

Final
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Rope of Sand

by

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Act I

(The dimly lit stage is bare as TWO FIGURES, illuminated in silhouette, enter singing an old, wordless melody. Their song, both mournful and triumphant, comes from the Arada, the Bakongo, or some other West African peoples. A montage of images flashes on the upstage in rhythm with the singers, creating an intricate syncopation. The images begin with old scenes of people living in West Africa and proceed chronologically, from pictures of Africans being captured and carried off by boat, to slave auctions in America, slaves working in fields and as domestics. As the American images flash upon the screen, the singing grows less exotic, ultimately turning into a Southern slave song.)

JOSHUA B

(Singing) My old missus promise me

JOSHUA A

(Singing) Shoo a la a day,

JOSHUA B

(Singing) When she die she set me free

JOSHUA A

(Singing) Shoo a la a day.

JOSHUA B

(Singing) She live so long her head git bald,

JOSHUA A

(Singing) Shoo a la a day.

JOSHUA B

(Singing) She give up de idea of dyin' a-tall,

JOSHUA A

(Singing) Shoo a la a day.

(Images appear of slaves attending a midnight funeral, dancing at a corn-shucking festival, and fighting off pursuers. A photograph of JOSHUA GLOVER appears on the screen and holds for several moments before it fades.)

JOSHUA B

(Singing) Harper's creek and roaring ribber,
Thar, my dear, we'll live forebber,
Den we'll go to de Ingin Nation,

JOSHUA A

(Singing) All I want in dis creation,
Is a pretty little wife and big plantation.

(Their song gives way to patting as pictures of 19th-century Wisconsin flash upon the screen: forests, Winnebago deer hunters, a steamboat, German lumberjacks, Norwegian surveyors, Cornish lead-miners. The patting grows more spirited as images flash by of farmhouses, people working in fields and going to church, people dancing at a wedding and attending a funeral. A photograph of SHERMAN BOOTH appears, followed by pictures of the port of Racine, a sawmill, downtown Milwaukee and the old Madison court house. A photograph of LUTHER DIXON appears and holds as the pictures of GLOVER and BOOTH come up on each side of it. The TWO, meanwhile, reach a climax in their patting, then suddenly stop. The screen goes blank as lights come up full on JOSHUA A and JOSHUA B, who take positions on both sides of the stage like sentinels.)

JOSHUA A

Once there was a man named Bennami Garland.

(BENNAMI GARLAND enters and takes center stage.)

JOSHUA B

And another named Joshua Glover.

(JOSHUA GLOVER appears downstage of him.)

JOSHUA A

Bennami Garland owned a farm in St. Louis County, Missouri.

JOSHUA B

And Joshua Glover worked for him.

(JOSHUA A and JOSHUA B remain on stage as the scene plays.)

GARLAND

Joshua.

GLOVER

Yes, Masser Ben?

GARLAND

Mrs. Garland tells me she asked you to unload her wagon and you didn't listen to her.

GLOVER

I unloaded the wagon, Masser Ben.

GARLAND

She told me she had to ask you three times before you did it.

GLOVER

I had the pigs--

GARLAND

I don't give a hoot about the pigs. I'm talking about you and Mrs. Garland. If she had to ask you three times to do something it means you were disrespectful to her.

GLOVER

But I wasn't disrespectful, Masser Ben. I did what the mistress told me.

GARLAND

If you're so respectful, why are you arguing with me now?

GLOVER

I'm not arguing, I'm discussing.

GARLAND

It doesn't sound like discussing to me. To me it sounds like arguing. You need another Bible lesson.

GLOVER

Please, Masser Ben.

GARLAND

Take off your shirt.

GLOVER

But I did what she

GARLAND

Joshua, I said take off your shirt. Don't make me ask you a third time.

GLOVER

Yes, sir, Masser Ben.

(As GLOVER removes his shirt and drops it on the stage, FOUR MEN enter and take their places around the stage and/or in the audience. GARLAND lifts Glover's hands over his head, as if tying them to a post, then steps back and pulls a whip handle from underneath his shirt.)

GARLAND

What command has God given to servants concerning obedience to their masters?

GLOVER

Servants be obedient to them that are your masters, according to the flesh.

(GARLAND lashes GLOVER as the FOUR MEN clap in unison to

create the sound of the whip.)

GARLAND

If the servant professes to be a Christian, ought he not set an example to all the other servants of love and obedience to his master?

GLOVER

Yes.

(GARLAND whips GLOVER as the FOUR MEN clap.)

GARLAND

And if his master is a Christian, ought he not especially love and obey him?

GLOVER

Yes.

(GARLAND whips GLOVER as the OTHERS clap.)

GARLAND

Is it right for the servant to run away; or is it right to harbor a runaway?

GLOVER

No.

(GARLAND whips GLOVER as the OTHERS clap.)

GARLAND

What is the fifth commandment?

GLOVER

Honor thy father and thy mother, that thy days may be long in the land which the Lord thy God giveth thee.

(GARLAND whips GLOVER as the OTHERS clap.)

GARLAND

What does this commandment require you to do?

GLOVER

It requires me to respect and obey my father and mother.

(GARLAND whips GLOVER as the OTHERS clap.)

GLOVER

My master and mistress.

(GARLAND whips GLOVER as the OTHERS clap.)

GLOVER

And everybody else that has authority over me.

(GARLAND whips GLOVER as the OTHERS clap.)

GARLAND

Lesson's over. Go back to your chores and don't forget what I just taught you.

GLOVER

Yes, Masser Ben.

(GARLAND and the FOUR MEN exit. GLOVER winces putting on his shirt.)

JOSHUA A

Truth is, we don't really know if Bennami Garland ever whipped Joshua Glover. But we do know you can find such so-called Bible lessons in "A Catechism for Colored Persons," published in Charleston, in 1834. And based on what the record shows, Bennami Garland was the kind of slave-owner who might have relied on such a book.

(GLOVER peers off in the distance, then slowly exits.)

JOSHUA B

The record also shows that he was born in Virginia, of English and French extraction, that his people fought in the Revolutionary War, and that one of them was a member of the First Congress. We also know he had a wife named Jane Cresap, born in Maryland.

JOSHUA A

We got a book tells us all that, just like it tells us the names of Bennami Garland's great-great grandfathers and grandmothers, his great-great uncles and aunts and cousins; his great-great brothers and sisters and you get my point, I hope. We know about Mr. Garland. We know who his people were, and that he had a Missouri plantation, and that he owned slaves, one of them named Joshua Glover.

JOSHUA B

But we can't tell you the names of Joshua Glover's great-great anything. We don't even know who his father was. Because there's no record of it.

(The photograph of GLOVER appears on the screen.)

JOSHUA A

Historically speaking, we can understand that. The explanation is simple. Joshua Glover was a slave, and most

slave-owners didn't take much care recording the genealogies of their chattel. (As the photograph of GLOVER fades) So we can understand Bennami Garland, and why he did the things he did, just like we can understand Joshua Glover and why he did the things he did. But there are other people in our story who are harder to comprehend.

JOSHUA B

(Interrupting him) Excuse me, Brother A.

JOSHUA A

What is it, Sister?

JOSHUA B

Before we go any further, I think we need to explain about us.

JOSHUA A

Us? Oh, yes. Us. How could I forget about us? (Introducing himself to the audience) The name is Joshua A Glover.

JOSHUA B

And I'm Joshua B Glover.

JOSHUA A

No relation to THE Joshua Glover, mind you. We took his name to make a point, because the man wants a voice. You see, most of the other people in this story have a good deal to say in the record books, but not Joshua Glover. For a person who had such impact on history, the man is awful quiet.

JOSHUA B

According to the record, he had but two lines: "Don't open up `til we know who they are!" and "Glory! Hallelujah!"

JOSHUA A

Now, mind you, they aren't bad lines. Glory! Hallelujah! is a particularly good one, but there was surely more to Joshua Glover than that, even if he was by nature a man of few words. So we're here to help fill in the gaps, like the cement archaeologists use when they want to put together an ancient goblet and all they've got is the base and a few jagged shards from the stem and the bowl. The cement helps show how the goblet might have looked when Alexander the Great held it in his hand. So we're here as human cement, you might say, to help you see the goblet. And we call ourselves Joshua Glover A and Joshua Glover B, because we want to make sure you remember the name. (Smiling cordially) How was that, Sister B?

JOSHUA B

Fine, Brother A. Just fine.

JOSHUA A

Thank you. Now, to go on with our story, in eighteen hundred and fifty-two, the same year Harriet Beecher Stowe published her book about Simon, Eliza and Uncle Tom, Joshua Glover decided to change his life.

(Night settles over the stage as GLOVER stealthily enters.)

GLOVER

From the time I was a child I knew if you want to get somewhere, you put one foot after another and let the earth do the rest. Left, right, left, right. It's as simple as breathing, unless you're so scared every part of your body is frozen up. (Forcing himself) Left, right, left, right. Terrified as I was, that's what I did one night when the moon was a skinny strand of corn silk and the masser was away. I crept out of my cabin, put one foot after another and let the earth do the rest. Left, right, left, right, (walking faster) left, right, left, right.

(GLOVER crosses the stage quickly, stops, listens.)

JOSHUA A

(Singing) Run nigger, run;

JOSHUA B

(Singing) Patter-roller catch you.

GLOVER

Heart beating in my mouth, I cut through the woods.

(GLOVER crosses upstage, stumbles, hurries downstage.)

JOSHUA A

(Singing) Run nigger, run;

JOSHUA B

(Singing) It's almos' day.

GLOVER

Crossed the creek and made it to Masser Giles' barn.

JOSHUA A

(Singing) Run nigger, run;

JOSHUA B

(Singing) Patter-roller catch you.

GLOVER

Ajax was standing in the barn just where I expected him. Good horse. Didn't make a sound when we rode off.

JOSHUA A

(Singing) Run nigger, run;

JOSHUA B

(Singing) You'd better get away.

GLOVER

We hid in a corn field when the sun come up. Raw as it was, best tasting corn I ever ate. Stuffed my pockets with it.

JOSHUA B

(Singing) Jump'd de fence and run frew de paster;
White man run, but nigger run faster.

GLOVER

Made it to St. Louis that night, the moon smiling at me like it approved. Left Ajax by a blacksmith's shop with all the corn from my pockets. Then I jumped on a boat bound for Illinois and let the river do the rest.

