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What are the possibilities of the orifices that cause such an unusual reaction?

A. The orifices are openings in the gun barrels; the possibilities are the likelihood that bullets will be discharged from them.



What ejaculation has actually caused this reaction?

A. The order, "Hands up!" has caused the engineer to raise his hands.



What is the effect of the adverb "sportively" in this sentence?

A. It continues to lighten the drama and suspense of the moment by comparing the holdup to a game.



What does the simile comparing the passengers to "low-grade ore" tell us?

A. The train robbers bypass the passengers (the low-grade ore) who most likely do not possess items of significant value to "contribute." It will probably be more lucrative to get the easy pickings of the "high-grade" ore, the contents of the train safe that is transporting gold and currency.

What ejaculation has actually caused this reaction?

What is the effect of the adverb "sportively" in this sentence?

What does the simile comparing the passengers to "low-grade ore" tell us?

What are the possibilities of the orifices that cause such an unusual reaction?

# The Roads We Take

O. Henry

## FOCUS: IRONY

Twenty miles west of Tucson the "Sunset Express" stopped at a tank to take on water. Beside the *aqueous* addition the engine of that famous flyer acquired some other things that were not good for it.

**L A N G U A G E**

**R** The word *aqueous* originates from the Latin word *aqua* — water. Many words in English are derived from this root. Examples include aqualung, aquamarine, aqueduct, aquarium, aquatic, aquaplane. The Spanish word *agua* comes from the same root.

**T**

**S**

While the fireman was lowering the feeding hose, Bob Tidball, "Shark" Dodson, and a quarter-bred Creek Indian called John Big Dog climbed on the engine and showed the engineer three round *orifices* in pieces of *ordnance* that they carried. These orifices so impressed

the engineer with their possibilities that he raised both hands in a gesture such as accompanies the ejaculation, "Do tell!"

At the crisp command of Shark Dodson, who was leader of the attacking force, the engineer descended to the ground and uncoupled\* the engine and tender.\* Then John Big Dog, perched upon the coal, sportively held two guns upon the engine driver and the fireman; and suggested that they run the engine fifty yards away and there await further orders.

Shark Dodson and Bob Tidball, scorn- ing to put such low-grade ore as the pas- sengers through the mill, struck out for the rich pocket of the express car. They found the messenger\* serene in the belief that the Sunset Express was taking on nothing more stimulating and dangerous than *aqua pura*.\* While Bob was knocking this idea out of his head with the butt-end\* of

## HELPFUL DEFINITIONS

**uncoupled** — detached; disconnected.

**tender** — a car attached to a steam locomotive for carrying a supply of fuel or water.

**messenger** — here, guard.

**aqua pura** — (Latin) pure water.

**butt-end** — hand grip.

<sup>1</sup> The author foreshadows that a complication is about to occur; the train is heading for trouble. The use of understatement becomes obvious as soon as we realize what *some other things that were not good for it* are.

## A CLOSER LOOK

O. Henry uses a metaphor based on gold mining. “Low-grade ore,” which contains very little gold, is processed in a mill. Gold is extracted from the ore with some difficulty. On the other hand, a “rich pocket” of gold, from which gold is readily removed, is sometimes found deep in the mine.

his six-shooter,\* Shark Dodson was already dosing the express-car safe with dynamite. <sup>2</sup>

The safe exploded to the tune of \$30,000, all gold and currency. The passengers thrust their heads casually out of the windows to look for the thundercloud. The conductor jerked at the bell rope, which sagged down loose and unresisting, at his tug. Shark Dodson and Bob Tidball, with their booty in a stout canvas bag, tumbled out of the express car and ran awkwardly in their high-heeled boots to the engine. The engineer, sullenly angry but wise, ran the engine, according to orders, rapidly away from the inert train. But before this was accomplished the express messenger, recovered from Bob Tidball’s persuader to neutrality, jumped out of his car with a Winchester rifle and took a trick in the game. Mr. John Big Dog, sitting on the coal tender, unwittingly made a wrong lead by giving an imitation of a target, and the messenger trumped him. With a ball\* exactly between his shoulder blades the Creek chevalier\* of industry rolled off to the ground, thus increasing the share of his comrades in the loot by one-sixth each. <sup>4</sup>

## HELPFUL DEFINITIONS

- six-shooter** — a handgun that holds six bullets.
- ball** — here, rifle bullet.
- chevalier** — (French) knight; by implication, a gentleman.
- adieu** — (French) goodbye.
- chaparral** — dense grouping of shrubs.
- pommel** — the knoblike protuberance at the front and top of a saddle.
- cropped** — trimmed; here, ate off the tops of the grass blades.

Two miles from the tank the engineer was ordered to stop.

