

Who is Guilty?

By Sarah B. Smith

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Fear

The style of this trial was one of those where everything goes too slow, and the witnesses speak quietly, half stifled.

She was sitting, shattered, at the defendant's table. Her white head was distraught, hanging down on her chest. Her whole appearance was that of old age, or at least of a middle-aged woman. But when she lifted that white head, she looked at you with big eyes, and very deep in those big eyes you could see the signs of her pain. Also the face was young, except for two deep wrinkles by her mouth that spoke of great sorrow.

In the courtroom there were only men. Except for a few journalists the guard at the high doors had not allowed any women to enter.

“The testimony is not for a woman's ears,” he said each time when a woman wanted to come in.

The charge against the old-young woman was “assault,” and the accuser was her own husband!

The sensationalism, that which the guard by the door deemed not proper for the ears of a lady, came from the statement of her husband!

But those who were waiting for it were disappointed because the husband was a very reluctant witness. In half chopped-up words and a weak voice he answered the questions from the District Attorney.

When the first two witnesses, a policeman and a doctor, testified that they had encountered the man injured, his head cut by a bottle, the wife seemed indifferent. Only when the husband got to the witness chair did she seem curious, and with pressed lips she looked at him with a long, penetrating stare, which got him mixed up, and stammering, he gave his age: “Thirty-eight.”

He was a tall, broad-shouldered man with sympathetic blue eyes and a brutal feature around his full red lips.

Under his right ear is a deep red cut, recently healed, that ran nearly all the way to his square chin.

When his eyes met those of his wife, he quickly took out a white handkerchief and covered the cut. His hand shook.

His voice was unsteady when he answered the District Attorney's question as to who injured him.

“My wife.”

“With what?”

“With a bottle.”

“Why?”

I...I...I can't talk about that. I have said enough, I don't want to be a witness.”

The more the District Attorney asked and the Judge insisted, the more he fought their words, stammered, denied until he managed to squirm out from answering.

When she took the witness stand in her own defense, her face was very calm except for her lower lip which was bluish-white and trembled noticeably.

“How old?” Her lawyer asked her.

“Thirty-five.” came her quiet answer, and throughout the courtroom you could hear a murmur surprise:

“Thirty-five and already gray.”

“Children?”

“Yes. Six.”

“Did you throw a bottle at your husband's head?”

“Yes, a patent medicine, which I have been taking for a month to build up my strength, but it did not help.”

“Why did you do it?”

Because... because...” her pale face turned bright red and through her translucent skin one could see how the blood ran across her whole face, “I've become very nervous every evening. I am always nervous. Every day the children behave badly. I haven't been able to do anything with them. My head became big and heavy. Something got mixed up in my head. My youngest child is two-years old. When one child reached eighteen-months old, I always had another one. When the first three came it did not bother me. I was still young and strong. I had plenty of energy and I could still work. But with the last three I had already forgotten that I was a person. Working around six children and having to do for them, and get them clothed, is beyond my strength. The youngest is really the worst. I don't have the time to give him a little air. And since he was born I have been praying G-d that he will be the last. The thought of another child drives me crazy. When my husband smiles at me I hide... I am afraid of him... I am afraid for myself... On that evening I was so tired, so upset, my husband wanted to embrace me. The fear of having another child made me wild... The bottle of medicine was by my hand, and without thinking I threw it at his head. All I saw was blood. I had forgotten that once he was my beloved. I don't want any more children!”

Exhausted, she fell silent.

The jury said “Not Guilty,” and sent her home to go back to work.

His Memories

He was very old and weak – so weak that his body trembled, when he was brought before the judge.

The judge was also elderly, but it was a different sort of age: A white face, close shaven, fresh and clean, with all the signs of being well cared for.

He, the judge, rubbed his eyes which were ringed with wrinkles and in a severe voice he asked:

“What are you doing here?! Shame on you! Such an old man!”

At first the old man did not answer, a bitter smile flitted about his lips. Then he said respectfully:

“I... I am not a criminal!”

The judge looked at him for a long time. Both were silent. Then the accused said quietly:

“I want to laugh.”