(GLOVER exits.)

JOSHUA A

So Joshua Glover escaped from Missouri in eighteen-hundred and fifty-two.

(JOSHUA B takes a pad of paper and a pen from her pocket.)

JOSHUA B

And the Missouri Republican got some advertising business.

(GARLAND appears and dictates to JOSHUA B who records his words.)

GARLAND

Two hundred dollars reward. For a Negro man by the name of Joshua, about 40 years of age and six feet high, spare, with long legs, a short body, and ashy black skin. Had on when he ran away a pair of black satin--

JOSHUA B

Hold on now. You're talking too fast.

GARLAND

(Slowly, irritated) Had on when he ran away a pair of black satin pantaloons, pair of heavy kip boots, an old fashioned black dress coat, and an osnaburg shirt. The above reward will be paid for apprehension if taken out of state, and fifty dollars if taken in state. (To JOSHUA B) You got all of that?

JOSHUA B

Yes, sir. Every word.

(GARLAND exits.)

JOSHUA A

Meanwhile, the man in the black pantaloons and heavy boots made it all the way to Wisconsin.

II

(SINCLAIR and RICE enter with a table and ledger books.)

JOSHUA B

To the town of Racine.

(The TWO JOSHUAS set the table in place, and arrange the books, as SINCLAIR and RICE exit.)

JOSHUA A

And the Rice and Sinclair sawmill.

(SINCLAIR and RICE return with three chairs, place them around the table and sit down to work on their ledgers. JOSHUA A and JOSHUA B move aside to watch the scene play.)

RICE

Mr. Sinclair.

SINCLAIR

Sir.

RICE

I was reading in yesterday's paper an item about boys.

SINCLAIR

(As if by heart) Boys are altogether too noisy and ungentlemanly for the credit of the city. They seem to devote their valuable evening hours to the disturbance of the happiness and business pursuits of others.

RICE

You read it also.

SINCLAIR

Mrs. Sinclair read it to me over breakfast, twice.

RICE

Mind you, I am not saying that your George fits the description.

SINCLAIR

I'm pleased to hear it.

RICE

But you may recall the writer encouraged friends to take an interest in helping protect our youth's welfare.

SINCLAIR

I do.

(RICE takes a thin book from his coat pocket.)

RICE

Here is a demonstration of my interest. (Setting it on the table) Food for thought. (Nudging it along) For George.

SINCLAIR

What is it?

RICE

A pamphlet from an eminent Boston physician on the benefits of personal cleanliness and intellectual rigor.

SINCLAIR

You've read it?

RICE

I have. And so have both of my daughters. It is written in very plain language.

SINCLAIR

Thank you, Mr. Rice. (Pocketing the book) I appreciate the gesture.

RICE

So I hoped, Mr. Sinclair.

(They return to their ledgers as GLOVER enters, pausing to straighten his coat. Both are so wrapped up in their work, they do not see him reach their table. He clears his throat to get their attention.)

GLOVER

Excuse me, sir.

SINCLAIR

Yes?

GLOVER

Man told me there might be work here at the mill.

RICE

Which man was that?

GLOVER

Didn't get his name exactly. I was more interested in getting the work.

SINCLAIR

We might have a place for someone. (Smiles) Take a seat.

GLOVER

(Sitting) Thank you, sir.

SINCLAIR

What's your name?

GLOVER

Glover, sir. Joshua Glover.

SINCLAIR

What skills do you have, Mr. Glover?

GLOVER

I can measure. I can saw. I can hammer. I can carry, I can sweep, and I can learn.

RICE

(Suspiciously) Where are you from?

GLOVER

Last place I been was Illinois.

RICE

It looks as if you've been traveling hard.

GLOVER

I've traveled a bit.

RICE

And didn't have time to clean up before seeking employment.

GLOVER

I had me a shave last week.

SINCLAIR

Mr. Rice, I don't see that a man's looks should keep us from hiring him at the mill if he has the arms to stack and carry.

RICE

I refer you to the book in your pocket and the chapters devoted to proper grooming.

GLOVER

I'll clean up good, sir. All I need is a piece of soap, some

water and a good sharp razor.

SINCLAIR

(Amused) My opinion exactly, Mr. Glover. Come on. I'll show you around.

(SINCLAIR and GLOVER exit, followed by RICE, who takes the ledgers with him. Joshua B exits with them.)

III

JOSHUA A

The new man found a place at Rice and Sinclair's sawmill and worked at his job well enough to earn the respect of his employers. Two years passed without incident. (Sitting at the table) Then came the night of March tenth, eighteen hundred and fifty-four.

(JOSHUA B returns with a jug)

JOSHUA B

Joshua Glover was at his cabin with two acquaintances, William Alby and Nelson Turner. (Sitting at the table). They were having a little refreshment, it being Friday and all.

(GLOVER sits at the table. JOSHUA B takes a swig from the jug, passes it to JOSHUA A.)

JOSAHUA B

Drink up, my friends. The night is young and this here jug is heavy.

JOSHUA A

(Raising the jug) To your health, Joshua.

(JOSHUA A drinks, hands the jug to GLOVER. He drinks)

JOSHUA B

Your health.

(She drinks, laughs)

JOSHUA B

I met a fellow with a wooden leg the other day.

GLOVER

Who was that?

JOSHUA B

He didn't tell me his name.

GLVOER

Where's he from?

JOSHUA B

Didn't tell me that either. (Takes out a deck of cards)
What're we playing?

JOSHUA A

Dealer's choice.

JOSHUA B

(Shuffling the cards) Five card draw.

GLOVER

What about that man?

JOSHUA B

I was curious so I asked him, how did you come to have that wooden leg? My father had one, he said. And my grandfather had one before him. (Pauses for effect) It runs in the blood.

(She guffaws. JOSHUA A laughs, GLOVER smiles. They pass around the jug.)

JOSHUA A

(Chuckling) Runs in the blood.

JOSHUA B

(Dealing the cards) Yes, sir. I can feel the spirit with me tonight. The spirit speaks to the cards, the cards speak for me. And you know what they be sayin'.

(We hear the sound of someone pounding on a door.)

GLOVER

Who's that?

JOSHUA A

I'll go see.

(More pounding on the door.)

GLOVER

Don't open up `til we know who they are.
(We hear a door crash. DEPUTY U.S. MARSHAL COTTON, club in hand, storms on with GARLAND and DEPUTY U.S. CARNEY, who carries manacles.)

GARLAND

That's him, marshal.

GLOVER
(Threateningly) Get out of my place.

(CARNEY pulls out a pistol.)

MARSHAL COTTON
Joshua Glover, we have--

GLOVER
Get out of my place!

GARLAND
(Slapping him) Enough! (Grabbing his arm) Now come along!

GLOVER
No. I'm staying put.

(There is a terrible struggle. GARLAND kicks GLOVER in the back, COTTON clubs him over the head. GLOVER groans, falls.)

MARSHAL COTTON
Get those chains on him.

(GARLAND jumps on GLOVER and punches him in the head repeatedly, knocking the fight out of him.)

GARLAND
You stop that now and obey, nigger! You hear?! (To CARNEY)
Where are those chains?

(CARNEY and GARLAND shackle GLOVER, yank him to his feet.)

MARSHAL CARNEY
Let's go.

GARLAND
Hurry up. The wagon's waiting.

(GARLAND shoves GLOVER offstage. CARNEY and COTTON follow, hauling the table and chairs with them. The TWO JOSHUAS watch helplessly as they disappear.)

IV

JOSHUA A
We don't really know what Glover and his friends talked about in the cabin that night. We don't know what they said when Garland and the marshals stormed in, either.

JOSHUA B
But newspaper accounts of the period report that the man who

led Bennami Garland and the United States marshals to Joshua Glover's cabin on the night of March 10th, eighteen hundred and fifty-four was Nelson Turner, one of Glover's companions.

JOSHUA A

At least that's what the newspapers say.

JOSHUA B

They say Turner betrayed Joshua Glover because Glover seduced Turner's wife. It was an act of vengeance.

JOSHUA A

(Hotly) And I don't believe it.

JOSHUA B

Either way, there's no disproving the fact that Bennami Garland and the marshals stormed into Glover's cabin, arrested him and hauled him off in a wagon.

JOSHUA A

And did it with the blessing of the United States Constitution, as stated in Article four.

JOSHUA B

Section two.

JOSHUA A

Paragraph three.

JOSHUA B

No person held to service or labor in one state, under the laws thereof, escaping into another,

JOSHUA A

shall in consequence of any law or regulation therein, be discharged from such service or labor,

JOSHUA B

but shall be delivered up on claim of the party to whom such service or labor may be due.

JOSHUA A

The founding fathers were talking about runaway slaves there. They put in that particular clause to protect the rights and property of Southern gentlemen.

JOSHUA B

For extra protection the United States Congress passed a law when George Washington was president that gave those Southern gentlemen the right to have any fugitive slave, formerly in their so-called employ, arrested and taken before a federal or state judge who would hear testimony about how the person arrested owed his master service back home in Alabama.

Or Arkansas. JOSHUA A

Or Georgia. JOSHUA B

Or Kentucky. JOSHUA A

Or Louisiana. JOSHUA B

Mississippi. JOSHUA A

Texas. Florida. JOSHUA B

North Carolina. JOSHUA A

South Carolina. JOSHUA B

Tennessee. Virginia. JOSHUA A

Delaware. Maryland. JOSHUA B

JOSHUA A
And Missouri. The home of Bennami Garland, the gentleman who owned Joshua Glover.

JOSHUA B
Up until he ran away.

JOSHUA A
Yep. It was slaves like Joshua Glover who stirred up trouble between the North and the South. Too many of them were running off. So Congress passed the Fugitive Slave Act of 1850 to make it harder on folks trying to protect runaways. They took the power out of the hands of state judges in the North and gave it to federal judges and court commissioners

JOSHUA A (cont'd)
who could be trusted to uphold that sacred right our founding fathers put into the United States Constitution.

JOSHUA B
In Article four.

JOSHUA A

Section two.

JOSHUA B

Paragraph three.

