenth day there was something in that courtroom that was not certainty.

Two jurors, afterward, said it was the closest they came.

The trouble was the rehearsal, and it showed in exactly the way Jephson had feared it would.

There were four or five places where Clyde produced a phrase that was plainly not his — where a boy who said mad and awful and I don't know, sir, forty times an hour would suddenly say that he had experienced a change of heart, or that he had been seized by a realization of the wrong he had contemplated. The phrases sat up out of the testimony like nail heads.

And there was the day and a half of it. A jury will forgive a defendant almost anything except sounding prepared, and by the second afternoon eleven people in that box had privately concluded that this young man had been told what to say — which was correct, and which was the fault of two lawyers and a system, and for which he was about to be killed.

Jephson also made him do the thing that had to be done and could not be survived: he made him account for Sondra. He brought it out himself, gently, on direct, because Mason had four hundred messages and would otherwise have done it with a hammer.

And so Clyde Griffiths sat in a witness chair in a country courthouse and explained, to nine fathers of daughters, that at the same time as he was letting a pregnant woman wait on a side porch on Elm Street he had been in love with the daughter of the richest man in the county, and that he had believed, sincerely, that she was going to marry him.

Belknap watched the box while it happened. He wrote nothing down. There was nothing to write.

CHAPTER XVIII

Then Mason got up, and the six hours ended.

He did not begin immediately. He stood at his table and squared a stack of paper that did not need squaring, and let the room settle, and let the young man in the witness chair sit there being looked at by two hundred people for about fifteen seconds.

Belknap, at the defense table, put down his pen.

CHAPTER XIX

The cross-examination ran two days and it is still taught.

He did not raise his voice for the first hour. He went through it in order, quietly, almost gently, like a man doing arithmetic in front of a class. The article. The searches. The maps. The bus ticket. The bag bought in Winnsboro. The false name at Grass Lake. The second false name at Big Bittern. The tripod.

And after each one he asked the same question in the same mild tone: and that was part of your change of heart?

He asked it nineteen times over two days. By the tenth the whole courtroom was waiting for it and Clyde had begun to flinch before it arrived.

He asked why a man in the act of confessing his sins to the woman he loved was holding a camera. He asked why, if the striking was an accident, the tripod was under a log two hundred yards from the water. He asked why a man who had just lost her in the water had walked out through the woods to a road instead of shouting toward the inn, which was four hundred yards across open water and had eleven people in it.

He went after the change of heart itself for the whole of the second morning, and he did it with dates.

He established that Clyde had told the jury the change of heart came upon him in the boat, in the cove, at about four in the afternoon on the eighth of July. Then he walked backward from that hour.

You bought the bag on the second. Change of heart hadn't happened yet.

You signed Clifford Golden at Grass Lake on the seventh. Hadn't happened yet.

You signed a second false name at Big Bittern at noon on the eighth — four hours before. Hadn't happened yet.

You left her hat and her coat at that desk. You told the man you were coming back for dinner. Four hours before.

And then, at four in the afternoon, in a cove eleven miles from a road, with no living soul within two miles of you — that's when your heart changed.

Clyde said yes.

Mason said: your heart changed in the only four seconds of that entire week when there was nobody on earth who could see it.

Objection. Sustained. It stayed where it landed.

He also took the swim. He made Clyde say the distance again — a half mile, to the west shore, in July water. He made him say that he had gotten out, and stripped, and changed into dry clothes he had packed, and buried the tripod, and hidden the wet clothes under leaves, and combed his hair, and walked out to a road, and gotten into a stranger's truck, and made conversation about the weather.

Then he asked: at which point in that afternoon, Mr. Griffiths, did you begin to look for a telephone?

And there was no answer to that, and Clyde gave several.

And then he asked the only question in the case, six times, in six different ways, over about forty minutes.

You were ten feet from her. The water was calm. You could swim — you swam a half mile to that shore, you told this jury so yesterday. She could not swim. She called your name. Why didn't you go to her?

And Clyde said, each time, in a smaller voice, that he had been afraid. That his mind had gone blank. That he could not explain it. That he had not been himself.

Mason let the last answer sit for a five count, looking at him.

Then he said: no. You couldn't.

And he walked back to his table and said, no further questions, and sat down.

CHAPTER XX

The summations took a full day.

Belknap talked for two hours about circumstance and reasonable doubt and about a boy who had never been given a chance, and he was good, and everybody in the room was polite to him, and it was over before he stood up and he knew it.

He made three arguments and each of them was correct.

The first was that the state had proved preparation and had not proved the act — that every pebble in Mason's mountain came from before the cove and none of it came from inside it, and that what happened in that boat was known to exactly two people, one of whom was dead and one of whom had told them under oath.

The second was the camera: that a man who has planned a killing for three weeks does not carry a camera into it, and that

the state had never explained the camera and had substituted for an explanation a guide's opinion about what a body does in the water.

The third was the one that mattered and that no jury has ever accepted. He said: you may despise this young man. You are entitled to. He behaved toward that girl in a way that every father in this box would horsewhip a man for. But the crime of being a contemptible young man is not the crime charged in this indictment, and the State of this county has spent eleven days proving the first one to you and hoping you would not notice that it had not proved the second.

He sat down at ten minutes past eleven. Three jurors were looking at the clock.

Mason talked for two hours and forty minutes.

He walked the jury back through the eleven days pebble by pebble, and he did it in chronological order, which is the oldest trick there is and works every time, because a chronology sounds like a story and a story sounds like the truth.

He said the word premeditation forty times. He said the phrase this defendant instead of the young man's name for two hours and forty minutes and never once slipped.

He said that they had been asked to believe that every single act of preparation in this case was real — the article, the searches, the maps, the bag, the tickets, the names — and that only the intention behind all of it was false. He said: that is not a defense, gentlemen. That is an arrangement. That is a story built backward from a body.

He took the change of heart apart one more time, and this time he did it with the hat and coat left at that desk.

He said: a young woman leaves her hat and her coat at a hotel desk because she has been told they are coming back for dinner.

That hat sat on that desk while she was in the water. That hat sat on that desk while he was in the woods changing his clothes. That hat sat on that desk all night, and it was still sitting there on the ninth of July when he was at a party a hundred miles from here in a bathing suit.

And then he did the thing that no appellate court ever disturbed and that would not be permitted in a great many courtrooms today.

He picked up the autopsy photograph, and he did not show it to them, because they had already seen it. He held it face down.

He said: I have been asked by learned counsel to remember that this defendant had a hard childhood. I do remember it. I am not without pity for it. But there was another child in this case, gentlemen, and she was on a farm in Biltz, and she was the oldest of four, and she went to the city to help her father hold onto his land, and nobody has stood up in this courtroom for two weeks and asked you to consider what her childhood was like.

Belknap objected. Overruled.

Mason said: she is the one who cannot be here.

And then he finished by walking to the exhibit table and picking up Roberta Alden's phone — not the printout, the phone itself, in an evidence bag — and holding it up, and not reading from it.

He said: everything the State of this county has to say to you is in here, and it was said by the only person in this case who told the truth from the beginning to the end of it, and she is not here to say it again.

He put it down and sat.

CHAPTER XXI

The judge charged the jury for fifty minutes on premeditation and deliberation and on the lesser included offenses, and the jury went out at 1:40 in the afternoon.

They took a ballot at the start and it was eleven to one.

The one was Samuel Kittredge, a druggist, who was politically opposed to Mason and had been taken with Jephson's personality from the first week, and who said he had doubts about whether the state had ever really completed its proof.