The robbers waved a defiant *adieu*\* and plunged down the steep slope into the thick woods that lined the track. Five minutes of crashing through a thicket of chaparral\* brought them to open woods, where the three horses were tied to low-hanging branches. One was waiting for John Big Dog, who would never ride by night or day again. This animal the robbers *divested* of saddle and bridle and set free. They mounted the other two with the bag across one pommel,\* and rode fast and with discretion through the forest and up a *primeval*, lonely gorge. Here the animal that bore Bob Tidball slipped on a mossy boulder and broke a foreleg. They shot him through the head at once and sat down to hold a council of flight. Made secure for the present by the tortuous trail they had traveled, the question of time was no longer so big. Many miles and hours lay between them and the *spriest* posse that could follow. Shark Dodson’s horse, with trailing rope and dropped bridle, panted and cropped\* thankfully of the grass along the stream in the gorge. Bob Tidball opened the sack, and drew out double handfuls of the neat packages

## A CLOSER LOOK

At first glance, killing the injured horse may seem a heartless act, yet, because it is almost impossible to set a horse’s leg and immobilize an animal while the bone heals, a horse is almost always “put out of its misery” by **shooting** it.

Why do the robbers ride “with discretion”?

What do the passengers think they have heard?

In retrospect, what error did the train robbers make?

Why is the train inert?

What is Tidball’s “persuader to neutrality”?

How does O. Henry maintain a light ironic tone?

What do the passengers think they have heard?

A. The oblivious passengers think they have heard a clap of thunder, when really it was the dynamite exploding the safe on the express car.

Why is the train inert?

A. The robbers have forced the engineer to disconnect the train from the engine; thus, it cannot move.

What is Tidball’s “persuader to neutrality”?

A. The “persuader to neutrality” is the blow to the express messenger’s head with Tidball’s pistol butt. The tone is characteristically ironic and subtly humorous.

How does O. Henry maintain a light ironic tone?

A. O. Henry maintains a light ironic tone by using terms from a bridge game to describe the actions of the expressman and the robbers. His classification of Mr. John Big Dog as a leading force in industry is another example of tongue-in-cheek writing. In addition, by stating that the main result of the bullet between Big John’s shoulders is an increase in the others’ share of the loot, O. Henry glosses over the fact that a man has died; his death is unimportant to anyone in the story. Each of the remaining two bandits will now receive one half of Mr. John Big Dog’s share, or one half of  $\frac{1}{2}$ , equivalent to  $\frac{1}{4}$  more each.

Why do the robbers ride “with discretion”?

A. They are discreet in order to avoid leaving a trail for trackers, and to avoid being heard or seen by possible pursuers.

In retrospect, what error did the train robbers make?

A. The robbers should not have freed the third horse, but rather should have taken it with them in case of such an accident.

- <sup>2</sup> Ask students to explain the irony in the word *dosing*. The implication here is that by applying gunpowder to the safe, they are “curing” it.
- <sup>3</sup> The bell rope, which would alert a guard, is unresponsive because the robbers have cut it.
- <sup>4</sup> Metaphor: a “trick” is a reference to a move in bridge, a card game. The author implies that the messenger made a strategic move. This metaphor will be extended in the next sentence with the phrases, “made a wrong lead” and “the messenger trumped (defeated) him,” as well as further on in the story.



What color contrast is presented in lines 1-2?

A. The poet presents a contrast between the curving white birches and the darker trees in the background.



What literary technique is used in lines 21-22?

A. The poet shows a sense of humor when he **personifies** "Truth" as a matter-of-fact woman who must tell her side of the story as she "interrupts" the author.

# Birches

Robert Frost

## FOCUS: EXTENDED METAPHOR

What color contrast is presented in lines 1-2?

When I see birches bend to left and right  
Across the lines of straighter darker trees,  
I like to think some boy's been swinging them.  
But swinging doesn't bend them down to stay  
As ice-storms do. Often you must have seen them 5  
Loaded with ice a sunny winter morning  
After a rain. They click upon themselves  
As the breeze rises, and turn many-colored  
As the *stir* cracks and *crazes* their enamel.  
Soon the sun's warmth makes them shed crystal shells 10  
Shattering and *avalanching* on the snow-crust —  
Such heaps of broken glass to sweep away  
You'd think the inner dome of heaven had fallen.  
They are dragged to the *withered* bracken\* by the load,  
And they seem not to break; though once they are bowed 15  
So low for long, they never right themselves:  
You may see their trunks arching in the woods  
Years afterwards, trailing their leaves on the ground  
Like girls on hands and knees that throw their hair  
Before them over their heads to dry in the sun. 20  
But I was going to say when Truth broke in  
With all her matter-of-fact about the ice-storm,  
I should prefer to have some boy bend them  
As he went out and in to fetch the cows —

What literary technique is used in lines 21-22?

### HELPFUL DEFINITIONS

**bracken** — large, coarse ferns with tough stems.





Some boy too far from town to learn baseball,  
Whose only play was what he found himself,  
Summer or winter, and could play alone.  
One by one he *subdued* his father's trees  
By riding them down over and over again  
Until he took the stiffness out of them,  
And not one but hung *limp*, not one was left  
For him to conquer. He learned all there was  
To learn about not *launching* out too soon  
And so not carrying the tree away  
Clear to the ground. He always kept his *poise*  
To the top branches, climbing carefully  
With the same pains you use to fill a cup  
Up to the brim, and even above the brim.  
Then he flung outward, feet first, with a swish,  
Kicking his way down through the air to the ground.  
So I was once myself a swinger of birches.  
And so I dream of going back to be.  
It's when I'm weary of *considerations*,  
And life is too much like a pathless wood

25

30

35

40

Describe how the boy  
"tames " the trees  
(lines 29-40).