JOSHUA A

Up until now, the story has been clear enough, black and white, you might say. Bennami Garland was the master, and Joshua Glover was his slave. Then Glover ran away, started a new life up North, and was doing fine until Garland found him. That's when the story becomes less black and white, and more and more gray. Which is why we need Luther Dixon up here with us. Mr. Dixon, you might say, is a study in gray.

(The photograph of LUTHER DIXON appears on the screen.)

JOSHUA B

Luther S. Dixon. Chief justice of the Wisconsin State Supreme Court from 1859 to 1871.

JOSHUA A

As solid a citizen as they come. Born in the North, didn't run a plantation, didn't own any slaves. Was capable and perceptive, according to the record, congenial and well-liked. In short, a good man.

JOSHUA B

Not at all the kind of man we'd expect to side with the likes of Bennami Garland, which is what he did. And we can't fathom why.

(JOSHUA B exits.)

JOSHUA A

So we're bringing him on now, well before he became a player in the story, so we'll have more than enough time to figure out what was going on in his head when he-

(JOSHUA B returns pushing a judge's chair.)

JOSHUA B

Sat in this chair.

JOSHUA A

Now, mind you, this wasn't his exact chair, but it's close enough to the kind they had in the Supreme Court of Wisconsin when Justice Dixon presided on the bench.

JOSHUA B

And here he comes now, in all of his judicial splendor, our guest of honor.

JOSHUA A
Chief Justice Luther S. Dixon himself.

(LUTHER DIXON, dressed in a black coat and tie, appears at the back of the theater. The expression on his face is part wonder, part befuddlement, as he approaches the stage.)

JOSHUA A
Luther Dixon?

DIXON
Yes? Who are you?

JOSHUA A
The name is Joshua A Glover.

JOSHUA B
And I'm Joshua B Glover.

DIXON
I don't understand. How did I get here?

JOSHUA A
We called you.

DIXON
But I'm...dead, aren't I?

JOSHUA A
Yes, you are. Dead over a hundred years.

DIXON
Are you the devil?

JOSHUA B
The devil! If we were white would you be asking the same thing?

DIXON
Certainly.

JOSHUA A
That makes it okay then.

DIXON
Are you angels?

JOSHUA B
Haven't you been with the angels up until now?

DIXON

I don't know. Everything is hazy at the moment.

JOSHUA B

(Offering him the judge's chair) Why don't you take a chair?
Make yourself comfortable.

(DIXON sits down.)

V.

JOSHUA A

Watch what happens. We'll talk about it, by and by. (To the audience) The next morning. Saturday, March eleventh, 1854.

(MARSHAL COTTON enters with a bench, followed by MARSHAL CARNEY leading GLOVER by the manacles on his wrists. COTTON sets the bench downstage in a pool of light accented by the shadows of a jail cell's bars. CARNEY leads GLOVER to the bench, roughly unlocks his chains, and leaves him there. As he and COTTON exit, a bell rings in the distance.)

JOSHUA B

(Singing) Rabbit in de briar patch,
Squirrel in de tree,
Wish I could go huntin',
But I ain't free.

(A bell rings more loudly. Angry voices shout offstage.)

JOSHUA A

Rooster's in de henhouse,
Hen's in de patch,
Love to go shootin',
But I ain't free.

(A chorus of bells ring, louder still, the shouting increases, as MR. SINCLAIR enters swiftly. TOWNSPEOPLE excitedly follow. The TWO JOSHUAS join the noisy crowd.)

SINCLAIR

Good people of Racine.

(The excited TOWNSPEOPLE continue shouting.)

SINCLAIR

(Sharply) Good people of Racine! Hear me! A telegram has gone out to our friends in Milwaukee about last night's kidnapping. (More shouting) While they pursue the legal measures required to obtain Joshua Glover's release, our committee, following the will of this assembly, offers the following resolutions. (Struggling to be heard) Good people of Racine! Good people of Racine!!

FIRST TOWNSPERSON

Let the man speak!

(The PEOPLE settle down.)

SINCLAIR

Whereas, a colored man, by the name of Joshua Glover, was kidnapped about four miles from our city last night. He had been at the time of his arrest a faithful laborer and an honest man. (An aside) As I can personally attest.

SECOND TOWNSPERSON

So he was.

FIRST TOWNSPERSON

Hear hear,

SINCLAIR

Resolved, that we look upon the arrest of said Glover as an outrage upon the peaceful rights of this assembly, it having been made without the exhibition of any papers, by first clandestinely knocking him down with a club, and then binding him by brute force and carrying him off to a Milwaukee jail.

(The CROWD jeers.)

SINCLAIR

Resolved, that we, as citizens of Racine, demand for said Glover a fair and impartial trial by jury, in this state where he was arrested, and that we will attend in person to aid him, by all honorable means, to secure his release, adopting as our motto, The Golden Rule.

(PEOPLE cheer, applaud.)

SINCLAIR

Resolved, in as much as the Senate of the United States has repealed all compromises heretofore adopted by Congress, we, as citizens of Wisconsin, do hereby declare the slave catching law of 1850 disgraceful and repealed!

(The PEOPLE cheer and applaud. SINCLAIR holds up his hand, waiting for silence.)

SINCLAIR

A delegation of one hundred citizens will leave by boat for Milwaukee this afternoon to see to it that these resolutions are carried out and that justice shall be done.

(The TOWNSPEOPLE cheer again and follow SINCLAIR off. The lights go down on GLOVER.)

VI

JOSHUA A

Are things a little clearer now, Justice Dixon?

DIXON

I wrote everything I had to say regarding the Joshua Glover rescue in my state supreme court opinion.

JOSHUA A

Is that so?

DIXON

I went over my position again and again to the utmost of my ability before I wrote it down. I studied and considered every argument, for and against. And my sole purpose in filing that opinion was to be right, to assume such a position under the United States Constitution in the most reasonable and patriotic manner that was possible for a mortal man.

JOSHUA B

With all due respect, Mr. Dixon, you're not mortal now; you're dead. And we're bringing up the issue again, in this place, at this time, because we want to understand how a man like you could support slavery.

DIXON

I did not support slavery.

JOSHUA A

We're not convinced.

DIXON

Do you doubt my word, sir?

JOSHUA A

Frankly, yes.

DIXON

Then you are misinformed.

JOSHUA A

If that's true, then we challenge you to make us understand

what you were thinking back when you and Joshua Glover were alive and you filed your reasonable, patriotic opinion. That is, if you're up to the task.

DIXON

I am up to the task.

JOSHUA A

Not too hazy?

DIXON

Not on the subject in question.

JOSHUA A

Glad to hear it.

DIXON

For your information, the Glover case was not simply about slavery. It was also about the struggle of natural law with positive law.

JOSHUA A

What do you mean, natural law and positive law?

DIXON

Simply put, there are two kinds of laws that have guided man and civilization. Natural laws are those instinctive rules we follow as creatures who can reason, they are laws that tell us murder is wrong, that torture corrupts our spirits. They are integral to what makes us human.

JOSHUA A

Natural law.

DIXON

Yes.

JOSHUA A

You understand the man, Sister B?

JOSHUA B

(Noncommittal) More or less.

JOSHUA A

Let's make it clearer.

(JOSHUA GLOVER, his shirt off, and BENNAMI GARLAND, whip in hand, appear. GLOVER kneels as GARLAND readies his whip.)

DIXON

What's going on here?

JOSHUA A

What do you think?

GARLAND

What command has God given to servants concerning the obedience to their masters?

GLOVER

Servants be obedient to them that are your masters, according to the flesh.

(GARLAND whips Glover's back as the TWO JOSHUAS clap once in unison to create the sound of the crack.)

DIXON

Please, don't do this.

GARLAND

Is it right for the servant to run away?

GLOVER

No.

(GARLAND snaps his whip as the TWO JOSHUAS clap.)

DIXON

Why must you do this?

JOSHUA A

I want to make sure we understand the concept.

DIXON

Surely there are other ways.

GARLAND

Is it right to harbor a runaway?

GLOVER

No.

(GARLAND snaps his whip as the TWO JOSHUAS clap.)

DIXON

This is madness!

JOSHUA A

This is what you would call a violation of natural law, correct?

DIXON

Yes! Now stop it, please!

JOSHUA A
Is the concept clear to you now, Sister B?

JOSHUA B
Clear as day.

JOSHUA A
Good.

(GARLAND and GLOVER exit.)

DIXON
That was totally unnecessary.

JOSHUA A
Everyone's entitled to his own opinion.

JOSHUA B
Now what about the other kind of law you mentioned. Positive law, correct?

DIXON
(Tightly) Yes.

JOSHUA A
Go on.

DIXON
Positive law was created by men for the sake of order.

JOSHUA B
For the sake of order. Go on.

DIXON
It is the set of rules that governs all institutions that are empowered to protect society from whatever threatens to destroy it. This includes the courts. Judges, by design, are obliged to interpret and enforce these positive laws.

JOSHUA B
But what happens when the United States Congress passes a positive law that violates natural law? Does a judge still have to enforce it?

DIXON
Yes.

JOSHUA B
I see. (To JOSHUA A) Do you see that, Brother A?

JOSHUA A

I believe so.

DIXON

As I have already said, with regard to the Fugitive Slave Act of 1850, if you read my opinion on the Glover rescue you will find that my personal opinion of the Slave Law was not germane to the issue in question.

JOSHUA B

Is that right?

DIXON

The central issue had to do with jurisdictional authority of the United States Supreme Court over my own court. It was not about slavery.

JOSHUA B

It was not about slavery. Did you hear that, Brother A?

JOSHUA A

I heard it. Not about slavery.

DIXON

From your tone, I'm not convinced you understood my point.

JOSHUA B

Maybe you're right. Brother A, I think we need some further clarification.

JOSHUA A

I agree, Sister B Relax, Mr. Dixon. We'll get back to you.

(The photograph of SHERMAN BOOTH appears on the screen)

VII

JOSHUA B

(To the audience) Saturday afternoon, March 11th, eighteen hundred and fifty-four, Sherman Booth, editor of the Daily Free Democrat in Milwaukee, was a very busy man.

(SHERMAN BOOTH enters in a hurry and is immediately accosted by a TOWNSPERSON entering from a different direction.)

TOWNSPERSON

Mr. Booth!

BOOTH

No time now.

(An American flag is brought on and set beside the judge's

chair as JUDGE ANDREW MILLER enters.)

