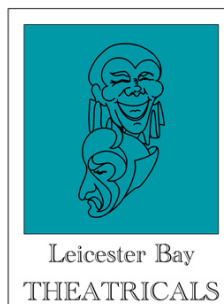


DUE PROCESS:
Hiram Be Bee



Alias
The Sundance Kid

————— A Play by —————
Shirlee Hurst Shields



Salt Lake City

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Playwrights Notes

There is no doubt that the legend of Butch Cassidy and the Sundance Kid continues to fascinate thousands of Americans. Numerous books have been written on the subject and prominent media such as PBS, NOVA, KUTV, and Associated Press, as well as Utah newspapers, continue to present feature productions and stories on the demise of the Sundance Kid. The major question that everyone seems to be asking is Who was the Sundance Kid?

I have a different story to tell that is historically correct. Where did I get my information? Three years of intensive research of court files, transcripts, and personal interviews. Also, in addition to my research, my late father-in-law defended Be Bee in a first degree murder charge as a court appointed attorney, for the shooting death of the Marshal of a small Utah town As a result; I have been privy to information unavailable to others because of the client/attorney ethic. This information has not been revealed to the media simply because I wanted to unfold the story.

The play is a story about justice on three levels One: the “told” story of the town's people who witnessed the murder of their Marshal and their vigilante justice. Two: the “justice unto himself” of Hiram Be Bee (Sundance Kid), a self-styled philosopher, who interpreted the law his way. Three: the story of the court appointed lawyer who must adjudicate between the two and serve justice according to the ethics of his profession. The play has flashbacks with scenes telling how and where Be Bee got the name Sundance Kid, details of his times with Butch Cassidy and the Wild Bunch, their later South American Odyssey, and his love affair with Etta Place. Place was his common-law wife, later known as Glame Be Bee She fiercely defended Be Bee during his trial and later died on the Utah prison steps after a visit, wearing the same black dress she had been seen in for three years that had six thousand dollars sewn into the hem. Be Bee loved to expound his ideas “My long beard and braid are my antenna to receive messages from God.”

The play not only deals with historically interesting characters, but about transitions and adjustments in everyone's life, as well as ethics, what shapes people's destiny and the variety of ways people communicate.

Not until I had been married to an attorney for many years did I realize the intricacies of the legal system in a democracy. For whatever is wrong with it (and I am the first to admit it could be improved), I am amazed it works as well as it does when all the frailties of human nature are considered. It is the human nature working through the due process of law that is the main theme of this play.

Everyone views things through a different perspective based on individual thinking, what they are looking for and past experiences as occur in the court scenes. Each character describes seeing the same incident in a different way adding their own interpretation.

All of us are guilty of unfairly judging strangers or someone who “looks” different than we do, is addressed by the judge.

Each citizen is entitled to a fair trial and a person is presumed innocent of any offense until proven otherwise, is stressed by the defending lawyer. However, he also states, “You cannot take the law into your own hands,” as he tries to guide an unruly client. The role of the prosecuting attorney is to bring the facts before the court and try to serve the people by attempting to get punishment for the offending party.

By bringing the audience into the play as jurors, I would hope to make any viewer of this work contemplate how they would react if the fate of another person was put into their own hands.

Cast

TOWNESPEOPLE -- Over thirty, average looking citizens of a small western town in Utah. They all double as narrators and characters throughout the play.

FIRST MAN

SECOND MAN

THIRD MAN

FIRST WOMAN

SECOND WOMAN

HIRAM BE BEE -- Seventy-eight, five foot seven inches tall, very slender, wiry long grey beard, grey shaggy mustache, long grey hair worn in a braid down his back. A self-styled philosopher with a fiery personality who speaks his mind with little provocation.

GLAME BE BEE (wife of Hiram) -- Seventy-three, bulky frame, five foot seven inches tall, unkempt, long, tinted, straggly brown hair worn in a knot. Walks with a slight limp, fiery personality who speaks her mind with little provocation.

JUDGE -- Late fifties. Ethical, but provincial.

UTAH SUPREME COURT JUDGE -- Early sixties, judicious, ethical.

E. LEROY SHIELDS -- Defense attorney, late fifties, balding, medium build, middle-age paunch, intelligent, articulate, compassionate, conservative in dress and actions and dedicated to the ethics of the legal profession.

R. S. MC MASTER -- County attorney, late forties, ethical, bright, but very provincial.

SHERIFF WILSON -- County Sheriff, late forties, husky, self important. (May double as PRISON OFFICIAL.)

DEPUTY Sheriff ANDERSEN -- Deputy County Sheriff, early forties, stocky build, overly eager to do his job. (Doubles as RANCHER, PINKERTON AGENT, NARRATOR, PRISON GUARD.)

DON RUSSELL -- Nineteen, medium build, thin, slightly retarded, nervous with a mentality of a twelve year old.

YOUNG BE BEE (Sundance Kid) -- Eighteen, growing to late thirties during the second act, five foot seven inches tall, slender, shy mysterious, quick temper

YOUNG GLAME (Etta Place) -- Early twenties, growing to early thirties during second act, pretty.

BUTCH CASSIDY -- Twenty-five, growing to late thirties during the second act, medium build, handsome, brown hair and mustache

THE JURY -- played by members of the audience.

Set Design

Three levels of risers arranged in a semi-circle wide enough to fill width of stage. The top left will be deep enough to hold a judge's bench, witness chair, two chairs and a small table for two attorneys and two clients and benches for several people as would be arranged in a courtroom. Also a small table and chair for a court reporter. Downstage, stage level left, are two blocks 2 x 2 feet square and chair height and down stage level right are three blocks same size, arranged in a triangle. A scrim, if available, will be lowered half stage in front of the risers for the flashback scenes throughout the play (Appropriate music, slides and sound effects would enhance the design.) Suggested lighting cues are included in the stage directions

Costumes

All costumes will be the style of 1945, except the second scene of act two which will be western attire circa 1890. Jackets, hats, shawls, ties, and scarves will be used for character changes for the townspeople because they will be playing dual roles

Props

Hand props such as a gavel, briefcase, notebooks, pencils, handcuffs, hunting rifles, pistols, two small tattered leather-bound books, and letters should be used as called for in the script.

Ballad*

For the original production a song was composed that was used in the three spots in this play. You may have your own composed or you do not have to use it. That is up to you.

DUE PROCESS: HIRAM Be Bee, ALIAS THE SUNDANCE KID by *Shirlee Hurst Shields* Based on a True Story. Multi-level setting. Period Costumes: 1945 & 1890. 13M 4W (some playing multiple roles). About 2 hours. **Who was the Sundance Kid?** The play is about justice on three levels. One: the 'told' story of the townspeople who witnessed the murder of their Marshal and their vigilante justice; Two: the 'justice unto himself' of Hiram Be Bee (The Sundance Kid), a self-styled philosopher who interpreted the law his own way; Three: the story of the court appointed lawyer who must adjudicate between the two and serve justice according to the ethics of his profession. The origin of Be Bee's moniker, 'The Sundance Kid' is revealed along with his times with Butch Cassidy, the Wild Bunch and their South American Odyssey. His love affair with Etta Place and who became his common-law wife and died on the Utah Prison steps after a visit. This historically accurate play reveals much more accurately and completely, the story of Hiram Be Bee, The Sundance Kid, because of the information available only to the author as her late father-in-law defended Be Bee and is the model for the lawyer in this play. All of us are guilty of unfairly judging strangers or someone who 'looks' different than we do. This play also propounds something that our modern society has all but over-looked: that a man or woman is "presumed innocent until proven guilty." Plus, the audience will serve as the Jury. **Order # 3073**

Shirlee Shields has a B. S. in Speech and an M. F. A. in Theater from the University of Utah and a Ph. D. in Theater, Speech, and Cinema from BYU. She has given speech communication seminars to thousands of participants. Private students include political candidates, professionals, business executives, church and community leaders. She also is a playwright, director, and choreographer. She has written published manuals and magazine articles on the subjects of Speech, Theatre, and Dance, plus three produced plays and six readers's theatre scripts. She is a published playwright and author with the titles *WHERE IS JILL?*, *DUE PROCESS: HYRAM BEEBE ALIAS THE SUNDANCE KID*, *COMING OF AGE*, and *MERRY CHRISTMAS*, *GEORGE BAILEY*, and the book *Change Your Voice Change Your Image*. Her work has been staged at the Babcock Theatre, BYU, BYU Hawaii, the Palm Canyon Theatre in Palm Springs, CA, Assembly Hall at the Utah State Capitol, U of U, Promised Valley Playhouse, and numerous community stages. She has taught at BYU Education Week and been on the boards of U. of U. Fine Arts and Pioneer Memorial Theatre. She is the founder, board chair, and artistic director for Babcock Performing Readers. She took additional studies at USC. She was married to former attorney Jed W. Shields until his passing. She is the mother of two sons, and two daughters.