When can life be com-  
pared to a "pathless  
wood" (line 44)?

BIRCHES 285



Describe how the boy  
"tames " the trees (lines  
29-40).

A. He subdues the trees by climbing  
very carefully to the top branches.  
Then he flings himself out, kicking  
his feet, until he lands on the  
ground.



When can life be com-  
pared to a "pathless  
wood" (line 44)?

A. When a person feels lost and  
does not know where to turn  
because he is so beset by problems,  
life can be compared to a "pathless  
wood."

# Father Cures a Presidential Fever

Pardee Lowe

## FOCUS: AUTOBIOGRAPHY

How I came to be infected with presidentitis even now I find somewhat difficult to explain. That it was not *congenital* was *amply* demonstrated by Father's matter-of-fact superiority over such divine foolishness. And Mother, bless her realistic Chinese soul, never affected awareness of such *mundane* matters until the political clubs of our neighborhood (we lived in the toughest one in East Belleville) celebrated under her very nose with torchlight parades, drunken sprees, black eyes, and cracked skulls the glorious victories of their Men of the People. Whenever this happened she would exclaim, "My, my, what queer people the Americans are!"

The first time Father discovered how long the firstborn man child of his household had been exposed to the ravages of this dread disease, he was horrified. "Unbelievable!" he stormed. But Mother, who had a strong will of her own, flew right back at him. And when she cried aloud, with Heaven as her witness, that she did not know how I caught it or how she could have prevented it, Father recognized the justice of her remarks. She couldn't. Kwong Chong, our own neigh-

borhood dry-goods store, household duties, and two new babies kept Mother so harassed that she had no time to chase us about the streets or down the back alleys. Later, to still her flow of tears, Father even grudgingly admitted his full responsibility. By moving our family to an American neighborhood, according to Mother, he had needlessly exposed us all to the malady.

That this was the source of the trouble, probably no one knew better than Father. When the 1906 San Francisco earthquake and fire consumed all his worldly goods and forced him to flee Chinatown with his wife, two babies in arms, and a *motley* feudal *retinue* of kins-

### A CLOSER LOOK

Lowe describes the characteristic Chinese sense of responsibility for the extended family, which is compared to the **feudal** economic system of landholding that existed in Europe from the 9th to 15th centuries. In this system, a vassal — a subordinate or servant — lived and worked on land owned by a lord and received protection in return for service and allegiance to the lord.

What does the author mean by "infected with presidentitis"?



What does the author mean by "infected with presidentitis"?

A. He means that as a young boy he was possessed by the desire to become president of the United States.

1 Point out to students the gently humorous tone in which the story is written. Lowe uses figurative language and overstatement as humorous techniques. For example, in the very first sentence, he states that as a child, he was "infected with presidentitis." Once you have established the fact that this "illness" is the author's desire to become president when he grows up, it becomes clear that the word "infected" is being used figuratively. Lowe continues in this humorous vein by using overstatement, or exaggeration. He explains that his "illness" was not an inherited trait, since his father dismissed the very idea of such "foolishness." Father was above entertaining a notion as ridiculous as the idea that someone in his family could become president. This stance also indirectly reveals Father's realistic understanding that the son of a Chinese immigrant did not stand a chance of achieving such high office. Today, about 90 years later, it has become much more possible for a member of an ethnic minority to be considered for the highest office in the land.

2 The people hotly debated the issues that affected so many of them directly — issues such as land rights and employment opportunities in undeveloped areas of the country. The paragraph explains how the members of political clubs wildly celebrated the victories of their candidates, and often engaged in drunken brawls with those of differing political sentiments.

3 Humorous exaggeration continues in the first sentence of this paragraph as Lowe describes his father's horror at the discovery that his child has "been exposed to the ravages of this dread disease." The humor is furthered by the mother's denial of blame for her son's "condition" and the father's final acceptance of responsibility.

4 "Motley feudal retinue of kinsmen": in this rich, concise phrase, the author describes his extended family as a diverse entourage of people who still adhere to a family code that involves a hierarchical network of family allegiances, much in the manner that vassals once owed loyalty and service to their lords in the feudal system of property in medieval Europe.





What is the significance of the simile “like a phoenix”?

A. The author uses this simile to explain that even though his family had to flee Chinatown during the earthquake, his father hoped to build their future anew, rising from the ashes in East Belleville, an American neighborhood in the city.



What does the narrator mean by “a hyphenated world”?

A. He means that they would assume a dual identity. They would become Chinese-Americans, American citizens who retain their native Chinese cultural lifestyle.



What is out of Father’s control in the upbringing of his son?

A. Father has no control over what happens outside his household — for example, what his son learns in school.



Why does the teacher pronounce the students’ names “clumsily”?

A. The students are predominantly children of immigrants and their names are foreign to the teacher.



What is out of Father’s control in the upbringing of his son?



What is the significance of the simile “like a phoenix”?



What does the narrator mean by “a hyphenated world”?