The surprised judge asked:

“Why?”

“Because I have lived such a long time just to find out that I am a fool.”

“So, laugh!” the judge said angrily.

Something seemed to suddenly bother the judge, and in a softer tone he asked:

“What do you mean by 'a fool?'”

The old man answered:

“I am looking at you. It appears that you are also of a good age, and yet so handsome, how fine you look. Am I not a fool?? Why am I not a judge also?”

Now the judge laughed to himself and began to take a closer look at the face of the old man, but on the wrinkled face there was no sign of craziness. His gray eyes were clear and lucid.

“You laugh, Your Honor? You may laugh, because you are smart, you have succeeded in your work which never goes out of style. People will always need judges, and a court will always be needed. But me, I have gone out of style along with the horse-drawn streetcar.”

“What do you mean?” the judge asked in a sympathetic voice.

“I mean just what I said to you: You are a smart man!”

The judge smiled again said good-naturedly:

“But to be a judge, my friend, one must have education, understanding and – – “

“Education? Perhaps you are correct. But understanding? What do you mean? To be a driver of a horse-car, you don't need understanding?!” – the old man interrupted. – “Don't you think that it is also a job. One also has to think. When a horse doesn't want to go, a driver with some sense won't beat him right off the bat. One thinks about it a little, one places himself in the horse's position, it is just like in court except it's a horse.”

The judge did not answer:

“In the street there are always a lot of people, and if you are a driver without brains you will run over someone, a child. But I am a driver with good sense. I think hard about my work and I can proudly say that in the fifty-one years that I have driven a horse-drawn streetcar I have never run over anyone, never even given a child a smack with my whip!”

The old man made an effort to square his thin shoulders, which did not allow themselves to be squared, they just continued to droop, droop toward the ground...

“However, I am still a fool,” he continued on, “making a living with a horse. I did not realize that I would go out of style along with them. You see, a judge is quite another thing. A judge never goes out of style!”

The judge was silent. A moment later he asked:

“How old are you?”

“Seventy-three.”

“Why were you arrested?”

“Because I was sleeping in the horse stalls at the streetcar company.”

“And he was disturbing the workers who were coming and going there, Your Honor,” the policeman mixed in.

“Why did you do it?”

“Because I don't have any place else to go. I am used to being in the stalls. For so many years I used to go there! And now, when they don't need me anymore, I don't have anywhere to go. Who does it bother if I lay down in the corner of a stable? Tell me, Mr. Judge, is that a crime? I am not a drinker, I don't go in saloons. And the stalls remind me of so many things, of when I was still young and my hands did not shake. Yes, I, too, have memories.”

“And what do you have to do with the workers?”

“Do with them? A few times I may have asked for a little tobacco. The foreman is new, he wouldn't allow it.”

“What do you live off of?”

“I sleep in the stables and to eat I buy food with the few pennies that the other drivers give me every payday. They are younger and have learned the skill, how to drive a streetcar without a horse.”

“Do you have a family?”

“Somewhere I have two grandchildren. But both are girls, and are certainly married by now and have changed their names. I don't know where to find them. The rest have passed away.”

The judge thought for a long time. Then he asked:

“What should I do with you?”

The old man shrugged his shoulders. He was clearly saddened not to be in the stalls which held so many memories for him. And perhaps he was also sad because he was not a judge?

The judge sent him to a home for the elderly and indigent.

A Madam

The accuser, a small brunette with very sympathetic eyes and a childish mouth, was sitting frightened in the witness chair and stared nervously at her long, thin fingers.

Her head hung shamefully down on her small chest, and her whole body told of childish shame and inexperience.

“An when did you realize that he had betrayed you?” the District Attorney asked.

“That day.”

“Which day?”

“When he took me to her.”

“How did that come about?”

“How? Very simple,” she said quietly without lifting her head.

“Tell us about it,” the older District Attorney said with a gentle tone in his voice. His whole bearing to the young girl showed great compassion.

For a while the young girl remained silent, then she slowly lifted her head. Her big, dark eyes fixed on the accused. She shuddered violently.

The accused sullenly turned her broad face aside.