ACT I

PRELUDE MUSIC (BALLAD* [see previous page])

SCENE 1 -- Time: Early evening, October 15, 1945. Place: Mt. Pleasant, Utah. As curtain rises, stage is lit with a dim pool of light upstage right. Offstage a gunshot is heard followed by a second shot five seconds later. FIRST MAN enters upstage right and rushes to down stage right as a brighter pool of light comes up there.

FIRST MAN: *(Excitedly.)* Marshal Larsen was shot 'n killed!

(SECOND MAN enters up stage left and rushes down to right.)

SECOND MAN: *(Excitedly.)* Shot right on Main Street. Front of Kolstrom and Sparks Tavern!

(THIRD MAN enters down stage right.)

THIRD MAN: *(Excitedly.)* Killed by some tramp who lives out in Spring City. Hiram Be Bee is his name!

(FIRST and SECOND WOMEN enter down stage left as a pool of light comes up there.)

FIRST WOMAN: *(Excitedly.)* Marshall Larsen was called to the pool hall! Called 'cause of some ruckus or ta other.

SECOND WOMAN: *(Excitedly.)* Be Bee was threat'n some customers!

FIRST MAN: He had a gun!

SECOND MAN: The Marshall had to haul Be Bee outta' the pool hall and put him in his truck.

(FIRST MAN exits.)

THIRD MAN: The Marshal then told him, "git outta here and quit disturbin' the peace of this here town."

SECOND MAN: Be Bee's wife was a sittin' in the truck.

(FIRST MAN enters up stage right top level behind scrim as very dim back lighting silhouettes him. The WOMEN and SECOND and THIRD MEN turn half up stage and look at the FIRST MAN as he mimes actions described.)

THIRD MAN: The Marshal then turned thinkin' his job was done. He took a couple steps, then the first shot was fired.

(Gunshot is heard offstage.)

SECOND MAN: Went right through his arm an' on through him!

THIRD MAN: Course the Marshal fell,

(Second shot is heard offstage.)

an' another shot hit him.

(Both women are horrified and turn away from the "body", back lighting off FIRST MAN as he exits.)

FIRST WOMAN: Either shot could a killed him.

SECOND WOMAN: Marshal Larsen was unarmed!

SECOND MAN: *(Turning to face audience.)* Be Bee and his wife sped off in their pickup truck. A mile or two down the road they were pulled over for speeding and became rowdy and threatened the officer with a gun.

THIRD MAN: Be Bee said, "I'll drill you like I did that guy in Mt Pleasant if you don't let us go."

SECOND MAN: The officer was scared for his life. He let 'em go, then radioed for help.

THIRD MAN: Blockades were put up on county roads. Officers closed in from both directions with a posse fix'n to leave.

(SECOND and THIRD MEN exit. FIRST MAN enters down stage left, crosses behind women and moves up to second level left as light comes up there, He faces half up stage.)

FIRST MAN: The Sheriff and the state troopers arrived at the Be Bee home at the same time.

(SECOND and THIRD MEN, carrying rifles, enter up stage left as women half turn facing second level left. All are excited and murmuring as FIRST MAN continues narration.)

An angry mob soon surrounded the residence, even broke the door down. Some were crack shot deer hunters ready for the fall hunt... eager to pull the trigger.

(All men and women gesture and react noisily to the declarations and comments of each other.)

FIRST WOMAN: *(Shouting.)* I saw Hiram Be Bee shoot Lon Larsen!

SECOND MAN: *(Angrily.)* This is the first time in my life I have ever wanted to kill a man!

THIRD MAN: We all know who did it! I say no judge should decide their fate. Let's run 'em out of town.

SECOND WOMAN: Right! We don't want degraded trash live'n by us respectable people.

SECOND MAN: *(Loudly.)* Depraved scum, strick'n down a good man!

THIRD MAN: *(Louder.)* The government hands out money to destroy predatory animals and does noth'n to destroy such demons as those who kill law abidin' citizens for no cause.

(Shouts of angry TOWNSPEOPLE are heard.)

FIRST MAN: *(Faces audience and calmly narrates.)* It was only the respect for the Sheriff that kept the angry mob from taking the law into their own hands. Mrs. Be Bee came out of the house and told the Sheriff that Hiram would give himself up if the Sheriff would come in.

(FIRST MAN turns and moves up to second level left as Hiram and Glame enter there. Simultaneously, SECOND and THIRD MEN join FIRST MAN. ANDERSEN and WILSON enter; take the arms of HIRAM and GLAME and hold them behind their bodies and jostle the couple. McMASTER enters and moves to toward the Sheriff.)

HIRAM: You don't have to get rough! I said I would give myself up.

GLAME: Let go of me! I'm not going anyplace!

WILSON: You're going with your husband!

(ANDERSEN body searches HIRAM.)

ANDERSEN: I believe we have a gun here. Let's have it Mr. Be Bee so we won't have any more trouble.

HIRAM: Let her have it so she can fill 'em full of lead if they try to get her.

(GLAME breaks loose and lunges toward HIRAM.)

GLAME: *(Screaming.)* This is unconstitutional!!!

(McMASTER retrieves GLAME, WILSON holds GLAME as ANDERSEN removes revolver from holster under HIRAM's vest. GLAME grabs the gun. ANDERSEN raps her on the knuckles and takes the gun.)

McMASTER: Don't let her have it. We need it for evidence. Just cooperate ma'm and nobody'll get hurt.

HIRAM: *(Fiercely.)* There are laws in this country to keep smart-alec cops from manhandling citizens.

WILSON: There are also laws against resisting arrest. Let's get moving.

GLAME: Can I at least get my coat and purse from the closet?

McMASTER: *(GLAME breaks away and moves off stage left.)* Let her get her things.

ANDERSEN: I think I had better go with her.

(He follows her and speaks loudly off stage.)

Okay lady, I don't think you need that to keep you warm.

GLAME: *(Off stage yelling.)* You crummy cop!

HIRAM: *(Struggles to free himself as WILSON tightens his hold.)* What the hell is he doing to her?

ANDERSEN: *(Off stage.)* Come on now. I have had enough. Move!

(He returns to area holding GLAME firmly by the arm with one hand and carrying a rifle and her purse with the other hand. He gives the rifle and purse to WILSON.)

Here-take these. The lady mistook this rifle for her coat. Better see if she has any other goodies in her purse.

(WILSON places the rifle under his arm and checks the contents of GLAME'S purse.)

WILSON: Just the usual things in a woman's purse. Papers, a grocery list and a neat little 32 revolver in case the butcher charges too much.

(He pulls the revolver out to show the others, places it back in the purse and closes the purse.)

Put these items in the squad car and call for a back up to watch the house.

(ANDERSEN takes the purse and guns and exits. WILSON handcuffs HIRAM and GLAME.)

GLAME: This is unconstitutional! You haven't proven anything!

HIRAM: Smart-alec cops. Mistreating an old man.

WILSON: C'mon you two. Let's get out of here.

GLAME: This is against the constitution.

McMASTER: We'll let the court decide what the constitution says.

(WILSON, McMASTER, GLAME, HIRAM, FIRST, SECOND, and THIRD MEN exit. The two women turn toward the audience and move to down stage left as lights fade on all areas except there.)