Why does the teacher pronounce the students’ names “clumsily”?

men, relatives, and garment-sewing employees, he merely considered it more or less a blessing in disguise. From the ashes of this catastrophe, which represented for Mother the end of her Chinatownian world, Father’s thoughts and plans for the future soared like a phoenix.\*



On April 18, 1906, a major **earthquake** caused severe damage in San Francisco. The rupturing of gas lines and electric cables resulted in explosions and **fires** that devastated the city. Broken water mains meant the loss of water pressure, making it almost impossible for firemen to control the flames. Some buildings were dynamited to create a fire break — a bare area the fire could not cross. Fires raged through April 20, destroying numerous buildings. In some cases, entire neighborhoods were destroyed, and many people were forced to relocate.

At long last the visions and dreams for his offspring, present and potential, would be realized. His family would rub shoulders with Americans. They would become good American citizens albeit remaining Chinese. They would inhabit a hyphenated world. By some formula, which he never was able to explain, they would select only the finest attributes of each contributory culture. They would reflect everlasting credit on him and on the name of Lowe.

(Even then, Father’s faith passed all human understanding. He expected us somehow to muddle through. We did — but in a manner totally unexpected.)

From Father’s point of view, we children were to be raised at home according to the old and strict Chinese ideal. But in that ever-widening circle of American

neighborhood life beyond the narrow confines of our home, Father had no control. A daily commuter to his shop in San Francisco’s Chinatown, an hour’s ride away by steam train and ferry, he was never fully apprised of our actions until too late.



## A CLOSER LOOK

The Golden Gate Bridge was not erected until 1937; thus, Father traveled by **train and ferry**.

He was ignorant, for instance, of what transpired in the large wooden public school situated some three short blocks from our home. He was confident we were in good hands. If he had only known what was awaiting his son there, he might not have been so eager to have me acquire an American schooling.

When at the age of five I entered the **5** *portals* of this mid-Victorian architectural firetrap,\* surrounded by its iron-spiked fence and tall trees, for the first time, I recognized it as an international institution in which I was free to indulge my own most un-Chinese inclinations — and, unintentionally to be sure, to undermine Father’s high hopes.

I can still vividly remember the strange excitement of the first morning roll call, which was to be repeated daily for many years to come. Clumsily, the teacher pronounced our names. As we rose, she **6** checked our nationality.

“Louisa Fleishhacker — Austrian.” She underlined the word *Austrian*. “Elsie Forsythe — *English*. Penelope Lincoln — *American Negro*. Yuri Matsuyama — *Japanese*. Nancy Mullins — *Irish*. Maria

## HELPFUL DEFINITIONS

**phoenix** — a legendary bird that consumes itself by fire every 500 years and rises again from its own ashes.

**firetrap** — a building which is a fire hazard.

- 5** Lowe uses a very concise and well-worded phrase to convey a rich visual image. He describes the school as a “mid-Victorian architectural firetrap,” conjuring up an image of an old-fashioned building which, in spite of its elegant design, is quite unsafe.
- 6** You may wish to point out that each student courteously rises as his or her name is called so that the teacher can familiarize herself with, and identify, the students.



To what historical event does the author refer?

A. The author refers to World War I, which ended on November 11, 1918.

# Influenza 1918

Jane Brox

## FOCUS: EXPOSITORY WRITING; FIGURATIVE LANGUAGE

In ordinary times, the bankers, lawyers, and mill owners who lived on Tower Hill opened their doors to a quiet broken only by the jostle of a laden milk wagon, the first stirrings of a wind in the elms, or the quavering notes of a sparrow. It was the height of country; the air, sweet and clear. Looking east from their porches they could survey miles of red-brick textile mills that banked the canals and the *sluggish* Merrimack,\* as well as the broad central plain mazed\* with tenements. To their west was a patchwork of small dairy holdings giving over to the blue distance. But for the thirty-one mornings of October 1918 those men adjusted gauze masks over their mouths and noses as they set out for work in the cold-tinged dawn, and they kept their eyes to the ground so as not to see what they couldn't help but hear: the clatter of motorcars and horse-drawn wagons over the paving stones, as day and night with-

out ceasing the ambulances ran up the hill bringing sufferers from the heart of the city and the *hearses* carried them away.

It had started as a seemingly common thing — what the line-storm season always brings, born on its wind and on our breath, something that would run its course in the comfort of camphor\* and

### A CLOSER LOOK

The common cold was treated with bed rest and external applications of **camphor**. People felt that camphor, which repels moths, would also protect them from germs.

bed rest. At first there had been no more than six or eight or ten cases a day reported in the city, and such news hardly took up a side column in the papers, which were full of soldiers' *obituaries* and reports of a weakening Germany. As September wore on, however, the death

To what historical event does the author refer?

### HELPFUL DEFINITIONS

**Merrimack** — a river of South Central New Hampshire.

**mazed** — containing a confusing network.

**camphor** — a substance used for medicinal purposes; also used in moth balls.

① Point out how the behavior of the citizens of the town “in ordinary times” differs from their actions in October 1918.