They went at him for five ballots.

He held through the first three. He said he wanted to think about the camera — about whether a man who meant to do it would have carried a camera into that cove rather than doing it with his hands, and about whether Mason had ever answered Jephson on that point.

They talked about the camera for hours. Three of them got angry. The foreman read the search history out loud twice, and the second time he read only the dates.

And then it stopped being an argument about evidence, which is what happens in juries and what almost never appears in a transcript.

They began on Kittredge himself. Somebody said that everybody in that county knew where he stood on Orville Mason and that this was not the place for it. Somebody said that a man who hung this jury would have his name in every paper in the district by Monday morning, and would have it over his store, and would have to stand behind that counter afterward and sell aspirin to the people in this room.

That was the fifth ballot.

It is worth recording what that jury never discussed, in five hours and twenty minutes, in a capital case.

They did not discuss manslaughter, which the judge had charged them on and which fit the evidence better than what they returned. They did not seriously discuss murder in the second degree. They did not discuss the fact that the sentence was mandatory on the verdict they were considering, because they were correctly instructed that punishment was not their concern — and because every man in that room knew exactly what it was.

Kittredge asked, at about six o'clock, whether they were permitted to recommend mercy. The foreman said he didn't believe so and sent a note out. The answer came back from Judge Oberwaltzer in eleven words: the jury is not to concern itself with the question of punishment.

Kittredge read it twice and set it on the table.

At 6:40 he said that he could not get past the ten feet of water, and that a man who would tread water and watch her go down was a man who had decided, and that whether he had decided in April or in that second no longer signified to him.

Whether that was Samuel Kittredge's conclusion or the thing he said in order to be allowed to go home to a town where he had to keep a business open is not recoverable, and he never told anybody, and both are probably true.

At 6:40 Kittredge said that he could not get past the ten feet of water, and that a man who would stand in a lake and watch her go down was a man who had decided, and that whether he decided in April or in that second did not signify to him any longer.

They came back at 7:04 in the evening.

Guilty of murder in the first degree.

Clyde stood when they read it and did not appear to have heard it. The court had to ask him to sit down twice.

CHAPTER XXII

Sentencing was the following Friday.

Judge Oberwaltzer asked whether the defendant had anything to say, and Clyde stood up in the same suit and said, into a silent room, that he was innocent of taking her life. He said it in a voice that nobody in that courtroom recognized — thin, and much younger than twenty-three, and it broke on the second word.

Then Oberwaltzer read the sentence the statute required him to impose.

It took under a minute. He set the date, as the statute also required, and he said the words about the mercy of God, and he did not look up while he said them.

It is worth stopping on the phrase the statute required.

Judge Frederick Oberwaltzer had been on that bench nineteen years. He had a granddaughter Roberta Alden's age. He had presided over that trial with real care — he had made three rulings for the defense that a lazier judge would not have made, and he had kept Mason inside the lines twice.

And on the verdict that jury returned, he had no discretion of any kind. Not to weigh the defendant's age. Not to weigh his childhood, which Belknap had spent fifty minutes describing. Not to weigh the fact that no court would ever hear the claim about his lawyers. Not to weigh the freezing in the boat, if he believed any part of it, and he may have.

Twelve men said the word and the sentence attached itself automatically, and a judge with nineteen years on the bench functioned, for the ninety seconds that mattered most in that

courtroom, as a device for reading a form out loud.

He retired four years later. In an oral history recorded by a county bar association in his last year, he was asked to name the most difficult day of his career, and he named that Friday, and the interviewer, who had a list of questions to get through, moved on to the next one.

Somebody in the gallery said thank God out loud.

Clyde was twenty-three years old. He was taken out through the side door in a chain, and forty people were waiting in the alley to see it, and one of them had brought a child.

Elvira Griffiths was in the third row that day. She had come from Denver on money she had raised in a church basement, and she had sat through the last nine days of that trial in the same coat, and she was the only member of the Griffiths family in the building.

She stood when the sentence was read. Nobody asked her to and nobody stopped her. She simply stood up in the third row with her hands at her sides and stayed standing while it was read, and did not make a sound, and then sat down when it was finished.

A photographer got a picture of her on the courthouse steps afterward with her purse held in front of her, and it ran in eleven papers with a caption about the mother of the condemned man, and one of those papers is the reason we have a photograph of Elvira Griffiths at all.

Titus Alden went out the front. A reporter asked him whether he was satisfied.

He stopped and looked at the man for a while, and then he said: satisfied. And he said it not as a question and not as an answer, and then he got into his brother's truck and went back to Biltz, where there were three other children and a farm that had

gone another year without a good season, and he lived eleven more years and never gave another interview to anybody.

Orville Mason was elected in November with sixty-eight percent of the vote. He served two terms as district attorney and one as a county judge, and in the last interview he ever gave, at seventy-nine, he was asked about the Griffiths case and he said it was the best work he ever did.

He was asked whether he had ever had any doubt, and he said no, not one, not for a minute. And then he said something else that the reporter printed at the bottom of the piece and that nobody paid much attention to.

He said: I have thought about that boy's mother, though. I've thought about her a good deal.

CHAPTER XXIII

The transport ran at four in the morning to keep it away from the cameras.

A hundred and ninety miles, most of it dark, in a van with a screen over the window and two officers who were decent to him and did not talk. He was cuffed at the waist to a belly chain and his ankles were shackled to a bolt in the floor, and he watched a state he had never seen go by in pieces: a grain elevator with a light on it, a truck stop, a river he did not know the name of, and then the sky beginning to go gray over fields.

He was processed at eight. They took his suit and gave him a receipt for it. They took his shoelaces, his belt, his watch, the small cross his mother had put in his hand at the courthouse. He was photographed, weighed, measured, examined, and assigned a number, and the number was six digits and he was told to

memorize it, and he did, within the hour, and he would answer to it faster than to his own name inside of a month.

The medical intake took forty minutes. A nurse asked him about his family history and whether he had ever been treated for anything and whether he was having thoughts of harming himself, and wrote his answers on a form. She listened to his heart for what seemed to him a long time and made a note about where it sat in his chest.

He did not know why she did that. He found out in the corridor, from a man two doors down, about six weeks later.

The dental exam was the same afternoon. They filled two cavities in that first month, competently, at state expense, and Clyde lay in a chair with a light in his face while a dentist told him to open wider, and understood partway through it that they were going to keep him in good repair for as long as it took.

That was the first time he cried in that building, and it was in a dental chair over a filling, and the dentist stopped and asked whether it hurt and Clyde said no, sir, and the dentist waited a minute and then went on.

He was given three shirts, two pairs of pants, one pair of shoes without laces, a towel, a cup, a comb, a Bible if he wanted one, and a copy of the rules. The rules ran to eleven pages. He read all eleven that first night because there was nothing else in the cell, and the only sentence in them he ever thought about again was the one that explained how a man could be moved from this housing unit to another, and there were two ways listed, and one of them was by order of a court and the other one was not described.

The Capital Punishment Facility at Broad River Correctional Institution, in Columbia, is a building inside a building.

There is no window in it that shows the world. There is a corridor with cells along one side, and light that does not change from four in the afternoon to four in the morning, and at the far end of that corridor there is a steel door that everybody in the hallway thinks about all day and nobody ever looks directly at.