FIRST WOMAN: *(Using a holier-than-thou tone.)* Officers also found a large amount of medicine, strange religious literature, wine and other liquor, and more guns in the house.

SECOND WOMAN: No one knows where the Be Bee's lived before moving to Spring City a few weeks ago.

FIRST WOMAN: They were active in some strange religious cult.

(FIRST MAN crosses to down stage right as both women sit on the two boxes facing audience with hands folded on their laps as though they are in a chapel. Lights come up to medium bright on the three boxes stage right as FIRST MAN enters the area and sits on the center box and faces audience.)

FIRST MAN: *(Solemnly.)* The slain Marshal was born in Mt. Pleasant, July 3, 1906. A son of Andrew and Christine Larsen.

(SECOND MAN enters down stage right and sits on right box facing audience.)

SECOND MAN: He graduated from North Sanpete High and...

(Pause as he chokes with sad emotion)

... and was well-liked by his classmates.

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(THIRD MAN enters level right and sits on left box, facing audience and narrates.)

THIRD MAN: *(Solemnly.)* He had been Marshal just a bit more than a month.

FIRST WOMAN: *(Softly and sadly.)* He married Helen Jones in September, 1926.

SECOND WOMAN: His survivors include his widow, his mother, four brothers and two sisters.

(The back lighting comes up behind scrim on the top level center where the Marshal was "shot" and all the TOWNSPEOPLE stand, face the "shooting area" upstage and loudly and angrily speak.)

FIRST WOMAN: Our town Marshal gunned down right on Main Street!

SECOND MAN: Our good friend shot in cold blood!

THIRD MAN: Shot by a disorderly tramp who had been thrown out of a tavern.

SECOND WOMAN: Thrown out fer disturbin' the customers.

FIRST WOMAN: It's like a goin' back to the olden days of the West!

SECOND MAN: But even the "bad" men of the early days did not carry on like a craven creatures shoot'n the victims of their rages in the back!

THIRD MAN: The law of the old West was to give and take chances!

SECOND WOMAN: Only a snake or dastard would a shot a man walking away from them!

(All TOWNSPEOPLE turn, face audience and sit on their boxes as back lighting on top level behind scrim fades.)

SECOND MAN: *(Solemnly.)* Marshal Larsen was an inoffensive, but very effective officer.

THIRD MAN: *(Solemnly.)* A former war worker who had done his part for his country.

FIRST MAN: *(Solemnly.)* A martyr to duty rendered to the citizens of Mt. Pleasant.

(The TOWNSPEOPLE remain seated but turn their bodies to face the "shooting" area upstage center behind scrim as back lighting comes up there.)

SECOND WOMAN: *(Wailing.)* Cold blooded...

SECOND MAN: *(Angrily.)* Vicious...

THIRD MAN: *(Angrily.)* Murderer !!!

ALL TOWNSPEOPLE: *(Variously, Angrily.)* Shooting our town Marshal in a cowardly manner! Cold blooded, vicious murder!!!

(Lights fade on TOWNSPEOPLE as all but FIRST MAN exits. He moves downstage center as a spot comes up there. H resumes the role of narrator, facing audience.)

FIRST MAN: As you can see, the townspeople are very upset about the shooting of their Marshal and friend. They are concerned citizens, who, like a lot of us, sometimes get so riled up about something, we want to administer justice on our own terms. An easy thing to happen when we are overcome by anger and grief and are seeing only our viewpoint. Under those circumstances we forget about the due process of law and the procedures for the administration of justice. We must remember that vigilante justice is a step backwards in our civilization.

(Pause.)

First, we must have an inquest to find out the facts about the accused. The inquest for Hiram and Glame Be Bee in front of the Mt. Pleasant Justice of the Peace is now in progress.

(THIRD MAN, assuming the role of Justice of the Peace, enters and moves to a table with legal

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files in hand and sits. HIRAM and GLAME, handcuffed, with Sheriff WILSON escorting them, enter and face him. Lights come up on the area as THIRD MAN speaks.)

THIRD MAN: This inquest for Hiram and Glame Be Bee will now come to order. Mr. Be Bee will you please give us your age?

HIRAM: I don't know, I forgot that a long time ago.

THIRD MAN: (*Firmly.*) Mr. Be Bee, how old are you?

HIRAM: (*Sarcastically.*) Well, I fought in the Civil War. You figure it out.

THIRD MAN: (*Exasperated, but firm.*) Mr. Be Bee, would you please give us your approximate age?

HIRAM: I just did.

THIRD MAN: Where were you born, Mr. Be Bee?

HIRAM: Somewhere on the Atlantic Ocean.

THIRD MAN: And what is your age, Mrs. Be Bee?

GLAME: Same as Hiram's.

THIRD MAN: (*Trying to maintain his patience.*) And where were you born?

GLAME: New York City.

THIRD MAN: Mr. Be Bee, where did you and Mrs. Be Bee reside before moving to Spring City?

HIRAM: (*Shrugs his shoulders.*) Here and there.

THIRD MAN: (*Firmly.*) I feel it necessary to warn you that evasive answers will not help you at this inquest.

Now where have you resided before moving to Spring City?

HIRAM: (*Sarcastically.*) Here and there. In Southern Utah, mostly.

THIRD MAN: What brings you to Spring City?

HIRAM: My business.

THIRD MAN: And what business are you in, Mr. Be Bee?

HIRAM: Philosophy. I believe in all natural philosophy.

(Straightens posture proudly.)

I teach philosophy.

(Lights fade on "courtroom" area as THIRD MAN shakes his head in disgust. He exits left. HIRAM and Glame freeze. FIRST MAN returns to downstage right as a pool of light comes up there as he resumes role of narrator.)

FIRST MAN: It became apparent at the inquest that the Be Bees were not going to give the justice of the peace much information about their lifestyle or background. However, in an interview at the jail later in the day, reporters learned...

(FIRST MAN exits right as HIRAM and GLAME move down to second level and SECOND MAN, assuming the role of a reporter, notebook and pencil in hand, enters from downstage right and moves to face the BE BEES as light comes up on them.)

SECOND MAN: Mr. Be Bee I understand you are a philosophy teacher.

HIRAM: (*Proudly.*) That's true.

SECOND MAN: Where did you go to school?

HIRAM: I never attended school, but I teach philosophy and I have many students. Not the stuff you learn from books. Natural philosophy is my philosophy.

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GLAME: Hiram has learned from nature that all educators do today is bore a hole in man's head and pound knowledge into it. It should be reverse. The latent knowledge should come out, not go in.

SECOND MAN: *(Starts to write, then he looks up puzzled.)* So what does he teach?

GLAME: *(Speaking as if everyone should know this theory.)* The principles of nature. The seven vital principles of nature. Force, discrimination, order, cohesion, permantation, transmutation, and sensation.

SECOND MAN: *(Still puzzled.)* Oh.

HIRAM: Only if we learn to concentrate will we be happy. Philosophy is a result of thinking beginning with "why." If you've got that answer then you don't need more.

(He struggles with his handcuffs.)

If I had a pencil and paper I would show figures to prove mathematically that people know nothing.

SECOND MAN: *(Becoming even more puzzled, makes some notes.)* I don't think I quite understand.

GLAME: Unless we change our attitude, our civilization will go up in smoke.

HIRAM: Everything is measured in dollars and cents. We had civilizations before this. Now we're nothing but educated savages.

SECOND MAN: *(Decides to change the subject.)* Is it true that your long hair and beard have a special property?

HIRAM: My antenna.

SECOND MAN: Your what?

HIRAM: My antenna.

SECOND MAN: I don't think I quite understand.

HIRAM: My antenna to receive messages from God.

SECOND MAN: *(Stops writing, blinks his eyes and takes a breath.)* You mean... you receive messages from God?

HIRAM: *(Matter-of-fact tone.)* Of course.

SECOND MAN: *(His pencil is frozen to his notebook.)* Oh.

(Pause.)

What about life after death?

HIRAM: Merely a change in form. Why worry about such things? The main thing I do is teach people to know the Constitution and to stand by it.

