

# FOR THE DEFENCE

A Short Story by Arthur Armstrong

CAPTAIN JOHN HARRIGAN, Chief of the Maintown Police, took out a twenty-five cent cigar and lit it. Sergeant O'Brien sitting opposite him knew that this meant the Chief was really satisfied. Otherwise he wouldn't have wasted a match on the cigar, but just chewed it.

"Well, that's one rat'll burn," the Chief remarked. "No smart mouth-pieces for him. I've just had a word with Al Cicerone and he says he's never heard of Ratsby. That's good, ain't it?"

The sergeant laughed. "That's the funniest one I've heard this year, Captain," he remarked, "and Ratsby one of his slickest gunmen. He must have slipped up somewhere to make Al turn him up. Al usually gets the best lawyer money can buy for his boys when they get into trouble."

"Yea, that's been the trouble. Just as soon as we've laid our hands on them, along comes Hanson and they're out before you can turn round. But Ratsby's for the chair for certain. Caught in the act, gun in his hand. You can't beat that, can you?"

The sergeant looked doubtful. He had seen smart lawyers get an acquittal on even more damning evidence. "There's no telling with a jury," he muttered.

"Not with men like Hanson on the job," responded the Captain. "But Hanson's gone now with his pile of dollars made out of getting crooks off. They say he never took less than fifty grand for a case."

Sergeant O'Brien whistled. "Fifty grand's a lot of money for a day's work," he said a little wistfully. "It would take me on that trip to Cork an' back and leave a lot of change."

The Captain laughed. "You've got to be smart to make fifty grand like that," he said, "an' I'll say this for Hanson, he gave Al value for money. There's not many of his men sat on the hot spot after Al had booked Hanson for the defence. He had a way with a jury . . . Hullo!" Captain Harrigan broke off as the telephone rang. "See who it is, O'Brien."

O'Brien lifted the receiver. "Yeah? Sure Cap'n Harrigan's here. Who's that? What? The Hanson? An' you want to speak to the Capt. Well, hold on." He held out the receiver to Harrigan. "It's Hanson," he said, "speakin' from Lower Mills, a hundred miles away. Wants a word with you."

Captain Harrigan began to chew his cigar. "Yeah," he said into the mouth-piece. "Well, how are yuh, Hanson? Finding the greenfield of Lower Mills healthier than the court room? That's fine. What's that? A fellow called Ratsby? Maybe we have one of that name, we have so many, Hanson, y'know. Yeah, that's it. Homicide, and he's for the chair this time. Can't beat this rap. What's that?" (The Captain's voice rose almost to a scream.) He remained silent for a minute. "But he hasn't a cent, Hanson. He couldn't pay your fifty thousand dollar fee if he was to be promised a passage to the Better Land with the wings thrown in free. And Al isn't behind him now. Turned him down flat. Says he doesn't know him. . . What's that? You know him and you can look after your own fees? Well, of course, Hanson . . . yeah, sure, I'll be seein' you, but your wasting your railfare. This is a cinch. . . Hullo." He turned to O'Brien as he replaced the receiver. "He's rung off."

There was silence in the little office for a minute, then Harrigan said, "Hanson's going to take up Ratsby's defence. What d'you know about that, O'Brien?"

"He must be plumb crazy. Why, I thought he said he was outa the game for good?"

"That's what he said. But he's coming back just for this one case. And he ain't worryin' about the fee. Now what d'you make o' that?"

O'Brien shook his head. "I was thinkin' it was unlucky when you was saying it was all done bar the fryin' jus' now," he muttered. "It's true we got witnesses that saw him do the shootin', but that Hanson man is a wizard. He might get a manslaughter verdict."

Captain Harrigan sat for a moment chewing his cigar steadily. "I always said Hanson went crazy after his pa was shot in that Bristol Square hold-up. Broke him up, that show. I always believed it wasn't so much the death of his pa, though Hanson Senior was a real man, as the fact that it was the crooks he'd spent his life defending that did the job."

"They weren't out to shoot Hanson Senior," interrupted O'Brien. "It was an accident."

"Sure it was an accident. They was just out to hold up a pay wagon and shoot down anyone that was in their way. It was an accident that Pan Hanson was out buying a packet of cigarettes jus' when they happened to be spraying the sidewalk with a Thompson gun. Yes, sure, it was an accident. But he edied just the same. If I'm musclin' in on your racket, O'Brien, an' you drill me, that's murder. But if I go out with six rods and a Thompson gun and spray the street, killin' one old man and three women, that's jus' an accident!"