TOWNSPERSON

How can I help?

BOOTH

Later man, later. (Calling) Judge!

(The TOWNSPERSON exits. MILLER sits in the judges chair as BOOTH barges in on him.)

BOOTH

Judge Miller, sir.

MILLER

(Wearily) Back again are you, Mr. Booth?

(Booth's picture fades from the screen.)

BOOTH

With all due respect, sir, I speak on behalf of a man who deserves a fair and open trial with proper counsel like any other citizen of this state.

MILLER

Mr. Booth, do I need to explain to you what the laws says?

BOOTH

No, sir. I am well aware of what the law says. (Producing a document) Here is a writ of habeas corpus granted to us by the county court of Milwaukee to take Joshua Glover into our custody.

MILLER

The county court does not have the authority to grant such a writ. The fugitive is in federal hands, and that is where he will remain until his court hearing Monday morning.

BOOTH

The man is cut and bleeding. To keep him in prison over the Sabbath without medical aid is an outrage.

MILLER

I assure you he will be taken proper care of.

BOOTH

I am not assured.

MILLER

Mr. Booth, let me repeat, the fugitive is in federal custody and will remain there until he appears in my court Monday

morning for a hearing. And no earthly power will take him from jail before then.

BOOTH

(Hotly) You are making a grave mistake.

MILLER

You are testing my patience.

BOOTH

Judge.

MILLER

(Rises) Good day, sir!

(MILLER exits. A SECOND TOWNSPERSON appears.)

SECOND TOWNSPERSON

Mr. Booth! Mr. Booth, what's the news?

BOOTH

Send out the alarm! We have urgent business at hand. All freemen opposed to slavery turn out!

SECOND TOWNSPERSON

Where?

BOOTH

The court house square at two o'clock. Sharp!

SECOND TOWNSPERSON

Yes, sir. (Shouting) Freemen! Freemen! Turn out!

(BOOTH barrels through the audience.)

BOOTH

All those opposed to slaves and slave catchers turn out!

SECOND TOWNSPERSON

Court house square! Two o'clock!

(JOHN RYECRAFT appears down another aisle.)

RYECRAFT

Mr. Booth!

BOOTH

Come along, Mr. Rycraft. We need your help. (Calling out) All those who hate tyranny, turn out. Those who believe in Patrick Henry's words, give me liberty or give me death, turn out. Those who want freedom for all, turn out!

SECOND TOWNSPERON

All freemen turn out!
(The FIRST TOWNSPERSON reappears.)

TOWNSPERSON

What's the news?

SECOND TOWNSPERSON

Slave catchers are in our midst!

RYECRAFT

Turn out!

BOOTH

Turn out to a meeting in the court house square!

(BOOTH and the TOWNSPEOPLE freeze as DIXON interrupts.)

DIXON

The United States Supreme Court ruled the Fugitive Slave Law was fully authorized by the Constitution. Federal judges in every state were bound to uphold that law, and Mr. Booth knew it.

JOSHUA A

Be quiet, Mr. Dixon. Things are just starting to cook.

(OTHER TOWNSPEOPLE appear. They all gather noisily around BOOTH. JOSHUA A joins the boisterous crowd.)

THIRD TOWNSPERSON

Mr. Booth, what's the news?

BOOTH

(To the audience) Freemen of Milwaukee, we have spoken with Judge Andrew Miller who issued a federal warrant for the arrest of Joshua Glover and emboldened the slave catchers to come prowling into Wisconsin.

DIXON

(Interjecting) Judge Miller was upholding the law of the land.

JOSHUA B

(Impatiently) Let the man speak.

BOOTH

We respectfully informed Judge Miller that we want a fair and open trial for the fugitive.

(The CROWD cheers.)

FIRST TOWNSPERSON

Hear, hear!

BOOTH

We showed him our writ of habeas corpus granted to us by the county court of Milwaukee. He would not obey it.

DIXON

Miller was a man of courage.

JOSHUA B

So you say.

BOOTH

We told him the fugitive was injured by the men who brutally arrested him and in need of care. Judge Miller was unmoved.

(PEOPLE hiss.)

DIXON

A judge must be guided by reason, not passion.

JOSHUA B

What about compassion?

DIXON

Compassion, too, judiciously applied.

BOOTH

Judge Miller said that no power on earth could set the prisoner free.

(The TOWNSPEOPLE jeer, whistle.)

RYECRAFT

(Shouting) Let's take him out.

BOOTH

No, Mr. Ryecraft, we must use legal and peaceful methods.

FIRST TOWNSPERSON

They haven't worked.

SECOND TOWNSPERSON

(Exiting) We know what will!

BOOTH

I am not among those who countenance disobedience to the laws. No one can condemn more than I do every manifestation of mob violence, and I am happy in being able to say that it has not prevailed in the conduct of this matter.

(The SECOND TOWNSPERSON returns with a pickaxe.)

SECOND TOWNSPERSON

(Brandishing the axe) You mean not yet, it hasn't.

(The CROWD cheers.)

RYECRAFT

Let's take him out!

BOOTH

No! No violence of any kind has yet been done! But the people have calmly and resolutely shown that that damning act of human perfidy and wickedness, the Fugitive Slave Law, is not the law of Wisconsin, that a higher and better rule of conduct governs us here than the best that ever swayed the hearts of heads of the authors of that iniquity.

FIRST TOWNSPERSON

Take him out!

BOOTH

This the minions of the slave power may as well learn sooner than later, if it must be learned.

SECOND TOWNSPERSON

We're ready to teach!

RYECRAFT

We'll show them our writ of open sesame.

(The CROWD laughs.)

THIRD TOWNSPERSON

Come on, let's do it.

JOSHUA A

(Singing) No more peck o' corn for me,
No more, no more.
No more peck o' corn for me,
Many thousand go.

BOOTH

The people will not suffer for it.

JOSHUA A

(Singing) No more driver's lash for me,
No more, no more.

BOOTH

They well understand that great charter of rights which is the birthright of every man, whatever the color of his skin.

JOSHUA A

(Singing) No more driver's lash for me,
Many tousand go.

(RYECRAFT and the FIRST TOWNSPERSON exit.)

BOOTH

Rights which no human legislation can annul.

JOSHUA A

(Singing) No more pint o' salt for me,
No more, no more.

BOOTH

The writ of habeas corpus is the great defense of freedom,
and we demand that this sacred writ shall be obeyed.

JOSHUA A

(Singing) No more pint o' salt for me,
Many tousand go.

BOOTH

We pledge ourselves to stand by this prisoner and do our
utmost to secure for him a fair and impartial trial by jury.

JOSHUA A

(Singing) No more hundred lash for me,
No more, no more.

BOOTH

Everyone here understands our meaning.

JOSHUA A

(Singing) No more hundred lash for me,
Many tousand go.

BOOTH

Everyone knows what must be done. I have nothing more to
say. There is nothing more to say. You know what must be
done.

(BOOTH steps aside as JOSHUA B takes over.)

JOSHUA B

Yes, sir. We know what must be done. We know. We know.
(TO audience) You heard the man. We know what must be done.

JOSHUA A

(Singing) No more auction block for me,

JOSHUA B

(Singing) No more, no more.

JOSHUA A

(Singing) No auction block for me,

JOSHUA B

(Encouraging the audience to sing) Many thousand gone.

JOSHUA A

(Singing) No more mistress' call for me,

JOSHUA B

(Singing with audience) No more, no more.

JOSHUA A

(Singing) No more mistress' call for me,

JOSHUA B

(With audience) Many thousand go.

(RYECRAFT and the FIRST TOWNSPERSON enter with a stout log.
Lights come up on GLOVER in his cell.)

RYECRAFT

(Calling) Give us a hand with this!

(The SECOND TOWNSPERSON drops his axe and joins them, as does
the THIRD TOWNSPERSON. DIXON rises out of his chair.)

DIXON

(Shouting) This is a mistake.

JOSHUA B

Sit down!

DIXON

It is no way to treat the law!

JOSHUA A

(Singing) No more driver's lash for me,

JOSHUA B

(Singing with audience) No more, no more.

(The log on their shoulders, the MEN charge the stage.)

RYECRAFT

(Fiercely) Forward!

JOSHUA A

(Singing) No more driver's lash for me,

JOSHUA B

(Singing with audience) Many thousand go.
(RYECRAFT and the TOWNSPEOPLE rush past DIXON and head straight for GLOVER with a shout.)

JOSHUA A

(Singing) No more cryin' to be free.

JOSHUA B

(Singing with audience) No more, no more.

(The log hits an invisible barrier and the MEN stop abruptly. They back up and charge again.)

JOSHUA A

(Singing) No more cryin' to be free.

JOSHUA B

(Singing with audience) Many thousand go.

RYECRAFT

(Savagely) Forward!

(The MEN hit the barrier and are stopped again.)

JOSHUA A

(Singing) No more pint o' salt for me,

JOSHUA B

(Singing with audience) No more, no more.

(The MEN back up and charge with a roar.)

JOSHUA A

(Singing) No more pint o' salt for me,

JOSHUA B

(Singing with audience) Many thousand go.

(The MEN crash through the invisible barrier with a gleeful shout. The shadows of the bars on the floor disappear.)

GLOVER

Glory! Hallelujah!

(The MEN drop the log. RYECRAFT kicks aside the bench.)

JOSHUA A

(Singing) No more hundred lash for me,

JOSHUA B

(With the audience) No more, no more.

GLOVER

Glory! Hallelujah!

JOSHUA A

(Singing) No more hundred lash for me,

JOSHUA B

(With the audience) Many tousand go.

GLOVER

Glory! Glory!

(The MEN parade GLOVER around, as BOOTH follows smiling.)

JOSHUA A

(Solo) No more cryin' to be free.

JOSHUA B

(With the audience) No more, no more.

GLOVER

Glory! Hallelujah!

(They carry GLOVER off. JOSHUA A picks up the axe.)

JOSHUA A

(Singing) No more cryin' to be free,

JOSHUA B

(With the audience) Many tousand go.

(JOSHUA A crosses the stage to the overturned prison bench.)

JOSHUA A

(Singing) No more cryin' to be free,

JOSHUA B

(With the audience) No more, no more.