GLAME: Every individual has all seven forces of nature.

HIRAM: Every individual either dominates them or is dominated by them. For example, a person should never worry about time. You should sleep when you ain't tired and eat when you are hungry.

GLAME: Your body should be your clock, not some little machine that has numbers on it.

HIRAM: All philosophy is my philosophy.

SECOND MAN: *(Still puzzled, but making notes.)* I don't think I understand.

HIRAM: *(Pause.)* People don't understand me.

(Lights fade on HIRAM, GLAME and SECOND MAN and WILSON as they exit)

SCENE 2 -- Time: 1880. Place: A ranch in Southern Wyoming. YOUNG HIRAM enters upstage left behind scrim. He moves to RANCHER who is seated on a bench working on some tackle.

RANCHER: You the young fella the Sheriff sent over?

YOUNG HIRAM: *(Hands in pocket looks at his feet.)* Could use a job.

RANCHER: Where ya from?

YOUNG HIRAM: Here and there.

RANCHER: Ya talk with a little eastern accent.

YOUNG HIRAM: Maybe.

RANCHER: *(Eyeing him carefully.)* Ya don't look as tough as ya try to act.

YOUNG HIRAM: Maybe.

RANCHER: I could use a good wrangler on my ranch.

YOUNG HIRAM: I can do the job.

RANCHER: What's your name again?

YOUNG HIRAM: I'm a good wrangler.

RANCHER: Been livin' in the Sundance jail up in Crook County, I hear.

YOUNG HIRAM: *(Nonchalantly.)* Someone said I stole a horse.

RANCHER: That's what I hear. Okay kid, you don't seem too bad. I'll give you a break. Just remember who you're workin' for.

YOUNG HIRAM: Sure.

RANCHER: The Sheriff says you answer to several names. What can we call you?

YOUNG HIRAM: Take your choice. No matter.

RANCHER: Harry, George, Hiram, are the first names the Sheriff gave me. I can't remember the last names.

YOUNG HIRAM: Call me anything.

RANCHER: *(Thoughtfully.)* Don't like Harry, George don't fit ya. Hiram ain't right either.

(He lays tackle down.)

Okay kid, have it your way. But let's see, we got to call you somethin'. Kid Sundance... no... Sundance Kid... after your last residence. New job --

(He slaps YOUNG HIRAM on the back)

new name.

YOUNG HIRAM: Sure... whatever you say.

RANCHER: You'll find a bedroll in the bunkhouse back of the barn.

(He starts to move away, then turns toward YOUNG HIRAM.)

I'm givin' ya this job 'cause the Sheriff is a friend of mine. He thinks you're wantin' to go straight, and your just a kid. Behave yourself and we'll git along fine.

YOUNG HIRAM: Sure.

RANCHER: Oh yes, the Sheriff gave me a letter that might be for you. It's addressed to Harry, care of Sundance jail, Crook County, Wyoming. Nobody else there using that name, so he passed it to me to give to ya.

(He takes the letter from his vest pocket.)

PERUSAL SCRIPT -- Due Process: Hiram Be Bee, Alias the Sundance Kid by Shirlee Hurst Shields

Been opened by the Sheriff.

(He hands the letter to YOUNG HIRAM.)

YOUNG HIRAM: Sure.

(He cautiously takes the letter.)

Why not.

RANCHER: We start work at 6:00 in the morning. Breakfast at 5:15.

YOUNG HIRAM: Sure, thanks.

(RANCHER picks up tackle and exits left. YOUNG HIRAM sits on second level and slowly reads the letter aloud.)

YOUNG HIRAM: “Dear Harry, I played a hunch and wrote you there because B H. said he saw you at the Cheyenne depot and later heard you were in jail at Sundance. We won’t spill the beans. Don’t worry. Mom is feeling better. Nearly recovered from the accident. Don’t blame yourself too much. Dad was too hard on you. Etta may come west. Is it as wild as they say it is?

(He looks up and smiles)

Write me using B. H. at 16 West 50th Street, Long Island, New York. I’ll get it and no one will know. J. L.”

(He looks thoughtfully at the letter, then carefully folds it and tucks it in his shirt. Lights fade as he exits stage right.)

SCENE 3 -- Time: Late. October, 1945. **Place:** Sanpete County Courthouse, Manti, Utah. **FIRST MAN** enters downstage center as lights come up on him as he resumes role of narrator.

FIRST MAN: Well after that interview with the Be Bees was published in the newspapers the entire county was conversing about the eccentric couple. Folks in nearly every household, business and shop discussed what should be done to bring about swift punishment for the terrible crime committed in their close-nit community. Some of the suggestions were pretty severe and understandably so with citizens wanting to protect the sanctity and security of their town. But vigilante justice remained under control by these law abiding citizens.

(Pause.)

An attorney had to be appointed by the court to defend the Be Bees because they had no funds for legal counsel. E. LeRoy Shields, a Salt Lake City Lawyer received the dubious honor and under his obligation to the ethics of his profession, he began preparing to defend first, Glame, on charges of harboring a criminal, and second, Hiram on charges of first degree murder.

(Pause.)

Mr. Shields is entering the Sanpete County courthouse for the first trial in defense of Glame Be Bee.

(Light fades on FIRST MAN as he exits. Lights come up downstage left. SHIELDS, carrying a briefcase, enters and moves toward “courtroom” area where he is met by SECOND MAN who is still a reporter, notebook and pencil in hand.)

SECOND MAN: Excuse me sir. Are you Mr. Shields, the attorney appointed by the court to defend Hiram and

Glame Be Bee?

SHIELDS: That's correct.

SECOND MAN: When you took the attorney's oath to defend the rights of all citizens, did you think you would be appointed to donate your time and skill to a case like this?

SHIELDS: *(Smiling slightly.)* Well if one had one's choice, he probably would not jump at the chance to defend a murder charge of this type.

SECOND MAN: This is a vicious crime and the defendants are very eccentric and radical and the combination has the entire county up in arms and...

SHIELDS: *(Interrupting and becoming very direct and professional.)* In a democracy we should be vitally interested in the causes of human conduct. We are dealing with life, with its hopes and fears, its aspirations and despairs and...

SECOND MAN: *(Interrupting as he rapidly writes.)* But...

SHIELDS: *(Continues his sentence remaining polite but strong.)* Through our judicial system we should get to the foundation of motive and conduct and make adjustments for human beings, instead of blindly talking of hatred and vengeance.

SECOND MAN: *(Becoming calmer.)* Yes, of course. But it is still a lot of work for no compensation.

SHIELDS: The compensation lies in the fact that you and I live in a country where everyone is entitled to a fair trial whether they can afford it or not. Granted, some cases are far more difficult than others.

(He pauses and smiles slightly.)

The last time the court appointed me to defend an impecunious client, it was a simple little traffic accident.

SECOND MAN: This one won't be so simple.

SHIELDS: How true.

SECOND MAN: *(Becoming almost sympathetic.)* Just a nice little case of a couple of newcomers in town, certainly not the ordinary run-of-the-mill folks for this area, accused of shooting the town Marshal. And not just the ordinary run-of-the-mill offense. He is charged with first degree murder and she with harboring a criminal.

SHIELDS: But remember what John Wesley said, "There, but for the grace of God, go you or I."

SECOND MAN: *(They shake hands.)* Good luck. You have a real challenge ahead of you.

SHIELDS: Thank you. Now, if you will excuse me, I'm due in court.

(Lights fade on SHIELDS and SECOND MAN and come up bright on "Courtroom" area as SHIELDS moves to his seat in front of the bench and joins McMASTER, GLAME, and HIRAM who are seated. SECOND MAN joins THIRD MAN, WILSON, RUSSELL, ANDERSEN, and FIRST and SECOND WOMAN who are seated in spectator section. JUDGE is seated behind the bench and FIRST MAN is standing in front of witness chair resuming the role of a Bailiff.)

FIRST MAN: That the said defendant, Glame Be Bee, who then and there had full knowledge that a felony, to wit murder in the first degree, had been committed by one Hiram Be Bee, in the felonious, willful, premeditated, intentional, and malicious killing of one Lon T. Larson, did then and there harbor and protect the said Hiram Be Bee in violation of section 103-1-44, against the peace and dignity of the State of Utah.