*What conditions might have facilitated the spread of the flu?*

A. One reason why the flu spread so quickly in Lawrence, Massachusetts was that the largely poor, immigrant community breathed in cloth dust, weakening their lungs. Other reasons are that they lived in crowded, unventilated areas, so that the virus was able to pass readily from person to person; cold temperatures and germs from the rubbish further weakened the people's resistance. Poor sanitation and lack of cleanliness helped create an environment conducive to the spread of the flu.

*What conditions might have facilitated the spread of the flu?*

notices of victims of the flu began to outnumber the casualties of war. Finally it laid low so many the Lawrence Board of Health set aside its usual work of granting permits to keep roosters, charting the milk supply, and inspecting tenements. The flu took up all its talk — how it was to be treated, how contained, how to stay ahead of the dead. The sufferers needed fresh air and isolation, and their care had to be *consolidated* to make the most of the scarce nurses and orderlies. So the board took a page\* from other stricken cities and voted to construct a makeshift\* tent hospital on their highest, most open land that offered the best air, which was the leeward\* side of Tower Hill where a farm still spread across the slope.



## A CLOSER LOOK

**Stay ahead of the dead** implies the problem of burying so many corpses in a short time. The funerals had to take place hurriedly in order to keep up with the number of bodies. Brox addresses this issue later in the essay.

Lawrence, Massachusetts, in 1918 was largely a city of immigrants who had come for work in the textile mills. Most had been in the city for only a short time and still spoke Polish, Arabic, French, Italian, German — forty-five different languages and dialects within the few square miles of the central district. They made worsteds\* and woolens; they were dyers, cutters, and weavers. They fixed the looms, rigged the warps, and felt along the yardage for slubs, working more than fifty hours a week, breathing in air white with cloth dust. At home they

breathed in the smells of rubbish and night soil that drifted up from the alleyways between tenements. Where they lived was low-lying, so such smells, together with smoke and ash, hung in the air. Their heat was *sparse*. They were crowded into their rooms. The flu cut right through, spreading ahead of its own rumors, passing on a handshake and on the wind and with the lightest kiss. No spitting. No sharing food. Keep your hands clean. Avoid crowds. Walk everywhere. Sleep with your windows open.



## A CLOSER LOOK

The workers in the textile mills adjusted the **looms** (the framework on which the yarn is woven into cloth) to the proper size, **rigged** — attached — the **warps** — the lengthwise threads, and examined the finished fabric for **slubs** — thickened places in the fabric where the threads have clumped together.



*"...had come to work in the textile mills"*

## HELPFUL DEFINITIONS

**took a page** — followed the lead of.

**makeshift** — temporary.

**leeward** — away from the direction the wind blows.

**worsteds** — yarns spun from long-stapled wool; fabric made from this yarn.

(ACT ONE, SCENE ONE)

1. What do Baker's first three motions attempt to accomplish? **A.** Baker's first three motions are intended to dismiss entirely or at least postpone the trial, on the grounds that the military tribunal no longer has jurisdiction, that the witnesses are afraid to come forward and admit their sympathy for the South, and that Wirz is accused of murdering and abetting in the murder of people whose names are not specified.
2. What is the accusation against Wirz? Of what must he be convicted in order to be hanged? **A.** Wirz is accused of criminal conspiracy to end the lives of American soldiers through violation of the customs and rules of war. The five specifications provide details and support of the charge, but Wirz must be convicted of the actual conspiracy charge in order to be sentenced to be hanged.
3. Why is there hostility between Chipman and Baker from the outset of the trial? **A.** The source of their mutual dislike is that they represent different sides: Chipman fought for the Union and represents morality; Baker intends only to represent Wirz as efficiently as possible without any moral overtones. Moreover, Baker resents the fact that Chipman seems to be turning the trial into an arena for political and ethical confrontation.
4. According to the tribunal, what is the meaning of the conspiracy charge? **A.** To obtain a conviction on the charge of conspiracy there must be evidence "of a common design to commit a criminal act." In other words, there must be proof that two or more individuals jointly *planned* to commit war crimes.
5. Who is General Winder? What is his significance to the trial? **A.** General Winder, now deceased, was Wirz's superior officer. He is important because Baker attempts to prove that all orders came from him and that Wirz did not have any choice but to obey.
6. Why is Dr. Bates "rattled" by Baker? **A.** Bates knows that Baker has used his testimony about General Winder to Wirz's advantage. He is flustered and upset at himself

(continues on facing page)

ACT ONE

SCENE ONE

- 1 *The Court of Claims, Washington, D.C. A morning in August, 1865. The atmosphere is sweltering. The room is furnished simply. A number of conference-type tables arranged to form a courtroom area: defense and prosecution tables, right and left, opposite sides, the judges' table, center, to the rear so that they will sit facing the audience; the witness chair, right center, placed near the judges' table. Next to the defense table we note the bizarre element of a chaise longue,\* down right. It is for the prisoner who is ill and who will recline through most of the trial. Two tall French windows\* are in right wall. An American flag is mounted on the wall behind the judges' table. Mounted on a stand, above judges, is a table,\* a huge schematic drawing of the Andersonville stockade — a rectangle with a simple sketching in of elements such as a stream, walls, entrance gate,*