JOSHUA A

(Singing) No more cryin' to be free,

(JOSHUA A holds the axe aloft, waits for JOSHUA B to stop singing, then the swings the axe, embedding it in the bench. He looks over his shoulder at DIXON, then exits.)

JOSHUA B

(Solo, spoken) Many tousand go.

(She stares out at the audience as the lights fade.)

END OF ACT I

Act II

I

(A solitary light comes up on JOSHUA B downstage as she sings.)

JOSHUA B

(Singing) Mammy don't you cook no mo'
 You are free, you are free.
 Rooster don't you crow no mo'
 You are free, you are free.
 Ol' hen don't you lay no mo'
 You are free, you are free.

(Another light comes up across stage on JOSHUA A joins in.)

JOSHUA A

(Singing) Joshua don't you run no more
 You are free, you are free.

JOSHUA B

(Singing) Mammy don't you cook no mo'

JOSHUA A

(Singing) You are free, you are free.

(The lights gradually come up full on the judge's chair upstage, its back facing the audience.)

JOSHUA B

(Singing) Rooster don't you crow no mo'

JOSHUA A

(Singing) You are free, you are free.

JOSHUA B

(Singing) Ol' hen don't you lay no mo'

JOSHUA A

(Singing) You are free, you are free.

THE TWO

(Singing) Joshua don't you run no mo'
 You are free, you are free.

(JOSHUA A crosses upstage to the chair and turns it around revealing DIXON seated in it.)

JOSHUA A

Justice Dixon, you still with us?

DIXON

As you can see.

JOSHUA A

Good, because we're moving on.

JOSHUA B

(To audience) Imagine a crowd of more than five thousand people smashing open the Milwaukee jail to set Joshua Glover free. That's five thousand people, all but maybe a handful of them white, in a city with a population of 40,000 souls.

JOSHUA A

And this Joshua isn't some gifted basketball player who can soar to the bucket like a god, or some super sexy movie star. No, he's just a humble, plain-looking ex-slave with ashy black skin, long legs and a short body.

(GLOVER enters.)

GLOVER

And there they were, all of these people running with me, not to whip me, or beat me, but to watch over me. Every one of them running with me and patting me on the back like I was someone special. And all the windows and doors of the homes were open, and folks were waving their handkerchiefs and smiling and cheering and calling my name.

JOSHUA B

Glory, hallelujah.

GLOVER

Yes, ma'am. That's what I said. Glory, hallelujah.

JOSHUA B

It must have been a sight to see.

GLOVER

It was. It truly was.

(GLOVER exits.)

JOSHUA A

After the people of Milwaukee broke him out of jail and put him on a schooner to Canada, Joshua Glover faded out of the picture. But the story that began the day he ran away from that Missouri plantation continued and grew into something bigger and more complicated that shook the country.

JOSHUA B

The first thing that happened after Glover was safely out of reach involved his former master. Local abolitionists filed a complaint against Bennami Garland in federal court and had him arrested and charged with assault and battery of the fugitive at the time of his capture.

(An American flag is brought on. GARLAND enters, escorted by U.S. MARSHAL ABLEMAN.)

JOSHUA B

That's Judge Andrew Miller's federal court.
(MILLER enters, gavel in hand.)

DIXON

All rise.

(MILLER sits in the judge's chair.)

JOSHUA A

We remember Judge Miller, the man who said no earthly power could remove Joshua Glover from jail without his say so.

JOSHUA B

Famous last words.

(A table is brought on and placed in front of MILLER.)

DIXON

He was speaking with the authority of the United States Constitution behind him.

JOSHUA B

We know about the United States Constitution. We've read Article four, section two, paragraph three of that sacred document.

DIXON

That article is not at issue here. As I said, at issue is the power of the federal court versus the state court.

JOSHUA B

And Judge Miller's federal court had that power here.

(MILLER strikes the table top with the gavel.)

DIXON

Your silence is commanded.

MILLER

Federal law authorizes a slave-owner to capture his slave and take him before a United States judge or commissioner in order to reclaim his runaway property without interference from any state court. To secure his slave it is natural that there should be some resistance.

(MILLER freezes as JOSHUA A interjects.)

JOSHUA A

In other words, according to the law of the land, Garland had the right to stomp on Joshua Glover like he was a cockroach if he refused to go back home with him.

GARLAND

The slave was my property to treat as I saw fit.

JOSHUA A

And Wisconsin's courts couldn't do anything about it, not even if he wound up killing his slave in the process, right, Mr. Dixon?

DIXON

Yes.

MILLER

I find no ground for detaining the defendant and rule that he be discharged.

(MILLER strikes the gavel on the table, then rises and exits, followed by ABLEMAN.)

GARLAND

What about my lost property?

JOSHUA B

Bring it up with the United States government.

(GARLAND stalks off.)

JOSHUA A

(Seething) Yes, the United States government.

(JOSHUA A hurls the American flag to the ground. He raises his foot to stomp on it, but DIXON pulls the flag away.)

DIXON

What are you doing, man?

JOSHUA A

If the United States government could give Bennami Garland the right to stomp on a black man like Joshua Glover, then I certainly have a right to stomp on a colored piece of dead cloth.

DIXON

No, sir. You are severely misguided.

JOSHUA A

(Grabbing the flag) You're right. Better I should rip the thing to shreds.

(JOSHUA A tries to pull the flag out of Dixon's hands.)

DIXON

(To JOSHUA B) Please, don't let him do this.

JOSHUA B

(Forcefully, as she restrains him) Brother A, we've got more to tell. Brother A. (More gently) Let's get on with it.

JOSHUA A

(Calming down) All right, Sister B. All right.

(JOSHUA B takes the flag, exits. JOSHUA A shoves the judge's chair aside.)

II

JOSHUA A

So, Judge Miller's federal court let Bennami Garland off without so much as a shame on you. And to top it off, the federal government struck back at the man who dared to defy its so-called law.

(SHERMAN BOOTH enters with pen, ink and paper, which he sets on the table. WILLIAM, a young man, and JOSHUA B follow him on with chairs, which they place by the table. BOOTH takes off his coat, hangs it on the back of his chair and sets to work composing an editorial.)

BOOTH

(Speaking to himself) This is the most damnable decision every uttered by any court in any civilized country.

JOSHUA A

The morning of March fifteenth, 1854, a Wednesday.

(The TWO JOSHUAS and DIXON move aside as the scene plays.)

BOOTH

Judge Miller's decision strikes down the rights of every free citizen of Wisconsin. A slave-catcher, by this decision, may pounce upon me by swearing that I am a slave and get a warrant for my arrest.

WILLIAM

(Hesitantly) Mr. Booth?

BOOTH

Breaking into the jail to rescue Glover was a regrettable act, but it would be better to raze every jail in Wisconsin and give every federal judge and marshal a coat of tar and feathers and 24 hours to leave the state than to allow them

to deny our citizens their most basic rights.

WILLIAM

Sir?

BOOTH

And I would advise every colored man to arm himself and be prepared to shoot dead any slave-catcher who tries to drag him off against his will.

WILLIAM

(Loudly) Mr. Booth! (Timidly, again) Sir.

BOOTH

What is it, man?

WILLIAM

(Holding out a piece of paper) I need to know if you want to run this item or not? We're on deadline.

BOOTH

What item is that?

WILLIAM

The one about razors.

BOOTH

I have no memory of it. (Closes his eyes) Read it, will you?

WILLIAM

(Reading) Barbers tell us that razors get tired of shaving, but if laid by for twenty days, they will then shave well. Microscopic examination reveals that the tired razor, from long stropping in one direction, has the particles of its edge all arranged in the same way, like the edge of cut velvet; but after a month's rest, these fibers rearrange themselves, crossing each other and presenting a saw-like edge to shear the beard instead of forcing it down flat.

(WILLIAM waits as BOOTH ponders the article.)

WILLIAM

That's all of it, sir. (Waits) Mr. Booth?

BOOTH

(As a smile appears on his face) William. (Laughs) William.

WILLIAM

Sir?

BOOTH

You are magnificent. I'm pondering the fate of the Union, and you ask me about running an item about tired razors.

WILLIAM

I'm sorry, Mr. Booth, but I thought it made good copy.

BOOTH

And right you are.

WILLIAM

I am?

BOOTH

Of course! The piece should enliven conversations in barber shops and taverns across Milwaukee. Run it in the second column on page two under the Kenosha drowning story.

WILLIAM

Yes, sir.

(As WILLIAM heads off, he almost bumps into U.S. MARSHAL ABLEMAN and his DEPUTY.)

ABLEMAN

Good day.

WILLIAM

May I help you?

ABLEMAN

I'm here to see Mr. Booth.

BOOTH

Come in, Marshal Ableman. Take a seat. William, please bring another chair for the marshal's deputy.

ABLEMAN

That won't be necessary. We can't stay long.

BOOTH

To what do I owe the pleasure of this visit?

ABLEMAN

(Taking out a document) Mr. Booth, I have a warrant from the federal court commissioner.

BOOTH

Is that so?

ABLEMAN

(Reading document) To the marshal of the district of

Wisconsin. (To BOOTH) That means me, just so you know.

BOOTH

Thank you, sir. Please, go on.

ABLEMAN

(Reading) Whereas a written complaint has this day been made to me, a commissioner appointed by the district court of the United States for the district of Wisconsin, that Sherman M. Booth, on the 11th day of March, 1854, in the city of Milwaukee, did unlawfully aid and abet a person named Joshua Glover, held to labor in the state of Missouri, under the laws thereof, and being the property of one Bennami S. Garland, and having escaped there to the state of Wisconsin.

(ABLEMAN returns the document to his pocket, BOOTH puts on his coat, as the TWO JOSHUAS take over.)

JOSHUA A

You are hereby commanded to take the body of the said Sherman M. Booth, if he shall be found within your district.

JOSHUA B

And bring him to me, at my office in the city of Milwaukee, to be dealt with in the premises according to the law.

(ABLEMAN and the DEPUTY escort BOOTH off.)

WILLIAM

(Hurrying after them) Mr. Booth, what should I do?

BOOTH

Run the razor piece on page two, as I told you. And (To ABLEMAN) This will only take a moment, sir.

ABLEMAN

I can wait.

BOOTH

Take this down for the front page.

(WILLIAM crosses to Booth's desk to take dictation.)