O'Brien opened his mouth to protest, then closed it again. "An' nobody burned for it," he said. "One of Al's men is walking round to-day with the death of an old man, the father of one of Al's best friends, on his conscience."

"Yeah? Well, I'll say it doesn't worry his conscience much." Captain Harrigan had finished his cigar. Only a few sticky shreds remained. "Better have another talk to Ratsby before Hanson comes," he said. "Fetch him up, we'll get a confession signed. This Hanson chipping in kinda makes me nervous."

Harrigan was "talking" to Ratsby when Hanson was announced. He was talking with a rubber truncheon chiefly, though now and again he was using his boots. "Take him away," he called at last, and Ratsby was dragged out to his cell, blood on his face, great weals springing up on his back.

"Like old times to see you back again, Mr. Hanson," Harrigan greeted the great lawyer. "But you're not looking so well for your holiday."

"Takes a man time to get used to playing, same as it does to working," responded Hanson, pushing back a lock of greying hair from his forehead. "Now about this man Ratsby, whose case I'm taking up . . ."

Harrigan shook his head. "You're wasting your time, Mr. Hanson. O' course it's none of my business, but I'm warning you the case is cast iron. Caught in the act. Got his confession. If ever there was a man set for the chair, it's Ratsby."

"I know the police end of the business," put in Hanson. "Read it in the papers. But there's always the other side. I shall want to see him."

"Sure, you shall see him. What about to-morrow afternoon?"

"I want to see him now."

Harrigan shook his head. "Sorry, Mr. Hanson. I'm always ready to oblige an old friend, but . . ."

"But nothing," Hanson took a paper from his pocket. "I'm seeing him now, before the blood is washed off his face, and his clothes are changed." He looked narrowly at Harrigan. "I know your methods, Harrigan. Third degree confession, eh? Well, I've a photographer waiting, and fortunately we've a picture of him being arrested."

Captain Harrigan nodded to O'Brien. "Take Mr. Hanson along," he said. "The case is even better'n I thought when the defence has to plead third degree."

The return of the great criminal lawyer to defend a gangster caused a sensation. The newspapers speculated as to who was putting up the money for the defence, and ended with the report that Hanson was taking no fee, but offering his services simply because he wished to see justice done.

"You're wasting your time on Ratsby," Al Cicerone had telephoned Hanson two days before the day set down for trial. "I threw him out, Hanson. There's things I draw the line at."

"I know," responded Hanson quietly, "Ratsby's bad. That's why I'm defending him."

"No one's putting up the money?" Al asked. There was a hint of suspicion in his voice.

"Don't let that worry you, Al," replied the lawyer, "I've not come back for money. This is the first case I've taken for nothing, and it's the last. My Melba farewell."

Hanson could hear Al's sigh of relief. Al was powerful, but he had enemies. One of them might have thought it worth paying fifty thousand dollars to get hold of a former henchman of Al's. "Well, best of luck, Mr. Hanson, though that boob deserves to fry. I've got a case coming on next week now, if you're interested . . ."

"Fraid not, Al. I've retired. I just came back for this one job."

"Just as you say. I'll be seeing you."

Although the case against Ratsby was cast iron, the prosecution took two days to put their case before the

jury. Hanson jolted one or two witnesses, but on the whole his cross-examination was restrained. It was not for his cross-examination that Hanson was famous. It was for his addresses to the jury, his magnificent oratory that commanded the admiration of even his opponents.

The court room was packed to hear the case for the defence. No one was in the slightest interested in the seedy looking man who stood in the dock. Not one of the spectators but thought the gunman deserved burning. But the drama of a man fighting for another's life, the battle of wits and emotions failed. There was a deathly silence as Hanson, having called no other witness but the defendant, arose to address the jury.

He began quietly by telling them that they must put from their minds any prejudice against the prisoner. He was not telling them that his client was a fine specimen of an American citizen. Indeed, he felt a little ashamed of him. But Justice was absolute. It gave no favour to any man and condemned no man except for the offence for which he was being tried. "Ratsby may have done other murders," said Hanson, his voice rising slightly. "He rather looks as if he had." The court gasped at his audacity. "But you are trying him for this murder, gentlemen," he said emphatically. "And I say that you must not find him guilty of this murder, because the evidence fails to prove him guilty beyond reasonable doubt."