Behind that door is one room, and the room has two things in it. Against the far wall there is an oak chair, eighty years old, bolted to the floor, which cannot be moved and which the state has never been willing to remove. In the corner, fifteen feet from an opening in the opposite wall, there is a metal chair with restraints on it, and the wall around that opening is faced with steel plate, and the glass between the chamber and the witness room is bullet-resistant.

That is the whole architecture of it. One room, two chairs, and a hole in a wall, and every man in that corridor knew the layout by heart within a month of arriving and had never seen any of it.

There were twenty men in there when Clyde came in. He learned in a week what the corridor actually was, and it was not what he had spent two months in a county jail expecting. He had expected silence. He had expected a tomb.

It was loud. Men shouted to each other all day long from cell to cell. They played chess by calling out squares, four games running at once, arguments breaking out over whether a man had said king four or king five twenty minutes earlier. They argued about ball games and about the food and about whose lawyer was worse. There was a man three cells down who sang, badly, on purpose, at nine every night, and had been doing it for

six years.

They took Clyde in the way the bellhops had taken him in and the way the boarding house had. Somebody sent him cigarettes he didn't smoke. Somebody sent him a paperback. Somebody asked him, on the second day, in a friendly way, what he'd caught it for, and listened, and said that was rough, and went back to his chess game.

And Clyde understood — slowly, over that first month — that a man will make a society out of anything. Out of a hallway with a door at the end of it. And that this is either the finest thing about people or the very worst, and he never in two years and four months decided which.

There were rules in that corridor that no administrator had written.

You did not ask a man about his appeal unless he brought it up. You did not tell a man his lawyer was no good, even when everyone in the hallway could see it. When a man's date came down you did not say anything about it for the first day and let him decide when to speak. When a man's family stopped coming, nobody mentioned that either, and his neighbors got louder for a week to fill the space.

There was a man named Wachtel two doors down who had been there nine years and was the closest thing that hallway had to a lawyer. He read everything. He could tell you what a denial of certiorari meant and what it didn't, and he was the one who explained procedural default to Clyde, in installments, through a wall, over three afternoons — a doctrine that would eventually kill him and that no court ever explained to him at all.

There was Nicholson, who had been a lawyer on the outside and had killed a business partner and had two years left. He gave Clyde one piece of advice, through the bars, in the second month,

and it was this: burn the letters. Anything you have from anybody, burn it now, because when it is over they will go through this cell and everything in it will end up in a newspaper.

Clyde said he would. He did not.

And there was the day-in, day-out ordinariness of it, which is the part that nobody who has not been in such a building believes. Men complained about the temperature. Men had a running argument about a ball club that went on for two years. A man got a radio and everybody heard everything he listened to for eight months and complained about it and missed it when they took it back.

Twice a year the men in that hallway would put together commissary and buy a birthday for somebody, which meant a sheet cake ordered through an officer, and they would sing it down the corridor, twenty voices, badly, through steel.

Clyde turned twenty-four in that hallway and twenty-five, and both times they sang.

CHAPTER XXV

Then the first one went.

His name was Pasquale and he was four cells down and had been there two years and eleven months, and he had talked to Clyde every day for six weeks, mostly about his sister in Joliet, who wrote to him and who he was worried about because her husband was no good.

They came for him at four in the afternoon and moved him to the cell nearest the steel door, which everybody in that hallway called the front.

The corridor went quiet in a way Clyde had not known a place could go quiet. No chess. No radio. The man who sang did not sing. Somebody prayed out loud, badly, and stopped.

At six o'clock nothing happened. That is the thing. The lights do not flicker — that is a movie, that was never even true of the chair. Nothing at all happens in that hallway. There is no sound. And then, at some point in the following hour, a man in a suit walks back down the corridor and out through the far door, and does not look at anybody, and that is how they know.

And in the morning the shouting started up again, because it had to.

Clyde was in that building for two years and four months. Eleven men walked out that door in front of him. He learned all of their names and most of their cases. He learned the appellate posture of eleven strangers the way other men learn batting averages: whose direct appeal was pending, whose habeas had been denied, who had a claim and who had nothing left but the Governor.

And he learned to hear it in the corridor — how a man's last month was going, whether his people were still coming, whether he had stopped eating. He learned that the ones who talked the most in the last week were not the ones who were handling it, and that the men who had been there longest were kind to the new ones in a specific way that was almost unbearable to watch.

He understood, well before his own date was ever set, that he had been placed inside a rehearsal that ran every few months, and that his own performance was already scheduled and he would simply have to wait his turn to give it.

The eleven were not alike, and that was the education.

One of them fought it the whole way and was still filing at four in the afternoon and got a stay at 5:40 that lasted nine

months, and came back down the corridor to his own cell that night with the whole hallway shouting, and was killed the following June with almost nobody paying attention.

One of them was ready — genuinely, visibly ready — and spent his last week giving his property away and telling people not to be upset, and was the calmest man in the building on the last day, and it was harder on the corridor than any of the others.

One of them, a man named Tyree, was almost certainly innocent, and everyone in that hallway including two officers believed it, and his claim had been defaulted in state court on a filing deadline, and there was nothing after that but a Governor who did not act. When they came for Tyree the corridor did not go quiet. It went the other way. Men beat on the bars for eleven minutes and an officer stood in the middle of it and let them.

And one of them, in the second winter, asked for Clyde. They had barely spoken. He asked through an officer whether Griffiths would say something to him at four o'clock, and Clyde stood at his bars and could not think of one word, and said, finally, I'm here — which was all he had, and which the man thanked him for.

Clyde thought about that afterward more than he thought about almost anything else, because it was the first time in his life that anybody had wanted him for nothing at all, and it was in that hallway, and it was that late.

CHAPTER XXVI

His mother came.

Elvira Griffiths got on a bus in Denver, where the mission was that year, with sixty-one dollars in her purse and a

sandwich, and rode thirty-one hours, and walked up to that gate at nine in the morning and asked to see her son.

They sat across a table for two hours. It was the first time she had seen him in five years.

She did not ask him whether he had done it. That is the thing to sit with, and it took Clyde a full year to understand what it had cost her. In two hours she did not ask, and in all the visits that followed, over two years, she never once asked.

She asked whether he was warm enough. She asked what the food was. She asked whether there was anybody in there he could talk to. She asked whether he was praying, and he said yes because it was easier, and she knew it was easier and let him have it.

And then she went out and did the only thing she knew how to do, which was to stand up in front of people and ask.

She spoke in church basements and union halls and once in a high school gymnasium in six states. She told the story of her son. She said the words my boy in front of strangers, over and over, and passed a coffee can, and some of the papers wrote about her and some of what they wrote was cruel — there was a columnist in St. Louis who called her a professional mother — and she cut that one out and kept it, and kept going.

She raised eleven hundred and forty dollars in four months. She wired every cent of it to Belknap and Jephson and did not keep one dollar for the bus, and rode back on a ticket a pastor in Omaha bought her.

She came fourteen times in two years and four months. She could not afford more.

Each visit took her four days: a day and a half out, four hours with him, a day and a half back, and a night in a bus station on one end or the other. She was seventy years old. She did it

fourteen times.

And there was a thing she did that Clyde did not understand until nearly the end. In every visit, at some point in the second hour, she would ask him about somebody else in that hallway. What about the man three doors down, the one whose sister writes. What about the young one who came in in March, does his family come. And then she would write to them.

She wrote to nine men in that death house over two years. Four of them had nobody. She sent them the same short letters she sent her son and signed them the same way, and when they died she wrote to whoever had claimed them, and when nobody had claimed them she wrote it in her Bible.