*deadline, "hospital," burial ground, etc.*

*The doors are opened by two UNION SOLDIERS. A LIEUTENANT in charge gestures silently and forcefully, motioning the others to their locations in the room. Immediately following, GOVERNMENT and DEFENSE COUNSEL enter in the stream of court PERSONNEL and NEWSPAPERMEN, all moving to assigned tables. Nobody sits down. The entrance of the JUDGES is expected momentarily. The others have all gone to their places swiftly — all having been here before. The uniformed PROSECUTORS (JUDGE ADVOCATE and ASSISTANT JUDGE ADVOCATE) are LT. COL. N. P. CHIPMAN and MAJOR D. HOSMER. Opposite them are OTIS H. BAKER and LOUIS SCHADE, representing the defendant. Counsel confer rapidly at their separate tables. (The subject, as we shall learn in a moment, is the absence of the defendant.) CAPTAIN WILLIAMS now*



Group of Union officers

HELPFUL DEFINITIONS

- chaise longue** — a reclining chair with a lengthened seat to support the legs.
- French windows** — a pair of floor-length windows that open in the middle.
- table** — here, chart.

- 1 The war had ended on April 26, 1865, when General Joseph Johnston surrendered to General William Tecumseh Sherman. Lee had already surrendered at Appomattox on April 9, 1865.



enters and strides over to COL. CHIPMAN, to whom he speaks with an air of suppressed excitement. He breaks off almost as soon as he begins — as the JUDGES enter. All parties come to attention as the JUDGES, eight Union officers of rank in full uniform, take their places. They sit flanking GENERAL LEW WALLACE, President of the Court. There is a quality of cold overriding power and purpose in control as proceedings start. As WALLACE speaks, he reveals a chill and remote authority. He is a major general.

WALLACE: [Banging gavel down once] This military court convened by order of the War Department is now in session. The lieutenant in charge is advised to post additional guards in the corridor. A lane must be kept clear at all times to the courtroom doors.

LIEUTENANT: Yes, sir. [He goes out]

WALLACE: Have all witnesses listed to appear in these proceedings reported to the clerk of the Court?

CLERK: All have reported to the clerk, sir, and are on hand.

WALLACE: I take it all concerned with these proceedings have signed the necessary oath of allegiance to the government of the United States.

CHANDLER: Yes, sir.

[LIEUTENANT re-enters, takes up post at closed doors]

WALLACE: [As he refers to counsel by name; they acknowledge by a nod] Lt. Col. N. P. Chipman, for the War Department. Mr. Otis Baker for the defense. The defendant, Henry Wirz, is to be tried by this military commission consisting of — [Glancing down the line of the Judges] General Mott ... General Thomas ... General Geary ... General Fessenden ... General Ballier ... Colonel Allcock ... Colonel Stibbs ... and myself, General

Wallace. Has the defense any objection to any of its members?

BAKER: No objection.

WALLACE: I do not see the defendant.

CHIPMAN: If the Court please, Captain Williams is here and will explain his absence. [CAPTAIN WILLIAMS comes forward]

WILLIAMS: Sir, regarding the defendant. He will be brought here shortly.

WALLACE: Is he ill?

WILLIAMS: [Blurring it] Sir, he is temporarily indisposed, following his attempt on his life this morning which was foiled by the alertness of the guards —

WALLACE: Mr. Wirz attempted to take his life?

WILLIAMS: Unsuccessfully, sir.

WALLACE: Captain, you will explain to the Court how such an attempt could have possibly occurred.

WILLIAMS: Sir, Mr. Wirz tried to slash his wrist after breaking a bottle.

WALLACE: A bottle?

WILLIAMS: A brandy bottle which he receives daily as a stimulant by order of Dr. Ford —

WALLACE: The incident should not have occurred — You are charged with custody of the prisoner. You will take the necessary steps so it will not occur again. You say the prisoner is in condition to appear shortly?

WILLIAMS: Within a few minutes, and I will personally —

WALLACE: [Cutting him off] That is all.

WILLIAMS: Yes, sir. [Exits, to re-enter later with CAPTAIN WIRZ]

WALLACE: I will ask defense counsel to plead to the indictment in the absence of the defendant.

BAKER: We would prefer, if the Court will permit, that Captain Wirz hear the charges against him directly —

WALLACE: This trial has been postponed



Why might Wallace feel he should post additional guards?

A. A Southerner was being tried for crimes against Union soldiers, soon after the conclusion of the war. Wallace may have feared rioting by Union Sympathizers.

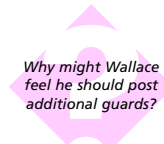


Why hasn't Wirz appeared?

A. He is still recovering from a suicide attempt; he slashed his wrist with a piece of glass from a broken bottle of brandy that was prescribed by his doctor for daily use as a stimulant.



Why hasn't Wirz appeared?



Why might Wallace feel he should post additional guards?

## CHECKQUIZ

(continued from facing page)

for permitting that to happen.