It was interesting to watch her face. It looked like the 'typical' face of a Madam.

An artificially preserved young face of a middle-aged woman. A face well worked-over by skilled hands, painted with various cosmetics and as a result appeared to me to be slick, almost rejuvenated skin without a wrinkle, without a sign of the quickly passing years. The red lips, rosy cheeks, penciled-in black brows and glossy, too glossy eyes. The 'artist' only failed with the eyelashes. The eyelashes were short and very sparse emphasizing the shamelessness of the too glossy eyes.

Her clothes were also of the same sort, costing a lot of money and showing little taste. Conspicuous, loud clothes, bright varied colors that shouted shamelessness.

When she felt the look of the young woman on her, she turned her head, brazenly measured the young girl with her too glossy eyes, twisted her lips into a smile and stared back at her.

The young girl made herself smaller in the big witness chair like a little mouse, a terrible fear was evident on her face, and she began to tremble.

The District Attorney saw all of that, and quietly almost pleading said to the young girl:

“You don't need to be afraid of her now, the law will protect you.”

“She... she told me that she would always find me,” the young girl stammered, forcing the words out.

“Don't be afraid. She will be behind the gray walls of prison so long, that she will forget even you!”

Here the Madam gave a mild shudder.

A little color came back to the young girl's face. Encouraged by the District Attorney's words, she began to quietly tell her story:

“It began with his restlessness. He didn't like my Misses, he began to say. He said she talked too much. He no longer wanted to sit with me in a room, it was unpleasant. He would say that he was used to a warm home, with a homey samovar, and if we went to his Mother's, things would be better between us. That surprised me greatly, I was still a greenhorn, only in America for four years. I knew that his Mother was an elegant lady and lived uptown, and I never went uptown except in the summer to Central Park, even then I made a point of not looking at the beautiful houses there.”

“But you went anyway?”

“Yes, I loved him very much. Marrying him seemed like a dream to me. He is so tall, so handsome, and earned so much money. I mean that is what he said.” – Here she caught herself, and her face contorted in pain when she remembered that all of that was now in the past.

“I was afraid that his Mother would not let him marry me,” – she continued on quickly, – “because of that I was very surprised when she gave me a warm welcome. It seemed like I was dreaming. The beautiful furniture, the black servant, the good food, his beautiful Mama and her kindness to me. I couldn't comprehend it all.”

“And who was his Mother?” the District Attorney asked leaning toward the young girl.

“Then I believed that she was his Mother, that woman there!” the young girl said pointing at the Madam.

“What happened after that?” the District Attorney asked.

“The same thing that happens to a lot of foolish girls, that, which I used to read about in the newspapers, and would laugh at the girls who let themselves be tricked like that,” she said with a bitter sigh.

“Explain.”

“It is difficult,” – she answered, rubbing her forehead with both hands, – “It was late, she told me that I could sleep there, and since the wedding was so close, I shouldn't bother to go back to work or to my little room. I said, “No,” I wanted to get married from my own lodgings, but he was tired and asked me to stay over just for that night. And I stayed.”

“And then?”

“Then their smiles vanished. He hit me, she locked me in, and for many long days I saw nothing more than the white teeth of the black servant, and I was also terrified of him. They only gave me bread and

water. I felt my strength leaving me, and then they won.”

Then, as though it were broken, her head bent down to her small chest.

“How long did they hold you?”

“I could not tell at the time. Only when I got out did I learn that I had been captive for five months.”

“Who freed you?”

“Two more young women came to the house, and the dealings became more free. One evening, when everyone was in the parlor, I put on a man's hat and coat and quickly slipped out. When I felt the fresh air, I started running and nearly knocked down a man. It was late. The man along with a policeman ran after me, I fell. I told the policeman everything.”

At the defense table the Madam made use of all of her charms and the tricks of her profession, but the jury was made up of hard, experienced men, and they watched her with scorn.

And since *he*, the tall, handsome *he*, had mysteriously disappeared, and since white slave handlers were a common sight in the New York courts at the time, and since the girl was very young, and the Madam very insolent, the elderly District Attorney asked for a very severe punishment.