BOOTH

(Dictating) We have the honor of being the first person in Wisconsin to be arrested by the federal government for alleged disobedience to the Fugitive Slave Law and for obedience to the higher law. Our crime, says the warrant, is that we have helped a human being to escape from bondage.

If the government can make its case, I am liable to be fined and imprisoned six months. I cheerfully meet the issue. Do you have that William?

WILLIAM

Yes, sir.

ABLEMAN

Are you finished now, Mr. Booth?

BOOTH

One last thing, marshal. (Dictating) Rather than have the great constitutional rights and safeguards of the people - the writ of habeas corpus and the right of trial by jury - stricken down by the heinous Slave Law, I would prefer to see every federal officer in Wisconsin hanged on a gallows fifty cubits higher than Haman's. (To ABLEMAN) Nothing personal intended, of course.

ABLEMAN

I should hope.

(WILLIAM, his mouth agape, stands in place, immobile.)

BOOTH

William, close your mouth before something flies in it and get on with the task at hand. You're on deadline, man!

WILLIAM

(Snapping to it) Yes, sir.

(BOOTH defiantly exits with ABLEMAN as the DEPUTY and WILLIAM carry off the table and office chairs.)

III

JOSHUA A

Mr. Dixon, do you believe that theory about tired razors?

DIXON

In my day I didn't believed half of the things I read in the newspapers.

JOSHUA A

I can identify with that. But once in a while I do come across something that rings true. Something worth serious consideration. Like the other morning, I read an article about research they've conducted on Brontosaurus fossils. Scientists believe the dinosaur's great tail may have been able to move fast enough to make a sound like the crack of a whip. The crack of a whip, they say, is actually the sound its tip makes as it breaks the sound barrier at 738 miles per hour. Imagine. A mere whip breaking the sound barrier.

Justice Dixon, do you think Bennami Garland ever broke the sound barrier on his slaves' backs?

DIXON

What is your point, sir?

JOSHUA A

You know perfectly well what my point is.

JOSHUA B

The point is that federal authorities had no right arresting a man who wanted to save Joshua Glover from the hands of Bennami Garland.

DIXON

Sherman Booth had every right to speak out against slavery, as he did in his newspaper, but inciting a street mob to rise up against the central government and beat down a jail house door is another matter entirely.

JOSHUA B

Isn't that what the founding fathers did?

DIXON

The founding fathers rose up against a foreign power that denied them liberty. They did not rebel against their own government.

JOSHUA B

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness.

JOSHUA A

That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed, that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it.

DIXON

(Emphatically) Prudence! Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes.

JOSHUA A

Abolishing slavery was not a light or transient cause.

DIXON

Mob rule was not the proper way to alter the government.

JOSHUA A

How else do you fight despotism?

DIXON

The United States government was not despotic.

JOSHUA B

Try telling that to the four million slaves who lived in America back then.

JOSHUA A

The federal government was evil. It condoned their servitude, it wanted to send runaways back to their masters without a jury trial, and it ignored the will of Wisconsin's citizens who opposed such villainy. They had no other choice but to storm that Milwaukee jail.

DIXON

You talk like a slave owner from Ole Virginny.

JOSHUA A

Excuse me?

DIXON

They spoke with the same self-destructive arrogance.

JOSHUA A

What?

DIXON

Next thing we know, you'll be whistling Dixie.

JOSHUA A

The hell I will! (Charging him) Damn you, take that back!

JOSHUA B

(Stepping between them) Hold on now.

JOSHUA A

Where's that pickaxe?

JOSHUA B

What are you're going to do, kill him? The man's already dead, remember?

JOSHUA A

That's right. (Calming down) That's right. And Joshua Glover went free. Rode the Underground Railroad all the way to Ontario. (Smiling) Where he married a young white woman, twenty years his junior, according to the record. (Smiling more broadly) Yes, sir. That's what he did.

(JOSHUA A chuckles to himself, but stops cold when he sees Joshua B's stern expression.)

JOSHUA B

You've made your point, it's time to move on.

IV

JOSHUA A

Yes, ma'am. Now, here's where the story gets complicated, so it's a good thing we've got a legal expert like Justice Dixon on hand to help keep us from losing our way in all of the legal maneuvering that went on. It is the spring of 1854, and we've got Joshua Glover up in Canada living as a freeman.

JOSHUA B

Bennami Garland is down in Missouri crying over his lost property.

JOSHUA A

And Sherman Booth is sitting in a Wisconsin jail awaiting trial in federal court for violating the Fugitive Slave Act.

(A bench is brought on and set downstage in a pool of light accented by a jail bar's shadows. BOOTH is escorted on by MARSHAL ABLEMAN, who leads him to the bench, then exits.)

JOSHUA B

We know the federal judge for the state of Wisconsin well by now, of course. He's our old friend Judge Andrew Miller.

JOSHUA A

But Mr. Booth didn't go to trial before Judge Miller.

BOOTH

(Proudly) That is correct. We appealed to the state supreme court of Wisconsin to hear our case, and that court, to its great credit, agreed.

JOSHUA A

What's the difference?

DIXON

The state supreme court was not a trial court. There were no witnesses, no jury. Only justices who would hear the two sides offer their arguments and judge the merits of a case on constitutional grounds.

JOSHUA A

Which means?

BOOTH

Which means we meant to test the constitutionality of the Fugitive Slave Law in our own state court rather than let the federal court try me for violating it.

(Two more judges' chairs are brought on and lined up with the one already there.)

JOSHUA B

A clever move outflanking the federal court by appealing to the state supreme court, don't you think, Mr. Dixon?

DIXON

You call it clever; I call it coercion. The United States marshal feared the mob's rage if he didn't surrender Mr. Booth to the local authorities.

(BOOTH takes his place near the judges' chairs. JOSHUA A picks up the prison bench and sets it near him.)

JOSHUA B

In the matter of the petition of Sherman M. Booth for a writ of habeas corpus and discharge from imprisonment.

DIXON

All rise.

JOSHUA B

For Wisconsin Supreme Court Justice Abram Smith.
(ABRAM SMITH enters and sits in the stage right chair.)

JOSHUA B

And Justice Samuel Crawford.

(CRAWFORD enters and sits beside SMITH.)

JOSHUA B

And Chief Justice Edward Whiton.

(EDWARD WHITON enters and sits, as does BOOTH.)

JOSHUA A

Arguing for the defendant was Mr. Byron Paine, esquire.

(BYRON PAINE enters flamboyantly.)

JOSHUA B

Looks like a college kid.

JOSHUA A

He was twenty-six years old at the time and sharp as they

come. A young stallion, with a bright future.

(PAINE takes his place before the THREE JUSTICES as EDWARD RYAN, rich with dignity, strides onto the stage.)

JOSHUA A

Arguing for the federal government was the honorable Edward G. Ryan, as brilliant as Byron Paine and almost twenty years older. A distinguished lion of the law.

DIXON

Your silence is commanded.

PAINE

May it please the court, I stand before you to plead not for the liberty of Mr. Booth alone, but for the liberty of us all.

RYAN

Gentlemen, I speak today for the judiciary system, the last hope of social order in troubled times.

PAINE

The questions I wish to raise relate to a law of the United States which protects a vile institution that has cursed us in the past, curses us in the present, and looms as a dark cloud of destruction in our future.

RYAN

(Interjecting) I admit that the social order is not perfect in this country as it will never be anywhere in this world.

PAINE

Let my purpose be--

RYAN

But the fanatic opposition of optimists to the established order only succeeds in disturbing our country further.

PAINE

(Topping him) Let my purpose be understood at the outset. I do not stand here to oppose the Fugitive Slave Act because it is a monstrous moral deformity. I do not stand here to oppose it because it violates a law higher than the Constitution.

RYAN

Providence--!

PAINE

I stand here because the Fugitive Slave Act violates the Constitution itself.

(PAINE gestures cordially to RYAN, inviting him to proceed.)

RYAN

Providence has permitted slavery to have a place in this land, and passionate resistance to our system of compromise has no tendency to remove it. If the supreme law of the land is to give way to elementary criticisms from the states, it is not difficult to foresee most grave results.

(RYAN nods, inviting PAINE to proceed. PAINE nods, smiles.)

PAINE

The act is unconstitutional upon three grounds. First, Congress has no power to legislate upon the subject at all. Second, it is unconstitutional because it provides that any person claimed as a fugitive can be reduced to slavery without a trial by jury. And third, it is unconstitutional because it vests the judicial power of the United States in court commissioners, rather than judges, in violation of the Constitution.

(PAINE freezes as JOSHUA A interrupts.)

JOSHUA A

Did you agree with that reasoning, Justice Dixon?

DIXON

My agreement or disagreement with the questions Mr. Paine raised is not germane to my later involvement in the case.

JOSHUA A

I'm not asking you about your later involvement. I'm asking if you agreed or disagreed with Mr. Paine's argument?

DIXON

And if I tell you I agreed, what will that prove?

JOSHUA A

(Insistent) Did you or did you not agree that the Fugitive Slave Act was unconstitutional.

DIXON

As I said, my position--

JOSHUA A

(Boring in) Did you or did you not agree that the act was unconstitutional?

DIXON

(Exasperated) Yes, I agreed! The Fugitive Slave Act was

unconstitutional. Are you satisfied?

JOSHUA A

Thank you. No further questions.

PAINE

(With rising passion) Let us maintain to the last some hope that liberty may not be entirely destroyed - that the cause of humanity may not entirely fail!

RYAN

Far from lending itself to heated and over-zealous enthusiasm, our court owes a duty to the present and the future to teach gang rule that it has no sanctuary here.

PAINE

The clouds of destruction are gathering faster and blacker above us. Still we have hope that the traffickers in blood and bones shall be driven from our land.

RYAN

(Severely) We must answer all fanatics by demonstrating a dignified and unflinching allegiance to the rule of law.

PAINE

And we have hope that the light of liberty shall one day illuminate all corners of our sacred soil.

RYAN

The state rests.

PAINE

Thank you for your attention and indulgences.

(RYAN and PAINE fall silent, waiting for the JUSTICES to speak.)

JOSHUA B

Byron Paine proclaimed, Edward Ryan roared, and the Wisconsin Supreme Court justices spoke.