Two of those men asked to meet her and were not permitted to. One of them, Wachtel, wrote back every time for a year and a half and called her Mother Griffiths, and when he was executed in the last spring she was on a bus in Kansas and did not know it for nine days.

That is who was doing the pastoral care in that building. Not the state. Not the church. A seventy-year-old woman with sixty-one dollars and a bus schedule, who had been preaching on street corners since she was nineteen and had never once been listened to by anybody with any power at all.

CHAPTER XXVII

The appeal took nineteen months.

Belknap and Jephson raised eleven issues, and they were not frivolous. The venue denial. The messages. The photographs of the body. Two jurors who had expressed opinions in voir dire and been seated anyway. The prosecutor's summation.

Sufficiency of the evidence of premeditation.

The Court of Appeals affirmed in a decision of forty-one pages.

It found that the venue ruling was within the trial court's discretion. It found that the messages went to motive and to the decedent's state of mind. It found that the interrogation in the car, though improperly taken outside the presence of counsel, had been superseded by the defendant's later voluntary statements in the hallway, which were spontaneous and not the product of interrogation. It found the photographs probative. It found the jury properly instructed. It found the evidence more than sufficient.

On the change-of-heart defense, on the one question the entire case had turned on, the court wrote a single sentence: the jury was entitled to disbelieve it.

Certiorari was denied without comment.

The post-conviction petition, filed by new counsel because Belknap and Jephson could not argue their own ineffectiveness, was dismissed as procedurally barred. The claim was that trial counsel had constructed a false defense and coached the defendant to give it — which was true, which was documented, which was arguably the strongest ineffective-assistance claim that court had seen in a decade. It was never heard on its merits, because it had not been raised in the right pleading at the right time by lawyers Clyde had not chosen and could not fire.

Federal habeas took eight months and ended in an order of six pages holding that the state court's determinations were not contrary to, nor an unreasonable application of, clearly established federal law.

That is what a capital appeal is in this country. It is almost never about whether the man did it. It is about whether the

paperwork was in order while it was being done to him.

And there is a second thing about those nineteen months that ought to be said, because it is the part no docket sheet records.

The years are the punishment.

A man in that hallway is told that his case is being reviewed by the highest court of his state, and he is twenty-four, and he believes it means something. He waits. His lawyers write to him twice a year in a language he cannot read. He learns, from a neighbor through a wall, what an affirmance is. He gets a letter saying the court has ruled and the letter is four sentences long and the last sentence is about the next filing.

He learns to hope in a way that is deliberately calibrated, because full hope will destroy him and no hope will destroy him faster. He does this for a year, and then another year, and then his mother comes and he has to be cheerful for two hours so that she can ride the bus back without weeping.

That is what those pages of legal history are, from the inside. Not argument. Waiting, in a hallway, for eleven strangers you will never see to decide whether the man who is going to kill you may go ahead.

Belknap and Jephson visited three times in two years. They were not bad men and they did not abandon him; they simply had other clients, and the case was over, and everyone in that firm knew it was over from the day the Court of Appeals came down.

Jephson came alone the last time, in the final winter, and sat for an hour, and told him the truth about the posture of the case because Clyde asked him to and because Jephson had never in his life been able to do anything else. He said there was the Governor and there was nothing after the Governor.

At the door, Clyde asked him a question he had been holding for two years. He asked whether, if they had let him tell the jury the truth — the real one, the whole thing, the weeks and the freezing and the ten feet — whether it would have gone differently.

Jephson stood in the doorway with his hat in his hand for a while.

Then he said: I don't know. And he said: I have thought about it. And then he left, and that was the last time Clyde Griffiths saw either of his lawyers.

CHAPTER XXVIII

In the second year the Reverend Duncan McMillan began to come.

He was thirty-four, from a small congregation forty miles off, and he had come to that building because he could not stay away from it. He had asked to be allowed in and been allowed in, and he came every Tuesday and every other Saturday for the better part of two years, and he came in weather that kept the lawyers away.

He was sincere in a way that Clyde had no experience of and no defense against. He wanted nothing. He was, Clyde realized somewhere around the fourth month, the first person in his entire life who wanted something from him that was not money, sex, silence, a signature, or a good appearance in front of somebody else.

He asked Clyde to make peace with God. He asked it over and over, patiently, in the way of a man who genuinely believes it is a simple thing that people insist on making difficult.

And Clyde, who had spent his childhood being preached at on street corners and had built his entire adult life on getting away from exactly this, found that he waited all week for Tuesday.

It went badly for a long time first.

For the first four months Clyde performed for him, because performing was what he did with people, and he was good at it and McMillan was young. He said the things a man says. He said he had found peace. He said he was reading the Book of John. He watched the minister's face while he said it and adjusted.

McMillan knew. He said so, finally, in the fifth month, in about the kindest sentence anybody ever said to Clyde Griffiths. He said: you don't have to do that with me. I'm going to keep coming either way.

Clyde did not say anything for the rest of that visit. He shook his hand at the end of it and went back down the corridor, and the following Tuesday he was waiting at the bars twenty minutes early.

After that it was real, and being real was much worse.

Because what came up, once the performance stopped, was not God. It was his mother, and the fifty dollars, and Esta on a mattress over a laundry, and a girl of nine in a road in Kansas City with her groceries scattered around her, and a wet envelope of a list of dish towels — all of it, all at once, in a hallway, at twenty-four years old, with a minister on the other side of the bars who had no training for any of it and simply sat there and took it.

They talked about the little girl in the road for six weeks. Clyde had never told one living person about that. He had not told his lawyers. It had never been in a newspaper, because Sparger had gone to prison and the file had closed and no one

had ever connected a bellhop who left town in a hurry with a defendant in South Carolina eight years later.

He said: I ran. And she was lying right there and I looked at her and I ran.

And McMillan, who had begun to understand by then that he was hearing the actual case and that no court had heard any of it, said: how old were you.

Clyde said nineteen.

McMillan asked him what he had thought he was running from, and Clyde said he did not know, and then, about a month later, out of nowhere, in the middle of a completely different conversation, he said: the corner. And McMillan said what, and Clyde said: I was running from the corner. I've been running from the corner since I was twelve.

That is as close as Clyde Griffiths ever came to understanding his own life, and he got there in a hallway with a door at the end of it, at the age of twenty-five, with about eight months left.

CHAPTER XXIX

There was a letter from Sondra once, in the first winter, unsigned, forwarded through the lawyers.

It said that she was sorry. It said that she thought about him. It said that she would never be able to write again, and she never did.

Her family had taken her out of the country within nine days of the arrest. Her name had been kept out of the trial almost entirely — she was Miss X in the papers and in Mason's summation, a courtesy that was not extended to Roberta Alden, whose messages about a dress her mother was making over had

been printed in full in four newspapers.

Clyde read that letter until it came apart at the folds. He kept it in a book. In the spring of the second year a man passed a newspaper down the corridor without knowing what was in it, and there was a photograph on the society page, and she had married in Boston in April.

He did not say anything about it to anybody for six weeks, and then he told the Reverend McMillan, and that was the first conversation of the two of them in which Clyde told the truth about anything.

CHAPTER XXX

And then, in the last winter, Clyde asked the Reverend McMillan for something.

He asked whether they could be somewhere with no guard between them, and McMillan went to the warden, who was glad enough to be of use in such a thing, and gave them a cell in the old part of the house with an officer down the hall.

And Clyde told him everything.

Not the trial story. He said that first: what I said up there was not true, they wrote it for me. Then he went back to the beginning and told him the whole of it, in a small voice, over about three hours.