Very quickly Hanson dealt with the "confession." He waved ten by twenty enlargements of two photographs, one of the prisoner being arrested, and the other of him in his cell, twenty-four hours later. He pointed to the bruises and the blood, and a cynical smile crossed his face. "The evidence has been," he said, "that Ratsby said, quite voluntarily, 'I want to come clean,' and then sat down and dictated a nice confession, without questioning, which he signed. That is the evidence of the prosecution. This is my evidence." He tapped the photographs. "Which do you believe?"

"But it is not because the confession was extorted in that modern torture chamber, the police station, that I ask you to acquit the defendant," he continued. "It is because of the evidence he has given. You smile? Of course, my client is a liar. But even liars tell the truth sometimes. He said that he heard shots and almost subconsciously reached for his gun. And do not forget, gentlemen, that you are not trying him for carrying a gun, or for pulling it out, but for using it, and using it on a particular person. He was arrested with the gun in his hand. The victim was lying twenty yards away, dead. Have the prosecution proved that Ratsby's gun fired the shot? They have not produced the bullet: they say they could not find it. They rely on what they call the ludicrous improbability of the prisoner's statement. I wonder . . ."

Hanson's hand had stole inside his coat. Suddenly it appeared with a gun in the fingers. Three shots reverberated through the courtroom. Men jumped to their feet. Women screamed. Hanson remained calm. He was looking round the courtroom, counting slowly "One, two, three . . ." When order was restored and it was seen that he had merely discharged blanks at the ceiling, Hanson had reached fifteen. "Fifteen guns, gentlemen," he said, pointing to the men who instinctively had produced them at the first shot. "Fifteen guns appear as the result of firing a few blanks in one of the safest places in the world. What do you say now? This man, admittedly a criminal, would he be likely to dive instinctively for his gun when he heard shots?"

He held them breathless to the end of his speech, ending with a peroration demanding that the jury should return a verdict, not of manslaughter or even murder in the second degree, but of "Not Guilty." Nothing that the prosecution could say dimmed the splendour of his appeal. The judge warned the jury of the danger of being swayed by a great, perhaps the greatest, orator, telling them that they must return a verdict according to the evidence. In reply to a question from a juror he admitted that possibly the demonstration of the defending lawyer might be admitted as evidence. . . .

There was a storm of cheering when the jury brought in their verdict of "Not Guilty," not cheering for Ratsby, but for the great lawyer, the kind of

(Continued on page 6, col. 3)

## Psalm 159

I have seen the greatness of Thy glory, O Lord,  
And in Thy bounteous charity have I tasted of its sweetness;  
I have felt the wisdom of Thy counsel in the justice of my ways,  
And in my trials have I whispered: Thy will be done.

I have gain'd the friendship of my fellow-men,  
I have understood their ways.  
I have wander'd in the vineyards of this earth  
And—finding grace—I have uttered: Thy will be done.

I have shared the joys of my kin  
And I have felt the blows of my foes;  
I have given without expecting,  
I have hip'd without recompense,  
And I still have Thy Kingdom before me.

Knowing I have Thy Kingdom before me, have I cried:  
Thy will be done.

Thy will be done, O Lord,  
In all my days on earth;  
Thy will be done, O Lord,  
In every course of life that's left for me to follow.

Thy will be done, O Lord.

LOUIS MALLETT.

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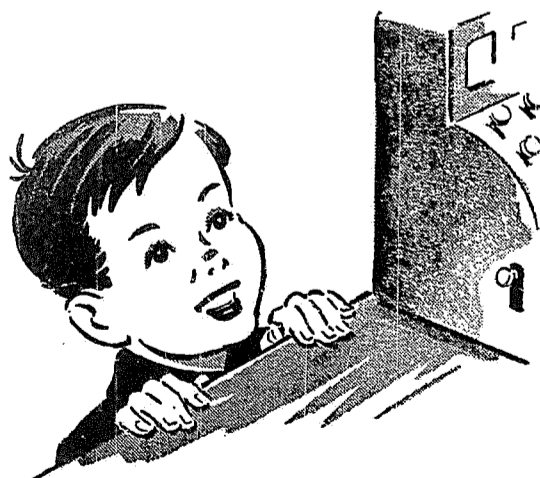
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