SMITH

Mr. Booth was arrested for helping a runaway slave escape prison, which is a violation of the Fugitive Slave Act of 1850. But that act violates the provision set forth in the United State Constitution that no person shall be deprived of life, liberty or property without due process of law.

WHITTON

Every person is entitled to his day in court where he can defend himself against his accusers. We, therefore, find the Fugitive Slave Act repugnant to the Constitution and hold that Mr. Booth must be discharged from imprisonment.

(WHITTON and SMITH rise and exit with RYAN as PAINE and BOOTH congratulate each other. JOSHUA B bursts into song.)

JOSHUA B

(Singing) No more peck o' corn for me,
No more, no more.

JOSHUA A

Sister B.

(She tries to stir up the audience.)

JOSHUA B

(Singing) No more peck o' corn for me,
Many tousand go!

JOSHUA A

Sister B!

(PAINE and BOOTH turn toward JUSTICE CRAWFORD.)

JOSHUA B

What?

JOSHUA A

There was a dissenting opinion from the bench. Isn't that so, Justice Dixon?

DIXON

Yes. From Justice Crawford.

JOSHUA A

(A forced smile) Justice Crawford, if you please.

CRAWFORD

Unlike my brethren, I am satisfied that the Fugitive Slave Act does not violate the United States Constitution.

JOSHUA B

Satisfied!

JOSHUA A

That's what he said: satisfied.

CRAWFORD

There is no doubt that a fugitive's right to a jury trial is protected by our state constitution and extends to persons of all colors. But suppose the governor of Missouri demands that Wisconsin's governor surrender a citizen charged with a felony. If the request is legal, the fugitive is sent to Missouri for trial. I see no difference between the demand of a fugitive from justice and a fugitive of labor. In either case, he is deprived of liberty without a jury trial here. It is true that the fugitive from justice is presumed innocent until proven guilty, while the fugitive of labor is not presumed free until proven otherwise. But this is more an argument against the humanity of the Fugitive Law, than against its constitutionality. And I am fully aware that a judge's duty is to uphold the law, not to make it.
(CRAWFORD exits, followed by RYAN.)

JOSHUA A

But Justice Crawford's dissent didn't offset the court's ruling.

DIXON

That is correct.

JOSHUA B

And Sherman Booth went free.

DIXON

Yes.

(PAINE and BOOTH resume congratulating each other.)

BOOTH

Fine work, Mr. Paine. Excellent work.

PAINE

Thank you, sir.

BOOTH

This ruling should get our cause a good deal of attention.

PAINE

I'm sure it will, Mr. Booth. It must.

(PAINE and BOOTH go on congratulating each other in silence as two of the judges' chairs are removed.)

JOSHUA A

And it did. Byron Paine's court victory made him a national celebrity.

B

JOSHUA B

His published argument became a bestseller in Boston. Famous abolitionists around the country wrote him glowing letters of congratulations.

(BOOTH and PAINE shake hands goodbye, and PAINE exits.)

JOSHUA A

But the federal government could not let things stand. It had to show who was boss.

V

(MARSHAL ABLEMAN enters with a DEPUTY carrying the jailhouse bench.)

ABLEMAN

Mr. Booth.

BOOTH

Hello, marshal. To what do I owe the pleasure of this visit?

ABLEMAN

I have another warrant from the U.S. district court for your arrest.

BOOTH

The Wisconsin State Supreme Court has spoken.

ABLEMAN

The United State government has more to say.

BOOTH

This is outrageous.

ABLEMAN

Please, come along.

(ABLEMAN leads BOOTH downstage to a pool of light accented by a jail bar's shadows. The DEPUTY sets the bench down.)

BOOTH

I will not stay here long. You know that, of course. One way or another, I will be set free.

ABLEMAN

I trust your people will not resort to violence again.

BOOTH

I make no guarantees on what they will or will not do. But I promise you, I will go free.

(ABLEMAN and the DEPUTY exit. The American flag is brought on.)

JOSHUA A

So the case returned to Judge Andrew Miller's federal court. And, again, Booth appealed to the Wisconsin Supreme Court to take the case instead, but this time around his appeal was turned down. Why is that, Justice Dixon?

DIXON

A jurisdictional issue. The state court said it could not hear the case until the federal court rendered judgement.

JOSHUA B

Whatever that means, the long and the short of it was that they had a federal trial, complete with a jury, and strict instructions from Judge Miller to consider only the facts of the case and not the constitutionality of the slave law. (We hear the sound of a gavel striking wood. BOOTH stands.)

JOSHUA B

And Sherman Booth lost.

(The gavel sounds again, its echo reverberating, as BOOTH sits back down, and the American flag is taken off.)

JOSHUA A

Judge Miller sentenced Mr. Booth to 30 days in jail and \$1000, plus tax. The news of his decision spread quickly.

(We hear shouting. A TOWNSPERSON rushes onstage.)

TOWNSPERSON

Freemen!

(A SECOND TOWNSPERSON enters from the opposite direction.)

SECOND TOWNSPERSON

Freemen, to the rescue.

JOSHUA A

(Joining them) All freemen turnout!

FIRST TOWNSPERSON

(Angrily) Judge Miller is a disgrace to the name of judge, a tyrant, an old granny and a miserable doughface!

(They march together, whistling and jeering.)

JOSHUA B

A large crowd of angry protestors marched past the judge's house. There was talk of armed resistance. Meanwhile, Booth appealed to the State Supreme Court to hear his case, and now the Wisconsin justices said they would take it again.

(BOOTH stands expectantly.)

JOSHUA A

And they overturned the federal court ruling.

(A gavel resounds with a thunderous clap. BOOTH triumphantly strides out of his cell and is met by the MEN.)

FIRST TOWNSPERSON

Mr. Booth, what's the news?

BOOTH

Can't you see, man? I'm free!

(The MEN cheer, shake Booth's hand, slap him on the back.)

SECOND TOWNSPERSON

Come, sir, we'll drink to your health.

BOOTH

Thank you all, but I have a newspaper to put out.

(They watch him hurry away.)

JOSHUA A

Never mind. We can drink to his health without him.

(The TOWNSPEOPLE laugh and exit with Booth's bench.)

VI

JOSHUA B

It was a magnificent moment in the history of our country.

JOSHUA A

It was better than that. The Wisconsin State Supreme Court even refused to send copies of their proceedings to Washington when the United States Supreme Court, the highest court in the land, decided to review the case.

DIXON

It was an unprecedented act of defiance, a direct challenge to the federal court system.

JOSHUA A

If that's what it took to kill slavery, so be it.

JOSHUA B

(Singing) Little David play on your harp
Hallelu, hallelu
Little David play on your harp

Hallelu.
 David was a shepherd boy,
 He killed Goliath
 and sang with joy.

JOSHUA A

Yes. It was a magnificent, unprecedented moment in the history of our country.

JOSHUA B

(Singing) Little David play on your harp.

JOSHUA A

The friends of freedom held mass meetings

JOSHUA B

(Singing) Little David play on your harp.

JOSHUA A

They passed resolutions praising the state court.

JOSHUA B

(Singing) Little David play on your harp.

JOSHUA A

And they raised money to pay for future slave trials.

JOSHUA B

(Singing) Little David play on your harp
 Hallelu, hallelu
 Little David play on your harp
 Hallelu.

JOSHUA A

That was in February, 1855.

DIXON

The Wisconsin Court's refusal to send its proceedings to Washington may have delayed the United States Supreme Court's deliberations, but it did not prevent them.

JOSHUA A

True. But it did a very good job of slowing them down. In the meantime, look what happened back in Wisconsin.

DIXON

Partisan politics took over rational debate. The Republicans brandished the banner of states rights and threw reason to the wind.

JOSHUA A

You mean the Fugitive Slave Act took a beating. Judge

Crawford, the lone dissenter in the Glover case, lost his Supreme Court seat to Orsamus Cole congressman whose stand against slavery was unimpeachable.

DIXON

A vote against Crawford was a vote for abolitionist fanaticism. It had nothing to do with choosing the more competent judge.

JOSHUA A

Any judge who called the Fugitive Slave Act constitutional was incompetent.

JOSHUA B

That's why Crawford lost in a landslide.

DIXON

I say you are wrong. Justice Crawford offered a cogent and logical opinion based on a thoughtful reading of the Constitution. That is what we expect of our best judges.

JOSHUA A

What do you mean WE?

DIXON

I mean we THE PEOPLE.

JOSHUA A

WE does not include ME if the Constitution had article four, section two, paragraph three in it.

DIXON

It was up the people to vote to repeal it.

JOSHUA A

The people so voted. That's why they dumped Crawford.

(The American flag is brought on as CHIEF JUSTICE ROGER TANEY enters.)

JOSHUA B

It took four years before the U.S. Supreme Court finally got around to ruling on the Joshua Glover case.

DIXON

All rise.

(JOSHUA A intentionally sits in the judge's chair, and JOSHUA B stands defiantly besides him.)

DIXON

(Booming) I said all rise for Chief Justice Roger Taney of

the United States Supreme Court!

(The TWO JOSHUAS do not move. TANEY looks around in confusion. DIXON exits quickly and returns with another judge's chair. TANEY sits down. The TWO JOSHUAS turn away from him.)

JOSHUA A

(Singing) Little David play on your harp

JOSHUA B

(Singing) Hallelu, hallelu

DIXON

Your silence is commanded!

TANEY

The United States Constitution was not formed merely to guard the states against danger from foreign nations, but mainly to secure harmony at home.

JOSHUA A

(Singing) Little David play on your harp

DIXON

Silence!

TANEY

To accomplish this, the framers of the Constitution thought it necessary for the central government to be strong enough to execute its own laws in its own courts, without state interference.

JOSHUA A

Even when the central government was wrong!

DIXON

Let him speak!

JOSHUA A

Why should I?

DIXON

Because if you do not, I will leave!

(JOSHUA A sighs, allowing TANEY to proceed.)

TANEY

The intent of the framers was plain. The United States Constitution shall be the supreme law of the land and the judges in every state shall be bound to it, beyond the laws of any individual state. In the judgment of this court, the

act of Congress, commonly called the Fugitive Slave Law, is fully authorized by the Constitution of the United States. The judgment of the Supreme Court of Wisconsin must, therefore, be reversed.

(TANEY rises and exits. The flag and the second judge's chair are taken off.)