The article about the Ozarks. The weeks. The maps. Choosing Big Bittern because there was no road on the far shore. The bag bought in Winnsboro. Clifford Golden. The hat with the label in it that he had thought about taking. Rowing two hours south with her picking lilies in the bottom of the boat and talking about a room they would rent.

And the cove. And that he had frozen, and that this part was true and was the only true part of what he had told the jury. That he had not been able to do it. That she had stood up and come toward him and the camera had struck her and he had not meant that.

And that she had come up, and called his name, and that he was ten feet away in flat water, and that he had trod water and watched her go under, and that when she came up the second time he had turned his head.

He said: I want to ask you something and I want you to tell me the truth. Does that make me a murderer? Because at the end I couldn't do it. But I wanted her dead for three weeks and I let her drown.

And the Reverend Duncan McMillan, who loved him by then — who had prayed with him every Tuesday for two years and had come to think of him as something close to a son, and who had been asked a direct question by a man with a date — said that in the eyes of God the intent and the deed are one, and that Clyde must repent of the whole of it, and not of the half he could bear.

Clyde said: then what was the freezing for?

He said it with some heat, which he had almost never shown in two years. He said: if I'm the same as a man who did it, then what was it for? I had three weeks. I had her in a boat eleven miles from anybody. And I couldn't. Doesn't that count for anything at all? Doesn't it count somewhere?

And McMillan, who was thirty-five years old and had been given no training for this and would have given his own life to answer it correctly, said that he believed it counted with God, and that he did not believe it counted as innocence, and that the two things were not the same and he could not make them the

same for him.

Clyde sat with that for a while.

Then he said something that McMillan wrote down that night in a notebook he kept for forty years and never showed anybody. He said: I've been in this hallway two years and I've figured out one thing. Everybody in here did something. And nobody in here is only the thing they did. And I don't know what to do with that, Reverend, because they're going to kill the whole of me for the four seconds.

McMillan had no answer for it that night. He said so.

Clyde said, after a while: all right.

McMillan drove home that night and pulled over twice on the shoulder of a state highway.

CHAPTER XXXI

The clemency petition went to the Governor in March.

It ran to two hundred pages: the childhood, the record, the ineffective-assistance claim that no court had ever heard on its merits, letters from eleven clergy, a letter from Elvira Griffiths, and a psychological evaluation that had not existed at the time of trial.

Samuel Griffiths did not sign it. He was asked and he declined, through a lawyer, and he sent a check to the mission in Denver that same week, which Elvira Griffiths cashed because she had to.

The Governor's counsel granted an audience of fifteen minutes. McMillan was asked to come to the capital and speak, and he went, and Elvira Griffiths went with him on a bus, and they sat in an anteroom with marble under their feet for two

hours past the appointed time.

They were given eleven minutes.

The Governor was not cruel. He was a serious man of sixty who had commuted two sentences in his term and had been attacked for both. He listened to McMillan for six minutes about a boy's childhood and about repentance and about the fact that no court had ever heard the claim about his lawyers.

Then he took off his glasses and asked one question, and he asked it directly of the minister.

He said: Reverend, you have been with this man for two years. You have heard whatever he has told you. Is there any fact known to you that was not before that jury — anything at all that gives you reason to believe they got it wrong?

And there was a silence in that room of perhaps four seconds.

And the Reverend Duncan McMillan, who could not lie, and who had heard Clyde Griffiths say I wanted her dead for three weeks and I let her drown, said: no, Governor. There is nothing.

Elvira Griffiths turned her head and looked at him.

Elvira Griffiths, who had been given no part of those eleven minutes and had not been expected to speak, said: Governor.

He turned.

She said that she had five children and had buried none of them. She said that she had heard everything the Reverend had said and that she agreed with all of it. And she said that she was not going to stand there and tell him her son was innocent, because she had never asked her son that question and did not intend to start now, in a room with a stranger, three weeks before.

She said: I'm asking you to let him be alive. That's the whole thing I came for. There isn't anything else in it.

The Governor said that he understood, and that he was sorry, and that he would give the petition his full consideration, and he meant all three of those things.

Clemency was denied at four o'clock that afternoon in a two-sentence statement that spelled Roberta Alden's name correctly and Clyde Griffiths's with an extra letter, and the papers ran it as one paragraph on an inside page, because by then it was the third execution in that state that year and the machinery had stopped being news.

Elvira Griffiths did not weep in that anteroom or in the corridor or on the steps. She went out and found the bus.

She and the Reverend McMillan rode four hours together and neither of them said anything about the question or the answer. She looked out the window. At a stop somewhere south of the capital she said, to the glass: he told you, didn't he.

McMillan said yes.

She nodded once. Then she said: he never could tell me anything. Not since he was a boy. He'd tell anybody but me.

And she did not say another word for a hundred miles, and she did not blame him then and she never blamed him afterward, and she wrote to him twice a year until she died, and that was the heaviest thing that Duncan McMillan ever had to carry — not that she was angry with him, but that she was not.

CHAPTER XXXII

There is a last week, and the last week is administered.

The property inventory comes first: everything in the cell, itemized on a form, with a box to name the person it will be released to. Clyde had a Bible, forty-one letters, a photograph of

his mother, a paperback of a western somebody had passed down, a comb, and eleven dollars on his books.

Then the witness list, which is a form. Then the question of who will claim the body, which is a second form, and which is asked in a level voice by a man with a clipboard because it has to be asked. Elvira Griffiths signed it in the visiting room with her purse in her lap.

Then the visits, which run on a schedule that tightens as the week goes on: non-contact, then one contact visit of two hours, then non-contact again for the last two days.

She came for the last three days and sat with her hand flat against the glass. She talked. She talked about Frank and about Julia and about Esta's boy, and about a woman in Denver who had been saved at the mission in February, and about the weather in Colorado, and Clyde listened to all of it and asked questions to keep her going.

Asa was too sick to travel and would not have been able to bear it. He sent a letter written in a shaking hand that said four sentences and quoted a psalm.

Nobody came from Lycurgus. Samuel Griffiths sent word through the lawyers that the family was praying for him, and it may well have been true. Gilbert Griffiths had by then quietly changed the name of the company's retail line.

The paperwork of that week is worth setting down in full, because it is the part nobody sees and it is where the thing is actually done.

There is a form for the disposition of remains and a form for the disposition of property and they are different forms. There is a form on which the condemned may designate up to five witnesses, and a schedule showing which of those five will be permitted where.

And in that state there is one more form, and it has no equivalent anywhere else in American life.

Fourteen days out, an officer brings the condemned a single sheet of paper on which he must elect the manner of his own death. There are three boxes. Electrocution. Lethal injection. Firing squad. If he signs nothing, the state electrocutes him by default, so the refusal to choose is itself a choice and the form says so in a sentence near the bottom.

He is given no protocol to read. The state's procedures are shielded by statute and are not public, and the drugs the state holds are shielded too, so a man deciding how he would rather die is working from what he has heard in a corridor from other men who also never saw a protocol.

Clyde had watched five men fill out that form ahead of him. Two had taken the needle. Two had taken the chair, one of them because his lawyer told him the drugs were bad and one of them because he could not stand the idea of men with rifles looking at him. One had left it blank and been electrocuted by operation of law.

Clyde signed his on the ninth day and chose the third box, and when the Reverend McMillan asked him why, he said: because it's the only one that's quick and everybody knows it's quick, and because I want them to have to look at me and do it.