7. Who is Ambrose Spencer, and why is his testimony important?

A. Ambrose Spencer is a plantation owner who lives near Andersonville Prison. His testimony is intended to prove that Wirz could have allowed food to be brought to the prisoners, but that he wanted to starve the men.

8. Why does the President of the Court, Wallace, threaten to have Wirz removed? A. He threatens to try Wirz in absentia if Wirz will not adhere to proper courtroom procedures and if he continues to disturb the trial with emotional outbursts.

9. Why is Baker dismissed from the case? A. Baker insinuates that the United States government is conspiring to convict Wirz unjustly; this slanderous comment is grounds for dismissal.

<sup>2</sup> Chipman is a Union Lieutenant Colonel who acts as prosecutor. Baker is lawyer for the defense.

<sup>3</sup> Foreshadowing: Wirz's attempted suicide will have bearing on later events in the play.



What is our first impression of Wallace?

A. He is cold, businesslike, and formidable. He is perfectly suited to conduct this sort of emotional, tension-ridden trial.



Why is Chipman angry?

A. Chipman is a Union soldier; it is difficult for him to conceal his personal disgust and fury at those who were responsible for the treatment of his colleagues in prison camps. This anger most strongly influences his behavior and tone during the first part of the trial.



What is the basis of Baker's objection? What does he propose?

A. Baker objects because the trial is being conducted by a military tribunal, and the war has already ended. He proposes that the trial be dismissed on the grounds that the tribunal no longer has jurisdiction during a time of peace.



What is Chipman's response to Baker's motion?

A. Chipman explains that there is still fighting going on and that the war still continues after the surrenders. The president's war powers are still in force, and, therefore, the military tribunal does have jurisdiction.

What is our first impression of Wallace?

Why is Chipman angry?

What is the basis of Baker's objection? What does he propose?

What is Chipman's response to Baker's motion?

several times and the Court intends to proceed this morning without further delay. [More command than question] Will counsel plead to the charge?

**BAKER:** Counsel will plead.

**WALLACE:** If the Judge Advocate is ready.

**CHIPMAN:** Ready, sir.

**WALLACE:** The indictment will be read.

[CHIPMAN'S movement reflects something of the man at once — an angry aggressive quality. He is 31, a battle veteran. Essentially he is a man of willful personal independence who endures the yoke of discipline with difficulty. He communicates an intense anger under control as he reads the indictment]

**CHIPMAN:** [Seated] Charge — Criminal conspiracy to destroy the lives of soldiers of the United States in violation of the laws and customs of war.



## A CLOSER LOOK

**Conspiracy** is the act of plotting, contriving, or scheming together. A **criminal conspiracy** involves plotting and conspiring with others to commit crimes, in this case, war crimes.

**4** Specification — That Henry Wirz who was in charge of the Confederate Prison at Andersonville, Georgia, did keep in barbarously close confinement federal soldiers, up to the number of forty thousand, without adequate shelter against the burning heat of summer or the cold of winter and —

Specification — That said Henry Wirz in carrying out this conspiracy did not provide the prisoners of war with sufficient food, clothing or medical

care, causing them to *languish* and die to the number of more than fourteen thousand.

Specification — That he established a line known as the "Deadline" and that he instructed the prison guards stationed on the walls of the prison *stockade* to fire upon and kill any prisoner who might pass beyond that deadline.

Specification — That he used bloodhounds to hunt down, seize and mangle escaping prisoners of war, through these various causes bringing about the deaths of about fifty federal soldiers, their names unknown.

Specification — That through direct order and/or by his own hand he brought about the murder of thirteen prisoners, their names unknown.

**WALLACE:** Mr. Baker, pleading for the prisoner — how do you plead to the charge?

**BAKER:** [Seated. Making his objection speedily, aware that they are all going to be rejected] We *interpose* a motion — that this military court discharge itself as being without proper jurisdiction now that the war is over.



## A CLOSER LOOK

During a trial, a lawyer will frequently and commonly interrupt with a **motion** — a formal proposal made in a deliberative assembly, such as a trial — that constitutes an objection to something said or an urgent request to the judge.

**CHIPMAN:** This court has jurisdiction under the war powers of the President, which are still in force. It is well known that die-hard\* rebel officers still refuse to lay down their arms. Officially and in fact the war continues. Move to deny.

**die-hard** — strongly or fanatically determined or devoted.

## HELPFUL DEFINITIONS

**4** The charge of conspiracy means that Wirz is accused of scheming and plotting with others to commit crimes; he is a representative, then, of a group, but his individual alleged crimes will be specified as well. The issue of the conspiracy charge is a major point in Wirz's defense, for he maintains that he did not actually conspire to bring about the insidious course of events, but simply facilitated these occurrences by following orders.

**5** Note that there is only one charge against Wirz — "criminal conspiracy." The specifications are details that support that charge of conspiracy, which is what Wirz must be convicted of in order to be executed.

**6** Although Generals Lee and Johnston had surrendered, hostilities continued for some time.

WALLACE: The motion is denied.

BAKER: Motion to postpone...on the ground that potential witnesses who in more normal times might speak for the defendant refuse to do so now, for fear their motives will be misunderstood as signifying support of the late Confederacy.