JUDGE: Let the record show that the defendant has been handed a copy of the complaint.

(FIRST MAN hands GLAME the complaint.)

SHIELDS: *(To Glame.)* Shall we proceed?

GLAME: Yes.

JUDGE: You may go ahead with the prosecution, Mr. McMaster.

FIRST MAN: The State of Utah versus Glame Be Bee

McMASTER: *(Stands.)* The State would like to call out first witness, a Mrs. Veonna Dow.

(FIRST WOMAN assumes character of Mrs. Dow and moves and sits in witness chair as indicated by MCMASTER.)

McMASTER: Where do you live?

FIRST WOMAN: Mt. Pleasant.

McMASTER: On the date of October 15th, of this year, did you see the defendant, Mrs. Glame Be Bee in Mt. Pleasant?

FIRST WOMAN: I was comin' out of Barnett and Larsen dress shop when I saw a lady get out of a car, I mean truck, and I saw a man down the street, and otherwise I couldn't identify them right close up.

McMASTER: Could you identify Mrs. Be Bee?

FIRST WOMAN: I could by her walk. She favored her right leg.

McMASTER: Where did this lady go, that got out of the truck?

FIRST WOMAN: *(Looks upward as she collects her thoughts, then speaks.)* She walked down the street and then she came back up the street and went into the drug store.

McMASTER: You saw the one gentleman and the one lady get out of the truck?

FIRST WOMAN: I didn't see no gentleman git out of the truck. I just seen the lady git out of the truck.

McMASTER: Did you see this lady again after she went into the drug store?

FIRST WOMAN: Yes, when she came runnin' out and said, "What are you do'n with my husband?"

McMASTER: *(Relieved.)* Who did she say that to?

FIRST WOMAN: To Mr. Larsen, I guess.

McMASTER: Where was the man she indicated was her husband?

FIRST WOMAN: A... sittin' ... in the truck.

SHIELDS: *(Standing.)* Just a moment. Now I think that calls for a conclusion as to where the man was she indicated was her husband. May I ask a question?

JUDGE: Go ahead.

SHIELDS: *(Moves toward witness.)* You didn't know anything about the man being her husband?

FIRST WOMAN: No sir.

SHIELDS: You didn't know that man she referred to when she said, "What are you doing to my husband?" did you?

FIRST WOMAN: I have no idea.

SHIELDS: I don't know anything about your idea. You don't know who she referred to, of your own knowledge?

FIRST WOMAN: No sir.

SHIELDS: I object to it and move that it be stricken.

(SHIELDS moves back to his chair and sits.)

McMASTER: We won't oppose that. Was there any more conversation between this lady and Lon Larsen?

FIRST WOMAN: I couldn't hear it.

McMASTER: What did Larsen do?

FIRST WOMAN: He fell in the gutter when he was shot.

McMASTER: He was shot.

FIRST WOMAN: Yes sir. When he was shot.

McMASTER: Who shot him?

FIRST WOMAN: Mr. Be Bee.

McMASTER: Do you know who Mr. Be Bee is?

FIRST WOMAN: *(Pointing to Be Bee.)* Yes. That's him.

(HIRAM squirms a little in his chair as spectators comment to each other. SHIELDS shifts in his chair, makes a few notes in his file as GLAME stares at FIRST WOMAN.)

McMASTER: After this shot was fired that you... strike that. What happened after... just narrate what happened after Mrs. Be Bee said to Lon Larsen, "What are you doing to my husband?"

FIRST WOMAN: Well the next thing I seen was

(Pauses to collect her thoughts.)

Lon fell over in the gutter and she just stood there on the sidewalk.

McMASTER: She just stood there?

FIRST WOMAN: Yes.

McMASTER: What did Mr. Be Bee do?

FIRST WOMAN: Well then he opened the door and stepped out of the truck and fired another shot at him.

McMASTER: Where was Lon Larsen when Mr. Be Bee fired the second shot?

FIRST WOMAN: Standing up on the curb talking to the lady.

HIRAM: *(Stands and shouts.)* No he was not!

(The JUDGE bangs his gavel several times as SHIELDS stands and moves to HIRAM and motions for him to sit back down. SPECTATORS again comment to each other.)

JUDGE: Order in the court!

SHIELDS: *(Quietly to HIRAM.)* Sit down and don't talk.

McMASTER: And he fell where?

FIRST WOMAN: Off in the gutter, into the street.

McMASTER: Did he get up?

FIRST WOMAN: No, Be Bee got out of the truck and took a couple of steps and shot Larsen again.

(SPECTATORS gasp and comment to each other. HIRAM sits still without even flinching. GLAME defiantly stares at FIRST WOMAN.)

McMASTER: Lon was still lying down?

FIRST WOMAN: *(Decisively.)* Yes sir, he was.

McMASTER: What did Mrs. Be Bee do after the second shot was fired?

FIRST WOMAN: I didn't notice, I ran around a parked car and ducked down.

McMASTER: Is this the woman--

(Pointing to GLAME)

here?

FIRST WOMAN: Well...

(Pause)

she looks like the lady, yes, sir.

McMASTER: *(Exasperated.)* That is all, you honor.

(McMASTER sits. FIRST WOMAN shifts slightly in the witness chair; rubs her hands together and looks about the room as if she wants the approval of the spectators. She avoids looking at HIRAM and GLAME.)

JUDGE: Mr. Shields, do you wish to cross-examine the witness?

SHIELDS: I do your honor.

(SHIELDS stands and moves to face FIRST WOMAN.)

JUDGE: Proceed with your cross-examination.

SHIELDS: Mrs. Dow, do I understand you to say when the second shot was fired, Mr. Larsen was lying on the ground?

SHIELDS: Could you see Mr. Larsen where he lay there?

FIRST WOMAN: Yes sir.

SHIELDS: And which way was Mr. Larsen's head directed?

FIRST WOMAN: I couldn't see which way his head was.

SHIELDS: Which way his feet were either?

FIRST WOMAN: *(Becoming upset.)* He just lay there all crunched up.

SHIELDS: You couldn't tell which was his head or his feet?

FIRST WOMAN: *(Breaks down and sobs burying her head in her hands.)* No sir.

SHIELDS: *(Tenderly hands FIRST WOMAN his handkerchief.)* I am sorry Mrs. Dow. In the interest of justice we have to ask these questions. I can understand your feelings.

JUDGE: Mrs. Dow, can you continue?

FIRST WOMAN: *(Regaining some of her composure.)* Yes... I'm ...

(Sobs some more)

sorry.

(Gets control of her emotions again.)

It was such a horrible scene.

(Dabs at her eyes and nose.)

I couldn't tell whether his feet or his head was toward the gutter.

SHIELDS: Was Mr. Be Bee at his feet.

FIRST WOMAN: No, he was kind of in the center of him.

GLAME: *(Loudly.)* You stupid woman!!

(Standing.)

He never got out of the truck!!!

(SPECTATORS comment to each other as SHIELDS quickly turns to GLAME.)

SHIELDS: *(Using a quiet but firm voice.)* Would you please sit down and quit talking, please. I can't take care of this if you don't.

(GLAME sits down as SHIELDS turns to face FIRST WOMAN, who is still dabbing her eyes and

nose.)

JUDGE: (*Bangs gavel.*) Order in the court!! Continue, Mr. Shields.

SHIELDS: (*Pauses, paces a few steps, then turns to again face FIRST WOMAN.*) Now... how close were you, do you say, to this woman when she got out of the truck?

FIRST WOMAN: About three-fourths of a block.

SHIELDS: All right, and it was dark?

FIRST WOMAN: Dusk.

SHIELDS: You didn't see this lady's feet yourself, did you?

FIRST WOMAN: Well, I noticed in particular how she walked.

SHIELDS: Did you see her facial features?

FIRST WOMAN: No... no sir.

SHIELDS: You couldn't recognize her, who she was, from her face?

FIRST WOMAN: No sir.