There is a rehearsal. It happens in the chamber on the afternoon of the second-to-last day, with the team and a stand-in and a stopwatch, and everyone in that building knows when it is happening, and the men in the corridor can tell by which officers are missing. The three who will fire are volunteers from inside that prison system. They are never named, and they go home afterward to houses in Columbia and are at work the following Monday.

There is a chaplain's form. There is a media pool. There is a phone in the chamber that is tested twice, at three o'clock and at five-thirty, by an officer who says testing into it and waits and hangs up. That phone is a line to the Governor's office and it is the only object in that room whose purpose is mercy, and no governor of that state had lifted it in the memory of anyone working in that building.

And there is a great deal of ordinary kindness, which is the thing that makes the whole apparatus possible. The officers on that shift were not cruel men. They asked about his mother. One of them brought him a decent razor. The young man with the clipboard came in on the last morning and said he was sorry to have to ask, and took the last meal order.

Clyde asked for a steak, a baked potato, corn and a slice of pie, and ate almost none of it and apologized to the officer for the waste, and the officer said don't worry about that, and stood in the corridor afterward for a minute before he went on.

Clyde wrote three letters that morning. One to his mother. One to the Reverend McMillan. And one that had no name on it, which was found in the cell afterward and given to nobody and destroyed with the rest of the unclaimed property ninety days later, per policy.

CHAPTER XXXIII

At four in the afternoon they moved him to the front.

The corridor went quiet the way it had gone quiet eleven times in front of him, and Clyde, who had listened to that silence from the inside of it eleven times, now heard it from the other end and understood that every one of those men had heard

exactly this.

Somebody down the hall called out God bless you, Griffiths. Somebody else said his number. The man who sang did not sing.

McMillan was allowed to stay with him from four o'clock. They prayed. They said the Twenty-third Psalm twice because Clyde asked for it twice. He asked McMillan whether he thought God had heard him — not once, but twice, an hour apart — and McMillan said yes both times, and the second time his voice went out from under him.

Clyde said: I'm scared.

He said it flatly, the way you report a temperature, and then he said it again about twenty minutes later and his hands were shaking and he put them under the table.

He asked whether it hurts. McMillan said he did not know and would not tell him a thing he did not know, and Clyde said thank you for that.

He asked, a little later: is my mother out there? And McMillan said she was in a room down the hall with a chaplain, because she had asked to be in the building and had not been able to be in the room.

He said: tell her I wasn't scared.

And then, after a while: no. Don't tell her anything about it. Just tell her I said the psalm.

At about a quarter past five he asked McMillan a question that the Reverend never wrote down anywhere and only spoke about once, forty years later, to a young minister who had asked him why he would not go into such a place.

He asked: do you think she knew? At the end, in the water. Do you think she knew it was me not coming?

McMillan said that he did not know and that he did not believe God required him to know, and that he thought the only

mercy available on that question was that it had been very fast.

Clyde said: it wasn't, though.

And that was the last thing either of them said about Roberta Alden.

At twenty minutes to six they prayed again, and at ten minutes to six a man came in and said it would be a few minutes yet, and at five minutes to six Clyde stood up on his own before anyone asked him to, and straightened his shirt, which was a state-issue shirt with no collar and nothing to straighten.

At two minutes to six the door opened.

It is eleven steps.

The chamber is smaller than anyone expects. The old oak chair stands against the far wall with its straps hanging loose, unused and unusable and impossible to look away from, and Clyde had to walk past it to get to the corner where the metal chair was.

The team was four men who had trained on this and did it quickly and well and were not cruel. One of them said watch your head. They put him in the chair and fastened the restraints at the ankles, the wrists, the waist and the chest, and a strap across the forehead, and it took under two minutes.

Then a man came forward with a square of black cloth about the size of a playing card, with an adhesive back, and pinned it — that is the word the protocol uses, pinned — over the left side of his chest, and he had to feel for the place first with two fingers, the way a nurse feels for a pulse, and the nurse at intake fourteen months earlier had written down where it sat so that this man would not have to guess.

Nobody in that room said anything while he did it.

Fifteen feet away, in the opposite wall, there was an opening about the size of a mail slot, and behind the opening there was

nothing to see. Three men were standing back there with rifles. All three rifles were loaded with live rounds. There is no blank in that state — no merciful arithmetic that lets a man go home telling himself he might not have been the one — and every person in that building knew it, including the three.

Then a curtain opens.

Behind it is a room with two rows of chairs. In the chairs that evening were Titus Alden and two of Roberta's brothers; four reporters; the sheriff of Pendleton County, who had driven a hundred and ninety miles to be there; a representative of the Attorney General; and the Reverend Duncan McMillan, who had asked to witness and had been granted it as clergy of record.

They asked him if he had a last statement.

He said, into a microphone that came down from the ceiling above his head, that he was sorry. He said it to the Aldens by name and asked them to believe that he had never meant for it to happen, which was the last lie he told and may not have been a lie by then. He said that he hoped God had forgiven him. He said thank you to the Reverend McMillan.

Then he said: I'm ready.

They put the hood on him.

That is the part nobody is prepared for, and every witness who has written about it has written about it. Up to that moment there is a young man in a chair whose face you can see, who has just spoken to you, whose mouth is still moving a little. Then two officers come forward with a black hood and put it over his head, and there is no longer a person in the room. There is a shape in a chair with a square of black cloth pinned over its heart, and the last human thing you had to hold onto has been taken away from you thirty seconds before the end, and it is done for the shooters and not for him.

The warden read the execution order aloud. It took about forty seconds. Clyde Griffiths sat under the hood and listened to a document being read.

At 6:05 the team fired.

It is one sound. Three rifles fifteen feet away in a concrete room is not three sounds, it is one enormous sound, and it hits the witness glass and it hits the chest of everybody sitting behind it, and two of the four reporters that evening wrote that they felt it before they heard it.

Then it is over. There is no second act. The body goes back against the chair once, hard, and then forward against the restraints, and the black square is gone and there is a stain the shape of a hand opening across the front of the jumpsuit, and the arms do not move again.

The whole thing, from the hood to the stillness, is under ninety seconds. That is the part that stays with a witness. Not that it is barbaric. That it is fast, and loud, and finished, and that a state which spent eleven days proving premeditation to a jury killed a man in the time it takes to read a paragraph out loud.

He was declared dead at 6:08 p.m.

The curtain closed. Somebody in the front row of the witness room let out a breath that everybody heard.

Titus Alden sat with his hat in his hands and did not get up when the others got up. One of his sons put a hand on his shoulder and he shook his head once, and they sat there another two or three minutes while the room emptied around them, and then he stood up and put his hat on and went out.

Outside he was asked by a reporter — a different one, from a different paper, a young man doing his job — whether this brought his family any closure.

Titus Alden said: I've got three others.

And then he said, and it is the only thing he ever said publicly about the death penalty in his life: he never brought her back up out of that water and neither did they.

The four reporters filed within the hour. Two of them led with the last statement. One of them led with the sound, and could not get the paragraph right, and rewrote it four times in the parking lot and filed something he was not satisfied with. One of them led with the fact that the mother of the condemned man had been in the building.

All four of them mentioned the hood. Every account of that evening mentions the hood.

The sheriff of Pendleton County, who had driven a hundred and ninety miles to be there and had wanted to be there, walked out to his car and sat in it in the parking lot for a while before he started it. He was fifty-eight. He retired the following year. His deputies noticed nothing different about him and he never said anything to any of them about that evening.