VII

JOSHUA A

The U.S. Supreme Court's ruling to send Booth back to jail was in March of 1859. And the magnificent people of Wisconsin had an answer.

DIXON

You mean, the Republicans.

JOSHUA A

No, I meant the people of Wisconsin.

DIXON

As I said, this turned into a partisan debate with the Republicans supporting states rights and the Democrats favoring federalism.

JOSHUA B

Wait a minute. The magnificent people were Republicans? And the Democrats supported slavery?

JOSHUA A

That's another story.

DIXON

On the contrary. It is very much part of the story.

JOSHUA A

All right, Justice Dixon. Have it your way. With the **REPUBLICANS** leading the charge, citizens held indignation meetings across the state denouncing the U.S. Court's decision. Both houses of the **REPUBLICAN**-led Wisconsin legislature passed a defiant resolution approved by the governor.

DIXON

A staunch states rights man.

JOSHUA A

Resolved!

(TOWNSPEOPLE ENTER)

FIRST TOWNSPERSON

That we regard the action of the Supreme Court of the United States in assuming jurisdiction in this case as an arbitrary act of power unauthorized by the Constituiton!

JOSHUA A

Resolved!

SECOND TOWNSPERSON

That the jurisdiction by the federal court in this case is void and of no force!

JOSHUA A

Resolved!
(JOSHUA B takes over)

JOSHUA B

That the independent states have the right to judge this case; and that a positive defiance of such unauthorized acts by the federal court is the rightful remedy!

(The TOWNSPEOPLE applaud and cheer as they exit)

VIII

JOSHUA A

Yes, the good people of Wisconsin spoke out loud and clear. And in that spring's election they took another swing at slavery by electing Mr. Booth's sharp young lawyer Byron Paine to the state supreme court.
(BOOTH bursts onto the stage.)

JOSHUA B

With Chief Justice Whiton presiding, Justice Orsamus Cole, and young Paine, the Wisconsin court was blessedly packed with freedom lovers. But then, ten days after Byron Paine joined the court, the chief justice died.

JOSHUA A

The governor needed to find someone who could fill the chief's chair.

JOSHUA B

Someone competent.

JOSHUA A

Someone he could depend on to take up the cause of liberty.

JOSHUA B

He chose a man who was admitted to the bar in 1850, the same year the Fugitive Slave Act was passed, coincidentally. A man who served as a district attorney and a circuit judge.

JOSHUA A

A man of ambition.

JOSHUA B

A man of integrity.

JOSHUA A

The governor chose a man we know.
(JOSHUA B holds the judge's chair for DIXON)

JOSHUA B

He chose Luther S. Dixon
(Dixon sits as JOSHUA A brings on the prison bench and sets it in the center of the stage. On top of the bench is a set of documents that JOSHUA picks up and holds high.)

JOSHUA A

One of the first pieces of business facing Wisconsin's new chief justice was handling a set of mandates sent from Washington. Chief Justice Dixon's court was supposed to formally file these papers. And that would be a sign that is accepted the United States Supreme Court ruling to reverse Wisconsin's opinions in the Glover case and return Sherman Booth to jail.

JOSHUA B

People were watching and waiting.

(JOSHUA A sets the mandates back on the prison bench.)

JOSHUA A

There was no telling what might happen when the U.S. marshal tried to arrest Booth. The governor of Wisconsin put the state militia on alert.

(BOOTH appears.)

BOOTH

People of Wisconsin, hear me. We must not sacrifice the gallant independence of our supreme court and the spirit of liberty that has sustained it by bowing to Judge Miller's odious opinions.

(JOSHUA GLOVER enters)

GLOVER

From the time I was a child I knew if you want to get somewhere, you put one foot after another and let the earth do the rest. Left, right, left, right.

BOOTH

I tell you that the United States Constitution is not worth the paper it is printed on if the authority to interpret it is absolutely vested in the central government.

GLOVER

Terrified as I was, that's what I did one night when the moon was skinny as a strand of corn silk and the masser was away. Crept out of my cabin, put one foot after another and let the earth do the rest.

BOOTH

Good citizens.

GLOVER

Left, right, left, right.
(Bennami Garland enters)

GARLAND

Two hundred dollars reward. For a Negro man by the name of Joshua, about 40 years old, with long legs, and a short body..

BOOTH

Friends.

GARLAND

Had on when he ran away a pair of black satinet pantaloons, pair of heavy kip boots.

BOOTH

Brothers and sisters!

GARLAND

The above reward will be paid if taken out of state.

BOOTH

We have come to a point where it is loyalty to resist and treason to submit. I say it is better that this union be a rope of sand around those who are willing to stay together, than a rope of hemp around the neck of liberty.

JOSHUA A

The question was, what kind of message did the Wisconsin Court want to send across the country?

JOSHUA B

Should it file the mandates of the United States Supreme Court or not?

JOSHUA A

The justices had to vote on the matter.

JOSHUA B

But not Byron Paine. He was disqualified having been Sherman Booth's lawyer. Conflict of interest.

JOSHUA A

As for Justice Cole, his vote was solid. Resist slavery, he said, dump the mandates. And Chief Justice Dixon? What will it be: a rope of sand or a rope of hemp?

(BOOTH picks up the mandates and offers them to DIXON.)

DIXON

I reject the proposition.

JOSHUA A

How can you reject the proposition? You have to vote.

DIXON

I reject the proposition, because the choice is not between a rope of sand and a rope of hemp. The choice is between a rope of sand and a ray of light. If the United States Congress and the Supreme Court have improperly discharged the high trusts placed in them by the American people, I say let the American people remedy the evils they perceive in a reasonable fashion. Let them not nullify obnoxious laws, but repeal them. Let them not slaughter faithless officers, but remove them. Let them not dissolve the Union because it insults them, but instead shore it up with sterner stuff. I say let them take that rope of sand, mix it with gravel and water, and let them patch the cracks in our faltering Union with cement. (To JOSHUA A) Cement. (To JOSHUA B) Cement. (To audience) Cement.

(DIXON takes the mandates from BOOTH)

DIXON

The only question that can be made regarding these mandates is this: Does the Constitution of the United States grant Congress the power to provide by law for an appeal from the courts of the several states to the Supreme Court of the United States, and to authorize the Supreme Court to review and reverse the judgments of the state courts? The proper solution of this question is as old as the Constitution itself and was never more vitally important than it is today. I have looked for a satisfactory answer through all the arguments of those who maintain that the United States Supreme Court lacks that ultimate power. I can find none. Article three of the Constitution provides that the judicial power of this country shall be vested in one supreme court, and that power shall extend to all cases in law arising under this Constitution. In my opinion, the mandates of the

Supreme Court should be filed with the clerk of this court.

(DIXON tucks the documents safely in his coat pocket.)

JOSHUA B

The court clerk didn't file them, of course, because the vote came down to a tie, one for and one against. You needed a majority.

DIXON

Correct.

JOSHUA A

So you lost.

(GARLAND exits.)

DIXON

Yes, I lost. But that didn't matter

JOSHUA B

If it didn't matter, then what was your point?

DIXON

Look what happened.

(ABLEMAN enters and picks up the prison bench. He takes Booths' arm as WILLIAM enters with pen, ink and paper.)

WILLIAM

Mr. Booth! Mr. Booth!

BOOTH

Hello, William. How are you?

WILLIAM

Fine, sir. And you?

BOOTH

I've been better. Run the item about the tavern fire in Madison on page one above the piece about female students at the Cincinnati medical college.

WILLIAM

Yes, sir.

BOOTH

And take this down.

WILLIAM

(Handling ink well to ABLEMAN) Would you hold this?
(WILLIAM dips his pen in the ink well as he writes)

BOOTH

The United States court has fined me \$1,000, taxed at \$461.01, and will imprison me until the sum is paid. I will not pay it. If the court's object is to compel me to acknowledge that the Fugitive Slave Act is constitutional, it will fail. Do you have that, William?

ABLEMAN

Whether he does or doesn't, it's time to go, Mr. Booth.

(ABLEMAN leads BOOTH to the prison cell, as WILLIAM hurries off. ABLEMAN sets the bench down for BOOTH and exits.)

JOSHUA A

Booth spent a year in jail, a martyr to the cause, before President Buchanan commuted his sentence. Another victory for our side.

DIXON

You're forgetting something.

JOSHUA A

What's that?

DIXON

The mob did not return. My so-called losing vote, you see, helped reminded the citizens about the rule of law. That's why they re-elected me to the court later that same year. Because they knew that in the end I was right. That, too, was glorious moment in our history, when the good people of Wisconsin turned away from the path of self-destruction and toward the Union's grace. The cement worked, my friends. It worked.

(The TWO JOSHUAS fall silent, an unspoken concession. A canon explosion rips through the silence. They all turn toward the noise, then look back at one another.)

JOSHUA B

(Hushed) Sad they spilled so much blood to make it set.

(DIXON nods sadly. The TWO JOSHUAS watch as he and BOOTH exit, then turn to GLOVER. They stare at him, waiting for an answer, as distant gunfire echoes and the lights flare.)

GLOVER

(Singing) When Johnny comes marching home again,
Hurrah! Hurrah!
We'll give him a hearty welcome then,
Hurrah! Hurrah!
The men will cheer, the boys will shout,

The ladies they will all turn out,
And we'll all feel gay
When Johnny comes marching home.

(GLOVER stops, waits, and JOSHUA B picks up the song.)

JOSHUA B

(Singing) In eighteen hundred and sixty-one,
Hurrah! Hurrah!
That was when the war begun,
Hurrah! Hurrah!
In eighteen hundred and sixty-two,
The grey were dying, so were the blue.
And we'll all drink stone wine,
When Johnny comes marching home.

(JOSHUA B stops, turns toward JOSHUA A. Finally, he sings.)

JOSHUA A

(Singing) In eighteen hundred and sixty-three,
Hurrah! Hurrah!
Abe Lincoln set the darkies free,
Hurrah! Hurrah!

(Civil War images appear on the screen.)

THE THREE

(Singing) In eighteen hundred and sixty-three,
Old Abe he set the darkies free,
And we'll all drink stone wine,
When Johnny comes marching home.

(A brilliant flash of light engulfs them, a cannon explodes,
and the stage falls dark.)

END OF PLAY