SHIELDS: And you recognized her walk?

FIRST WOMAN: Yes sir.

SHIELDS: (*Slightly smiling.*) Well, how do you figure you can recognize her by her walk?

FIRST WOMAN: (*Shifts in her chair and fidgets With the handkerchief in her hands.*) Well... that's all I seen... was her walk. She favored her right leg.

SHIELDS: (*Turns to face GLAME.*) You didn't know if it was this lady walking, did you?

FIRST WOMAN: (*Hesitantly.*)... No sir.

SHIELDS: (*Turns back to FIRST WOMAN.*) That's all. Thank you, Mrs. Dow.

(SPECTATORS comment to each other. SHIELDS returns to his seat. FIRST WOMAN leaves the witness stand and returns to her seat.. The JUDGE strikes his gavel. The SPECTATORS become quiet.)

JUDGE: Call the next witness, please.

FIRST MAN: (*Stands.*) The State of Utah calls Mr. Don Russell.

(RUSSELL nervously takes the witness chair and sits with his hand fidgeting with his mouth. FIRST MAN sits down as McMASTER stand and moves toward the witness.)

McMASTER: What is your name?

RUSSELL: (*Quietly, with hand in front of mouth.*) Don Russell.

SHIELDS: I didn't hear him.

McMASTER: (*Nods to SHIELDS, then faces RUSSELL.*) Mr. Shields and the Court are going to have a hard time hearing you if you don't talk a little louder Don. Say your name again.

RUSSELL: (*Louder, but with his hand still covering part of his mouth spells out his name.*) D-O-N R-U-S-S-E-L-L.

SHIELDS: (*Politely.*) Thank you, but would you please take your hand from in front of your mouth so we can better understand you?

(RUSSELL removes his hand from his mouth and nervously folds his hands together. He fidgets slightly in his chair, and it is noticeable that he is slightly retarded.)

McMASTER: Where were you, Don, on the afternoon, around six o'clock, of the fifteenth of October of this

year?

RUSSELL: I was walking up Main Street in Mt. Pleasant.

McMASTER: Where were you on Main Street?

RUSSELL: On the corner by the ice cream shop.

McMASTER: Eaters?

RUSSELL: Yes.

SHIELDS: Which corner would that be?

McMASTER: *(To SHIELDS.)* I'll tell. He has a little difficulty with directions.

SHIELDS: *(Nodding approval.)* I understand.

McMASTER: *(To RUSSELL.)* You know where State Street in Mt. Pleasant is?

RUSSELL: Yes.

McMASTER: Were you on the first block west of State Street in Mt. Pleasant and in front of Eater's, Ice Cream Shop?

RUSSELL: Yes.

McMASTER: Did you see Lon Larsen, the city Marshal of Mt. Pleasant at any time that afternoon?

RUSSELL: No, only when he got killed.

McMASTER: You saw him... tell when you first saw him. What was happening there?

RUSSELL: He was lying in the gutter. Dead.

McMASTER: You thought he was dead?

RUSSELL: He looked dead.

McMASTER: What did you do?

RUSSELL: Well, I went to pull him out of the gutter, and then the truck was backing up.

McMASTER: Was there a truck there?

RUSSELL: Red pickup.

McMASTER: Did you know who was in the pickup?

RUSSELL: Old man Be Bee and that woman.

(He points to GLAME.)

GLAME: *(Shouting.)* A lie! I never saw him before!

SHIELDS: *(To GLAME.)* Please don't interrupt.

McMASTER: *(Ignores GLAME.)* You say you started to pull Lon Larsen out of the gutter?

RUSSELL: Yes, gutter

McMASTER: What did you do after that?

RUSSELL: Well, the pickup was backing up and I went to pull old man Be Bee out of the truck.

McMASTER: How did you do that?

RUSSELL: Well, I put my hand on the window, the window was open, and I put my hand in and grabbed him.

McMASTER: Did you get in or on the truck at all?

RUSSELL: My one shoe got on the bumper.

McMASTER: Did you succeed in grabbing him?

RUSSELL: *(Hangs his head as though he had failed.)* No.

McMASTER: Tell what happened.

RUSSELL: *(Looking up and becoming excited.)* Well, that lady...

(He again points to GLAME)

pointed a gun at me!!

GLAME: *(Standing up and shouting.)* You dumb idiot! I never even saw you before

(SHIELDS takes GLAME firmly by the shoulders and urges her to sit down. The SPECTATORS comment to each other as the JUDGE pounds his gavel.)

JUDGE: Order in the court. Proceed.

McMASTER: That's all, your honor.

(McMASTER returns to his seat as SHIELDS rises and moves to face RUSSELL who remains in witness chair, fidgeting somewhat by adjusting his tie and nervously brushing his ill-fitting jacket. He becomes quiet when SHIELDS approaches him.)

Mr. Russell, did you hear any shots fired?

RUSSELL: Two.

SHIELDS: Where were you when you heard the second shot? Did you hear the second one?

RUSSELL: Yes, I was by the drug store. The truck was parked there.

SHIELDS: And you didn't see anybody fire that second shot?

RUSSELL: *(Casually.)* No, because I was talking to a guy that was down the street.

SHIELDS: Who?

RUSSELL: I can't remember his name.

SHIELDS: You said Lon Larsen was lying on the ground there, didn't you?

RUSSELL: Yes.

SHIELDS: And you thought he was being shot?

RUSSELL: *(Nodding his head.)* Oh, yes.

SHIELDS: *(Paces a little.)* And you were talking to a guy?

RUSSELL: Yes, he told me a cop got killed.

SHIELDS: You saw him lying on the ground, didn't you?

RUSSELL: Yes.

SHIELDS: You heard the shots fired, didn't you?

RUSSELL: *(Childishly.)* I heard one then.

SHIELDS: Where were you when you heard the second shot fired?

RUSSELL: By the drug store.

SHIELDS: You mean you weren't looking over in that direction?

RUSSELL: *(Definite tone.)* I was talking to that guy.

SHIELDS: You... were just having an afternoon conversation on the street while a man was being shot?

RUSSELL: *(Looks at the ceiling.)* Could be.

SHIELDS: How old are you?

RUSSELL: Nineteen.

SHIELDS: Been to school?

RUSSELL: I think I have.

SHIELDS: Well, how far did you get in school?

RUSSELL: Twelfth grade.

SHIELDS: Twelfth grade? That's out of high school.

RUSSELL: Yes.

SHIELDS: And you stood there in the midst of a killing, shots were being fired, the man lay on the ground, and you turned your back to that scene and carried on a conversation with a stranger?

RUSSELL: *(In a matter-of-fact tone.)* Yes.

SHIELDS: That is what you want us to understand?

RUSSELL: Yes.

SHIELDS: All right. Then, after you talked there, then what did you do?

RUSSELL: *(Becoming heroic and animated.)* I heard the other shot, saw the old man get in the truck and then I went to pull the cop out of the gutter, and then I went to get the old man.

SHIELDS: Did the stranger you were talking to help you pull the cop out of the gutter?

RUSSELL: No.

SHIELDS: Where did he go?

RUSSELL: Didn't see where he went.

SHIELDS: Did anybody see you try to pull this

(He gestures toward HIRAM)

old gentleman out of the truck?

RUSSELL: I don't know whether they did or not,

SHIELDS: But you did know he had a gun?

RUSSELL: Oh, yes.

SHIELDS: And that he had just shot a man?

RUSSELL: Yes.

SHIELDS: And you were going to pull him out?

RUSSELL: Uh, uh.

SHIELDS: And where was he sitting?

RUSSELL: On the outside of the pickup.

SHIELDS: And where was the woman sitting?

RUSSELL: In the truck.

SHIELDS: Did anyone say anything to you?

RUSSELL: No.

SHIELDS: Nobody spoke to you and you say this woman

(He gestures toward GLAME)

pulled a gun on you?

RUSSELL: *(Positively.)* Yes.

SHIELDS: What is there about her that you recognize? She didn't speak to you, you say?

RUSSELL: Can't you tell anybody?

SHIELDS: *(Smiling.)* Maybe I can, but not too well in the dark.