A representative of the Attorney General's office was back on the interstate by 6:40 and home by ten.

Down the hall, in a room with a table and four chairs, a woman of seventy who had raised five children in three rooms behind a storefront was told by a chaplain that it was over. She said thank you. She asked whether he had said anything at the end, and was told that he had, and asked what it was, and the chaplain said he did not know.

Then she asked where she should go to sign for the body, and she was told that she had already signed for it, and she said yes, of course, I did that on Tuesday, I'm sorry.

CHAPTER XXXIV

Outside, in the parking lot, the Reverend Duncan McMillan walked past his own car and kept going, out past the lights to the fence line at the edge of the lot, and stood there in the dark for a long time with his hands on the wire.

He was thirty-six years old.

He had been asked one question by a Governor and had answered it truthfully, and a man was dead. He had believed, going into that room, that the truth belonged to God and could not be bent for any purpose whatsoever, including mercy. He came out of the anteroom that afternoon and had not been sure of it since, and he was never sure of it again for the rest of his life.

He thought about it every day. He thought about it in the pulpit. He thought about the four seconds before he answered and whether they had been him weighing it or him losing his nerve. He never worked out whether a lie told in that room would have been a sin against God or the only faithful thing he was ever offered the chance to do, and he understood, eventually, that not working it out was going to be his portion.

He never took another death house assignment. He was asked twice more and declined both times without explanation.

There is a sermon of his from about fifteen years afterward that survived because a member of that congregation typed it up. It is on the text of the woman taken in adultery, and it is eleven minutes long, and it does not mention prison or executions or Clyde Griffiths anywhere in it.

The last paragraph says this. That when the crowd went away, one at a time, beginning with the eldest, they did not go away because they had been persuaded that she was innocent. They went away because they had been made to look at themselves while holding a rock. And that the whole of the

Gospel, so far as he had ever been able to understand it, was in the difference between those two reasons.

He was fifty-one years old when he wrote that. The typist who kept it did not know why he cried during it.

He kept the notebook. He kept Clyde's last letter, which was four paragraphs long and thanked him and asked him to look in on his mother, and he did look in on her, twice a year, by letter, for the rest of her life, and he preached her funeral in Denver years later and paid his own way to do it.

And once, when he was past seventy, an interviewer from a divinity school came to ask him about the case for a project on prison ministry, and asked him the question directly: whether, in that anteroom, he should have lied to the Governor.

He sat for a long time.

Then he said: I have been a minister for thirty-eight years and I have never had one hour's difficulty with any question of doctrine. That is the only thing I have never gotten to the bottom of.

The interviewer asked whether he had an opinion at all.

And Duncan McMillan said: I have an opinion at four o'clock in the morning. It changes.

He preached forty more years in the same small building and was, by every account of every person who knew him, a good man and a kind one. He buried three generations of that congregation. He visited jails and never again a death house.

And he was never afterward entirely certain of anything, and his sermons were better for it, and nobody in that church ever knew why.

Elvira Griffiths took her son's body home on a train.

It cost four hundred and ten dollars to move him and she did not have four hundred and ten dollars. A funeral director in a

town near the prison, a man named Ostrander who had handled six of these and had never once been paid in full by anybody, moved him for the cost of the box and the freight and wrote off the rest, and asked her not to tell anybody he had done it because he would then have to do it every time.

There was a service in Denver in the mission, in the room with the folding chairs, with the urn on the same table they served coffee from. Asa could not stand up for it and sat in the front row in a wheelchair and wept without any control at all, the way he had done everything, openly and in front of everybody.

Esta came. Julia came. Frank did not, and was not spoken about.

Nine people from the neighborhood came, some of whom had slept in those pews and some of whom just came. A reporter came and was permitted to stay and wrote three respectful paragraphs.

Elvira Griffiths preached it herself. Nobody had asked her to; there was simply nobody else, and she was not going to have a stranger do it.

She spoke for about six minutes. She did not defend him and she did not discuss the case. She said that she had five children and had done her best with what the Lord gave her to do it with, which was not much. She said that she had failed her son in ways that she would be answering for, and that she believed God had him now and that God was better at this than she had been.

And then she said the thing that Esta remembered for the rest of her life and told her own son when he was old enough to be told anything. She said: I want to say one thing about Roberta Alden, because nobody in that courtroom said it in front of her mother and I am going to say it in front of mine.

She said: that girl was somebody's daughter, and she never did one wrong thing to anybody, and my son took her life. I am not going to stand up here and be his mother and not say that.

Then she said amen and sat down, and they sang, and afterward she made the coffee, because there was nobody else to make it and there were nine people there and it was cold out.

EPILOGUE

Five years later, on a summer evening in San Francisco, a little band of people came up a street two blocks off the waterfront with a folding table and a speaker.

An old man, gray and very slow, who had had a stroke in the spring and could no longer manage the microphone, and who was brought along because he would not be left behind.

A woman of seventy-five, plain, upright, who did the preaching herself these days because there was nobody else to do it, and whose voice was still strong and carried down the block.

A daughter, Esta, quiet, thickened, standing to one side with a stack of song sheets.

And a boy of twelve, Esta's son, holding the cord because he had been told to.

His grandmother preached. Nobody stopped. A man at the corner looked over and looked away. A woman crossed the street a half block early. A car went by with its windows down and somebody in it laughed.

The boy, whose name was Russell, stood at the edge of the light and looked at his shoes. He was thinking about a hot dog stand he had seen on the next block, and how much one cost,

and whether, if he asked her afterward on the walk home and asked in the right way, she would ever say yes to a thing like that.

He waited until the singing was done and the table was folded, and then he asked, and he heard his own voice come out wanting it too much, which he already knew at nine was a thing to be ashamed of.

His grandmother stopped on the sidewalk and looked down at him.

For a moment she did not see him at all. She saw a boy of twelve on a corner in Kansas City, holding a cord, with his shoes wrong, looking down the street at the cars going by.

Then she reached into her purse and got out a dollar and gave it to him and said yes.

She had not had a dollar to spare in sixty years and she did not have one that evening either.

And she took his hand, and they went up the street together toward the mission, and she prayed while they walked — not out loud, and not the prayer she had preached ten minutes earlier, but the one she had been praying every day for five years, which was: not this one. Please. Not this one too.

The boy ate the hot dog on the walk back and got mustard on his shirt and was worried about it, and she said it would come out, and it did.

He was twelve years old. He was standing on a corner holding a cord, with his shoes wrong, watching a car go by with the windows down — which is exactly where this book began, and exactly who was standing there, at exactly that age, nineteen years and one execution ago. Nothing at all had been changed by any of it. Not the corner, not the storefront, not the arithmetic of that street. A young woman was in the ground in Biltz and a young man was in the ground in Denver and a district

attorney was a county judge and a state had spent, by the time it was finished, something on the order of two million dollars in current money to arrive at a coffin.

And on a sidewalk in San Francisco, at the edge of the light, there was another one.