CHIPMAN: [With open sarcasm] If Mr. Baker's witnesses can in good conscience take the oath of loyalty to the government of the United States, they have nothing to fear.

BAKER: The Court is aware of the temper of the times. It is only four short months since Mr. Lincoln was assassinated.

WALLACE: [A clap of thunder] We will leave that name out of this trial! <sup>7</sup>

BAKER: [Rises] Nevertheless, Mr. Lincoln's presence is in this room — his murder is felt in this room — and it swells the charge of murder against the defendant to gigantic size —

CHIPMAN: For which the Southern cause is responsible. And counsel will not turn Mr. Lincoln's tragic death to his advantage here.

BAKER: It is my general concern, sir, that the indictment leaves out Captain Wirz's military superiors, making him the single target of the national mood of vengeance against the South — <sup>8</sup>

WALLACE: [Gavel] That will be all, Mr. Baker. Motion denied. If you have no further motions —

## A CLOSER LOOK

The President of the Court pounds his gavel on the desk to indicate that all must be silent and that he will rule on a motion.

BAKER: I do. As to the specifications alleging the crime of murder and *abetting* murder against certain persons, move

to strike them since no persons are named.

CHIPMAN: [Rises] Counsel cannot with his motions dispose of the horror of 14,000 unknown dead dumped into unmarked graves at Andersonville. Better records were kept of bales of cotton. Move to deny.

BAKER: Will the Judge Advocate tell us where accurate prison records were kept during the War? [CHIPMAN reacts with annoyance] The Judge Advocate owes me common courtesy here. A person accused of crimes punishable by death is entitled to a proper defense.

CHIPMAN: We know what is defended here. Counsel's political motives are well understood.

WALLACE: [Raps gavel] The exchange will stop.

BAKER: I only remind the Judge Advocate that he is in a court of law; and no longer on the battlefield. He behaves as if the horror of war was not universal. The North had its Andersonvilles.

WALLACE: The government of the United States is not on trial here, Mr. Baker.

BAKER: That remains to be seen.

WALLACE: [Rising] Mr. Baker — !

BAKER: Meaning no offense to the court — The remark stated in full would have been..."That remains to be seen through the testimony that will be offered here." I was referring to what the record will show, sir... <sup>9</sup>

WALLACE: The court is not misled —

[The court door is opened from the outside by CAPTAIN WILLIAMS who indicates to the LIEUTENANT in charge that the Prisoner is ready to appear]

In the future you will exercise care in your remarks to this court, Mr. Baker. Motion denied.

LIEUTENANT: Prisoner to the court!

On what grounds does Baker want to postpone the trial? What is Chipman's reaction, and how does Baker respond?

What is the implication of the argument between Chipman and Baker?

How does Lincoln's assassination affect Wirz's trial?

What is the tone of Baker's remark? What does he mean?

What is meant by "the court is not misled"?

On what grounds does Baker want to postpone the trial? What is Chipman's reaction, and how does Baker respond?

A. Baker wants to postpone the trial because he claims that potential witnesses will be afraid to speak the truth and their testimony will be interpreted as professing allegiance to the Confederacy, now that the South has lost and the Union is in control. Chipman says, sarcastically, that if witnesses swear allegiance to the Union, they have nothing to fear, but Baker reminds him that times are still terribly tense, especially in the wake of President Lincoln's assassination by a Confederate sympathizer.

How does Lincoln's assassination affect Wirz's trial?

A. If Lincoln had not been murdered by a Confederate sympathizer, perhaps the anger against Wirz might have dissipated. The assassination increased the desire for Northern vengeance as Lincoln's death exacerbated the anger felt because of the death of thousands of Union soldiers.

What is the implication of the argument between Chipman and Baker?

A. Chipman implies that Baker is turning the trial into a political battlefield — a forum for a verbal war between the North and the South. Baker reminds him that the alleged crimes were not particular to the Confederacy; the North mistreated its prisoners as well.

What is the tone of Baker's remark? What does he mean?

A. Baker's tone is ironic; he implies that, in fact, the government *is* on trial, for the government represents the Union which, according to Baker, makes Wirz the scapegoat for crimes of which it is itself guilty.

What is meant by "the court is not misled"?

A. Wallace knows that Baker is trying to cast aspersions on the validity of the government's claim against Wirz through his insinuation that the Union government is using Wirz as an instrument of vengeance against the South.

<sup>7</sup> As a Union officer, Wallace is personally affected by Lincoln's assassination, yet as President of the Court, he must remain impartial. He is characterized as having "chill and remote authority." He does not want Lincoln's name to be mentioned so that emotional issues will not cloud the supposed impartiality of the court. His response is compared to the violence of a thunderstorm.

<sup>8</sup> Baker implies that Wirz is the scapegoat who takes the brunt of all the Northern vengeance over treatment of Union prisoners.

<sup>9</sup> Indirect Characterization: Baker's retort reveals the clever, shrewd, confident manner that he will affect throughout the proceedings. He rarely becomes as passionate or ruffled as Chipman, and seems to have less emotion invested in the case than either Chipman or Wallace. In a play about doing one's duty, Baker is simply doing his job as best he can.