RUSSELL: It was just turning dark.

SHIELDS: But you could see her face and recognize her. Had you ever seen her before?

RUSSELL: No.

SHIELDS: You say this is the woman and she pulled a gun on you?

RUSSELL: Yes.

SHIELDS: What kind of gun was that?

RUSSELL: I don't know.

SHIELDS: Was it a gun?

RUSSELL: Can't you tell a gun?

SHIELDS: (*A little perturbed.*) You answer, and I'll ask the questions. You do the answering. Now, you don't know what kind of gun it was?

RUSSELL: No.

SHIELDS: And you say this is the lady?

RUSSELL: (*Hesitantly.*) Yes, I think so.

SHIELDS: (*Smiles slightly as though he has proven a point.*) All right, that's all.

JUDGE: Call the next witness.

(*RUSSELL returns to his seat in the "courtroom." SHIELDS returns to his chair.*)

FIRST MAN: (*Standing.*) The State of Utah calls Mr. W. D. ANDERSEN to the witness stand.

(*FIRST MAN sits, ANDERSEN takes the witness chair as McMASTER stands and moves to face ANDERSEN.*)

McMASTER: Mr. ANDERSEN, what is your official capacity?

ANDERSEN: Deputy to the Sheriff of Sanpete County.

McMASTER: Did you see the defendant, Mrs. Be Bee on the night of the 15th of October this year?

ANDERSEN: Yes.

McMASTER: Will you relate where that was and under what circumstances?

ANDERSEN: (*Making broad gestures as he talks rapidly and officiously.*) She was in a house in Spring City one block east and two blocks in from this way. It's a white house there. When we, me and the Sheriff, when we came to the place there, we came to get Mr. Be Bee because there had been a man killed at Mt. Pleasant. Mrs. Be Bee came out and said Mr. Be Bee would give himself up if the Sheriff would come in. Well, the Sheriff had taken me up with him and when I seen he and Mrs. Be Bee go in alone I thought I had better go in there too. I went right in and went right up to the side of Mr. Be Bee on the left side and the Sheriff was talking to Mr. Be Bee trying to get him to give up his gun, and he apparently didn't want to give it up. Said he wanted Mrs. Be Bee to have the gun to protect herself and fill 'em full of lead if anyone from the outside tried to harm her. The argument carried on a little bit that way for a while and Mr. Be Bee kept wanting the Sheriff to let Mrs. Larsen have the gun.

SHIELDS: (*Interrupting.*) Don't you mean Mrs. Be Bee

ANDERSEN: (*Flushed because of the mistake in his pompous oratory.*) Yes, Mrs. Be Bee, yes, have the gun and the county attorney who had entered said, "don't let her have the gun. Get it. We have to have it for evidence."

(*Becoming more officious.*)

So I grabbed Mr. Be Bee by the left pocket for the gun and it wasn't there, and I reached up under the left side there

(Gestures to describe his action)

and there was the gun. I shoved the gun out of the holster, and Mrs. Be Bee jumped over to my right side and tried to grab the gun.

McMASTER: *(Smiles and nods.)* That's all. Thank you Mr. Andersen.

(McMASTER takes his seat, SPECTATORS comment to each other as GLAME whispers something to SHIELDS.)

JUDGE: The witness is yours for cross-examination Mr. Shields, if you wish.

SHIELDS: Thank you your honor.

(Stands and calmly speaks.)

Mr. Andersen, when you reached the home you speak of in Spring City, who else was there, I mean besides the people you mentioned in the house?

ANDERSEN: Well, Mrs. Be Bee...

SHIELDS: No. I'm not talking about the people who lived in the house, Mr. and Mrs. Be Bee, but the other people besides you and the Sheriff and the county attorney. Were there not other people at the house?

ANDERSEN: *(Glances at the ceiling, then back at SHIELDS.)* There were several people outside. I didn't know all their names.

SHIELDS: A number of people, weren't there?

ANDERSEN: Yes.

SHIELDS: A regular mob?

ANDERSEN: *(Officiously.)* I wouldn't say "mob".

SHIELDS: What would you call it?

ANDERSEN: They were laying there, I mean some of them were out there, I think, to guard the house.

SHIELDS: Do you know that? Do you know that anybody that was put there to guard the house?

ANDERSEN: No, no sir, I don't.

SHIELDS: I wish you wouldn't testify to what you don't know. Now, how many men were there outside the house when you arrived besides you, the Sheriff and the county attorney?

ANDERSEN: Oh, I would say ten or fifteen.

SHIELDS: And those men were armed, weren't they?

ANDERSEN: Not many. Maybe two. There was a lot confusion.

(Arrogantly.)

I was after Be Bee.

SHIELDS: What kind of arms did they have?

ANDERSEN: I don't know whether they were rifles or shotguns.

SHIELDS: They weren't officers; were they citizens?

ANDERSEN: Not to my knowledge, they weren't officers.

SHIELDS: Were any in the house before you went in?

ANDERSEN: It was a little after we went in before many came in.

SHIELDS: More men came after you went in?

ANDERSEN: Yes, twenty or maybe twenty-five.

SHIELDS: Quite a bunch of people. In other words, there was a mob there.

ANDERSEN: Not at that time until they busted the front door in.

SHIELDS: They busted the door?

ANDERSEN: (*Hesitates, realizes what he said, then continues.*) I don't know where they gathered up from, but some scattered people were there with guns.

SHIELDS: And they were people who weren't officers. And they busted in the door?

ANDERSEN: I suppose.

SHIELDS: What do you suppose they were there for?

ANDERSEN: I don't know.

SHIELDS: They were not there on a friendly visit, were they?

ANDERSEN: I don't suppose so.

SHIELDS: (*Looks ANDERSEN straight in the eye.*) You know what they were there for, don't you?

ANDERSEN: (*Becoming somewhat uneasy.*) I don't know, not exactly. They had plenty chances to shoot Be Bee; every light in the house was on and he was walking past windows, frequently.

SHIELDS: Minding his own business. You were out there and saw that?

ANDERSEN: I saw that.

SHIELDS: There wasn't any occasion for them to be there and help make the arrest, was there?

ANDERSEN: I don't suppose so.

SHIELDS: You didn't hear the Sheriff deputize any?

ANDERSEN: No. A lot of them were scattered around there, and lots of car lights on the house.

SHIELDS: You were the man who said, "tell the old man to come out or we will smoke him out?"

ANDERSEN: (*Surprised that SHIELDS knows this, stammers a little.*) Y... Y... Yes... sir.

SHIELDS: (*Positively.*) That is what you said.

ANDERSEN: Yes sir.

SHIELDS: And in response to that the Sheriff was cordially invited by Mrs. Be Bee to come in?

(HIRAM and GLAME nod to each other, SHIELDS paces a few steps and ANDERSEN shifts uneasily.)

ANDERSEN: Yes. Yes, sir.

SHIELDS: No disturbance inside until you went in.

ANDERSEN: (*Quietly.*) No.

SHIELDS: No occasion for a mob?

ANDERSEN: (*Somewhat indifferent.*) I don't suppose there was.

SHIELDS: No occasion to break the door down?

ANDERSEN: (*Bordering on sarcasm.*) I don't know whether they broke it down or whether it was locked and they took it off its hinges.

SHIELDS: Then Mr. Be Bee said he would like to leave the gun with his wife in case there was a repetition so she could be protected?

ANDERSEN: He wanted to leave it with his wife.

SHIELDS: For that purpose wasn't it?

ANDERSEN: I suppose it was. I couldn't see...

SHIELDS: You weren't worried about anything that might happen?

ANDERSEN: A trifle.

SHIELDS: You were scared a little?

ANDERSEN: Not exactly scared.

SHIELDS: You felt like the Sheriff and you and the county attorney could handle the situation without any trouble, didn't you?

ANDERSEN: Yes, sir.

SHIELDS: There wasn't anything very serious about, was there?

ANDERSEN: There wasn't, the way it turned out. There could have been.

SHIELDS: I know, but there wasn't anything that turned out serious?

ANDERSEN: No.