The judge stuck her with fifteen years hard labor in the penitentiary.

When she heard that, all of the sweet tones left her voice, and she let out a loud, ugly laugh:

“She is lying, but you believe her because it serves you better! But you are *respectable* men! Here you condemn me, but when no one is looking, you kiss me!”

Some of the jurors turned away in disgust. She saw that, and laughed even louder:

“Here, I am in your power, and when no one is looking, you are in my power!”

She couldn't say any more, because at this point a tall bailiff roughly led her out of the courtroom, through the high doorway that led to prison.

A Mother

It was a sticky June afternoon. It was the beginning of Summer, but we were already feeling the terrible city heat, that causes so much discomfort. More than in the streets, we felt the heat in the courtroom. The Venetian blinds were open, the electric fans were turning, one could hear their humming, but the artificial breeze only helped a little. In the packed courtroom you could almost touch the heat.

In spite of the heat, the courtroom was packed. Those who had to work on such a hot day, it appeared, if they only had the time, would have run out seeking some fresh air somewhere. I will never be able to understand how some people give in to their curiosity. Even on such a hot day, they come in to a packed courtroom to hear about another person's misfortune.

The older woman who was on trial for murder looked like she had fallen apart. Her high chest was heaving fast. Her steel-gray hair was wet with sweat, the face bloodless, the thin lips trembled and the weary eyes were bloodshot.

She sat before our eyes as an accused murderer. The testimony was strong. She had murdered her husband out of jealousy. According to all laws she should be damned, and yet when you looked at her it tore your heart apart. She incorporated so many human sufferings, above all the sufferings of women. She looked like everything in her life had gone wrong.

It seems like she was of that type of woman who suffered in silence: So what happened that she did not stay silent, she fired the gun instead?

It was her second husband, she was much older than him. For eighteen years she had been a widow, wept at her fate that had robbed her of her husband at twenty-two years old. She was left a mother of two children, and she devoted her whole life to those children. According to the testimony – even the witnesses for the prosecution had to admit – she was an ideal mother, lived *only* for the children and *never* sought out anything for her own pleasure.

It was only when the children were older and began following their own interests, when she had for a long time felt alone and abandoned, only then did she fall in love with another man.

It was the love of a forty-year old woman. All of her stifled desires, all of her unfilled wishes once again flickered to life. She had suffered frightfully. She did not want to marry in spite of the fact that he asked, because she had certain principles as a mother. She was sure that she had to give her *whole* life away for the children. He, the young thirty-two year old man, convinced her otherwise and they got married.

For two years she was so happy that she believed G-d was good and was repaying her for all of her previous sufferings.

The her older son got married, and a young daughter-in-law came into the house.

She was young, charming and something of a flirt. At first the older woman took it as gentleness, a joke; but later she noticed that her relationships were becoming more serious, and when she protested, her husband laughed at her.

“A double jealousy began to develop within me,” she stated on the witness stand, “I began to envision the downfall of my new-found happiness, but also my son's honor was mixed up in it. I know his nature very well, I mean my son's. I knew that if he suspected anything, then something bad would happen. I tried talking to my daughter-in-law, but she said I was crazy.”

“Some time passed. I watched their love relationship and I thought him to be a disturbed man, I went wild. I forgot everything that was once dear to me. I only thought about his horrible deed which affected myself and my son.”

Her face became more pale. Her long, thin fingers moved nervously, and with a stifled sob she continued on.

“I heard them in the next room. I heard them make a pact to run away from us. I heard their long, hot kisses. I knew that my son would be home soon. I knew that if he came across them like that, he would shoot them, he would become a murderer. He had not yet lived his life. I – What good was *my* life, what could it bring *me*? I heard my son's footsteps. My husband's gun lay in the drawer, and *I* was the one that fired the gun. I had, after all, nothing to lose, and he was so young, my son.”

There were still several testimonies, but all of them focused on the sincerity of the murderer.

The twelve young jury members only took a half hour of deliberations to declare her “*Not guilty!*”

Why? Who knows, perhaps many of them had mothers at home, mothers who sacrificed everything, everything for them.