DEFINITIONS AND TERMS

capital murder. The narrow category of homicide for which a state may seek death. In Dreiser's New York it was murder in the first degree, requiring premeditation... which is exactly the fact Clyde's defense was built to contest.

change of heart. The defense constructed for Clyde by Belknap and Jephson: that he went to the lake intending harm, abandoned the intention in the boat, and struck Roberta by accident while confessing. It is the only wholly fabricated testimony in the trial, and it comes from the defense table.

the front. Death house idiom for the cell nearest the chamber door, to which a condemned man is moved on the day of his execution.

deathwatch. The final period, commonly twenty-four hours, during which the condemned is observed continuously and logged at intervals.

direct appeal. The first and broadest review of a capital conviction, heard as of right. It asks whether the trial contained reversible legal error, not whether the defendant is innocent.

post-conviction relief. The second stage, where claims outside the trial record are raised, most often ineffective assistance of counsel. Missed deadlines and pleading defects at this stage bar claims permanently, however meritorious.

procedural default. The doctrine by which a claim never heard on its merits is lost forever because it was raised in the wrong court, in the wrong pleading, or too late. It is the most common way a capital case ends.

federal habeas corpus. The last judicial review, sharply limited since 1996, requiring deference to state court rulings even where a federal court believes them wrong.

clemency. The executive power to commute a death sentence to life, vested in a governor or a board. It is the only stage of the process that may consider mercy as such, and it is granted in a small fraction of cases.

election of method. South Carolina requires the condemned to choose, fourteen days out, among electrocution, lethal injection and firing squad. Electrocution is the default if no election is made. The state's execution protocols and its drug supply are shielded from disclosure by statute, so the choice is made without access to the procedures being chosen among.

firing squad. Authorized in South Carolina in 2021 and first used there in 2025. The condemned is restrained in a metal chair, hooded, with a target affixed over the heart, fifteen feet from an opening in the wall. Three volunteer corrections employees fire rifles loaded with live ammunition. Unlike the Utah protocol, no rifle is loaded with a blank.

the old chair. South Carolina's electric chair, in service since 1912, stands bolted to the floor of the same room in which the firing squad chair sits. It cannot be moved, and a man walking to the one must walk past the other.

shield law. Statutory secrecy covering the identities of execution team members, the state's suppliers, and the protocols themselves. It is the reason a condemned man electing his

manner of death is doing so on rumor.

Broad River. The Capital Punishment Facility at Broad River Correctional Institution in Columbia, South Carolina, where that state carries out its executions and where the men under sentence of death are held.

Big Moose Lake. The lake in Herkimer County, New York, where Grace Brown drowned on July 11, 1906. Dreiser renamed it Big Bittern.

Chester Gillette. The twenty-two-year-old factory supervisor convicted of Grace Brown's murder and executed at Auburn Prison in 1908. The original of Clyde Griffiths.

Grace Brown. The twenty-year-old factory worker, pregnant, who wrote the letters Dreiser used almost verbatim as Roberta's. She is the reason this book exists and is buried in South Otselic, New York.

FURTHER READING

ON THE NOVEL

Dreiser, Theodore. *An American Tragedy*. Boni and Liveright, 1925.
The complete novel in two volumes, now in the public domain and available through Project Gutenberg and the Internet Archive.

Dreiser, Theodore. *Sister Carrie*. Doubleday, Page, 1900. The first novel, and the first statement of the argument.

Lingeman, Richard. *Theodore Dreiser: An American Journey*. Putnam, 1986. The standard biography.

ON THE CASE BEHIND IT

Brandon, Craig. *Murder in the Adirondacks*. North Country Books, 1986. The full documentary account of the Gillette trial, including Grace Brown's letters.

ON CAPITAL PUNISHMENT IN AMERICA

Stevenson, Bryan. *Just Mercy*. Spiegel and Grau, 2014. The memoir of the capital defense attorney whose work has produced more death row exonerations than any other single advocate in American history.

Prejean, Helen. *Dead Man Walking*. Random House, 1993. The accompaniment tradition in which this editor stands.

Death Penalty Information Center. *deathpenaltyinfo.org*. The essential clearinghouse for American execution data, state by state.

RELATED VOLUMES IN THIS SERIES

Hugo, Victor. *Under Sentence of Death*. 1829. Edited and reset by Jeff Hood. Complicit Press, 2026. V.9 of this series.

Sergeant, Adeline. *A Life Sentence*. 1889. Edited and reset in Florence, Alabama by Jeff Hood. Complicit Press, 2026. V.15.

Dunbar, Paul Laurence. *The Sport of the Gods*. 1902. Edited and reset in Pine Bluff and Little Rock, Arkansas by Jeff Hood. Complicit Press, 2026. V.16.

Bye, Raymond T. *Capital Punishment in the United States*. 1919. Edited and condensed by Jeff Hood. Complicit Press, 2026. V.17. The statistical case, made a century ago, that executions do not deter.

Wilde, Oscar. *The Ballad of Cummins Prison*. 1898. Reset in Grady, Arkansas by Jeff Hood. Complicit Press, 2026. V.18.

ABOUT THE EDITOR

The Rev. Dr. Jeff Hood is an author, activist and death row spiritual advisor. He is the founder of the Execution Intervention Project and serves as Dean of The New Theology School, where he holds the Rev. Charles Moore Professor of Prophetic Theology chair. He has accompanied condemned men across multiple states and has witnessed thirteen executions. He lives in North Little Rock, Arkansas.

CONCLUSION

*Each age dresses death in its own clothes. The killing does not
change.*

— FROM THE BALLAD OF CUMMINS PRISON

That is the library. Twenty-six volumes, twenty-three centuries, and one argument that has never been answered.

Set the five omnibus volumes side by side and the shape of the thing is plain. Omnibus I is the argument made in isolation, over and over, by people who never learned that anyone had made it before. Omnibus II is the argument getting into print and, for the first time, into law. Omnibus III is the argument learning to work a legislature. Omnibus IV is the argument at its full strength, cited across an ocean, and coming within a few votes. Omnibus V is the argument, locked out of the statehouse, going into the novel and the poem and the lecture hall to find a reader.

And here is what has not happened in any of those volumes. Nobody on the other side has produced a new reason.

Read the defenses. They are in these books too — Paley in Montagu's anthology, Theocratos answering Rush, Macaulay in the Commons calling abolition an effeminate feeling, the judges and law lords predicting ruin every time a capital sanction was lifted. Then read the brief a state files in 2026. It is the same brief: the punishment deters, the scripture commands it, the victims deserve it, the process is careful now. Every one of those claims was tested and failed inside this library, some of them before the Constitution was written.

Meanwhile the practice has done what it always does, which is change costume. Public to private. Rope to chair. Chair to gas. Gas to needle. Needle to nitrogen. I have stood in the room for the newest version of it. I can tell you what every one of these writers would have recognized instantly: the improvements are for us, not for him. The curtain, the paralytic, the clinical vocabulary, the medical dress — none of it is mercy

toward the man on the table. It is mercy toward the people watching, so that we can keep doing it.

Nobody shakes hands with the hangman. Dickens noticed that in 1846 from the street outside Newgate. I have been a witness thirteen times and I have never once seen anyone seek out the people who did the killing. Everyone wants the last moment with the man who is about to die. Nobody lingers with the ones who kill him. Even the people who believe in it will not touch it.

That is the whole case, and it was complete before any of us got here.

Which leaves the only question these twenty-six volumes cannot answer, and it is not a question about arguments. Aśoka gave three days of grace. Lactantius said *always*. Spee said he was a man and could be deceived. Beccaria said the law that forbids murder commits one. Spear said the criminal is a man and a brother. Douglass said a nation that sold him could not be trusted to hang him. Bye went looking for deterrence and found none. Alomar said it was worship.

They did their part. The books exist. They are free, they are in your hands, and the machinery is still running four hundred miles from where I am writing this.

The rest is not reading.

Rev. Dr. Jeff Hood
North Little Rock, Arkansas
2026

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