SHIELDS: You got the gun and finally the Sheriff had to disburse that mob, didn't he?

ANDERSEN: Well, they didn't try to overwhelm the Sheriff.

SHIELDS: No, but they were there. There were whisperings among them. And statements.

ANDERSEN: Yes.

SHIELDS: You did hear Mr. Be Bee say, "Sheriff, I'm your prisoner, and you are responsible for me?"

ANDERSEN: I did hear Mrs. Be Bee say to the Sheriff, "Don't let the mob have him." Mr. Be Bee said something about the Sheriff's responsibility. I don't know the exact words. There was a lot of confusion.

SHIELDS: And did you hear the Sheriff tell the mob to get out of there?

ANDERSEN: I did hear the Sheriff tell the mob to quiet down and back out.

SHIELDS: That's all.

(SHIELDS sits as JUDGE motions to McMASTER.)

JUDGE: Are there any further witnesses, Mr. McMaster?

McMASTER: Yes your honor. Sheriff Wilson.

JUDGE: Very well. The State may call the next witness.

FIRST MAN: *(Stands.)* The State of Utah calls Mr. Orrin M. Wilson to the witness stand.

(WILSON rises from his seat in the "courtroom" and moves toward the FIRST MAN.)

FIRST MAN: Take the witness chair please.

(FIRST MAN returns to his chair as WILSON sits in witness chair. McMASTER stands and faces him.)

McMASTER: Did you see the defendant, Mrs. Be Bee on the night of October 15th of this year?

WILSON: I did when we went to Spring City.

McMASTER: Will you relate the circumstances there?

WILSON: After we got there deputy Andersen yelled into the house for the old man to come out or we would have to blow the place up. Then Mrs. Be Bee came out and said Mr. Be Bee would give himself up if we came in. We weren't sure that she was on the level. Especially since her husband just shot a man.

SHIELDS: Presumed to have shot a man.

(WILSON, McMASTER and the JUDGE as well as the SPECTATORS look at SHIELDS. The JUDGE nods and gestures to WILSON to continue.)

WILSON: *(Authoritatively.)* Well, we were there to pick up an old man who had just shot the Mt Pleasant Marshal. And there were other people around the house who thought the same as we did.

McMASTER: Did you go in and arrest Mr. Be Bee?

WILSON: Yes, we told him that he was under arrest.

McMASTER: And was Mr. Be Bee armed?

WILSON: Yes. I asked him if he had a gun on him, and he said yes, and he refused to give it up only to his wife.

McMASTER: Please relate what happened after that.

WILSON: Well, I talked with him sometime there and finally things got so hot that Mr. Andersen grabbed him by the right wrist and took a hammer lock on him and the gun flashed from Mr. Be Bee's side, and I don't know who besides Mrs. Be Bee had hold of the gun, but deputy Andersen had to hit her twice on the knuckles to get her to let loose before I could take the gun away from her. She kept yelling about the constitution...

McMASTER: *(Interrupting.)* That's all, thank you.

(McMASTER takes a deep breathe, then sits down as the JUDGE looks at SHIELDS who is reassuring GLAME.)

JUDGE: The witness may be cross-examined, if you wish, Mr. Shields.

(SHIELDS stands and moves toward the witness chair after acknowledging the JUDGE with a nod of his head.)

SHIELDS: Thank you, your honor. Mr. Wilson, how many men were in the room besides the Be Bees and those of you on official business?

WILSON: Quite a few. I don't know how many 'cause I never took my eyes off Be Bee.

SHIELDS: Now Sheriff, Mr. Be Bee was rather gentle, gentlemanly, was he?

WILSON: He was quite gentle at that time. But he refused to give up his gun.

SHIELDS: He refused to give up his gun because he said he wanted to leave it with his wife.

WILSON: Yes

SHIELDS: In other words, he had been arrested.

WILSON: Yes, sir.

SHIELDS: And he knew he was on his way to jail?

WILSON: Yes, sir.

SHIELDS: After you got the gun from Mrs. Be Bee, what did you do?

WILSON: I told her she was under arrest and she would have to go with her husband. She said she wasn't going. Finally, after a little struggle, she said that she would go, but she wanted her coat and hat, and she attempted to break away and go into another room for her things. Deputy Andersen went with her.

SHIELDS: Did she get anything else?

WILSON: *(Very authoritatively.)* She got her purse and we acted on a hunch and searched the purse and found a loaded gun. So we took Be Bee's gun and her gun and stored them for safe keeping, along with some rifles we found in a closet.

SHIELDS: *(Paces a few steps, then looks WILSON straight in the face.)* Sheriff, I assume that when you were elected and took your oath of office, you took an oath that you would sustain the Constitution of the United States and the State of Utah?

WILSON: That's right.

SHIELDS: *(Still fixing his eyes on WILSON.)* Have you read the Constitution of the United States and the State of Utah?

WILSON: *(Clearing his throat.)* Yes, some years ago..

SHIELDS: Did you ever read the regulation in the Constitution of the United States the right of the people to keep and bare arms shall never he infringed?

WILSON: Bear arms?

SHIELDS: Bear arms, shall never be infringed?

WILSON: Yes.

SHIELDS: You know what that means?

WILSON: Yes, I do.

SHIELDS: And in the Constitution of the State of Utah, the people have the right to bear arms for their security and defense. You know what that means?

WILSON: Yes.

SHIELDS: *(Paces away from W. ILSON, then turns to face him again.)* There wasn't anything unlawful about those guns being in that house!

WILSON: *(Resuming his tone of authority.)* No. All I done was to take those guns for safe keepin'. The gun we took from the old man, the one in her purse and some we found in a closet.

SHIELDS: It was not your intention in testifying here that Mrs. Be Bee used a gun to keep you out of the house and to protect her husband?

WILSON: No. I didn't say that.

SHIELDS: *(Moving to face the JUDGE.)* I move that the testimony be stricken about finding those guns. It's immaterial, and has no place here at all, unless it is given for the purpose of creating a presumption against these people that they are bad, unlawful people. That is the only purpose it might serve here, and it is an unfair inference to be waged against them.

McMASTER: *(Standing.)* Your honor, a gun was in the purse she wanted.

JUDGE: As long as she wanted a certain purse, and a gun was in that purse, that evidence should stay in this case.

SHIELDS: She had a right to carry a gun with her if she wants to. That's what the law says.

McMASTER: Not out of her house. She can't carry concealed weapons without a permit.

(He sits as though he has made a strong point)

JUDGE: I think Sheriff Wilson's statement should stand as given. It remains as evidence in the case. All we want is justice.

SHIELDS: That is what we want. But I would like your honor to remember that these people are entitled to protection, not the State. They are presumed to be innocent of any offense until proven otherwise.

JUDGE: They are entitled to protection.

(Short pause.)

I recommend that the evidence about other guns found in the house be taken out. The evidence about the purse being found in the closet where she went to get her coat should be left in because the defendant is charged with protecting and harboring a criminal.

SHIELDS: *(Conceals his disappointment, clears his throat, paces a couple of steps.)* Very well your honor.

(Pause.)

Now as to Mrs. Be Bee, the law is very plain about “A person is not the least guilty as an accessory after the fact because of the existence between him and the person assisted or relieved of the relation of parent and child, brother and sister, sister and brother, or master and servant, and even a husband is guilty if he assists or relieves his wife, but a wife does not. become an accessory in assisting or relieving her husband since she is presumed to act under his coercion, and since she ought not to be bound to discover him. A woman, under the law, is supposed to be in subjection to her husband, just as a minor child is and she cannot be an accessory after the fact, no matter what she does. She is relieved under the law from any such an offense as this, because she is deemed to be acting under his direction, and the law says he has the right to direct her as to what she shall do.”

JUDGE: As long as she does it in a rightful manner.

SHIELDS: Pardon?

JUDGE: So long as she does it in a rightful manner.

SHIELDS: It doesn't make any difference what she does. That isn't stated in this law, as long as she does it in a rightful manner, she cannot, while she is his wife, be an accessory after the fact.

McMASTER: You are through, I guess, Mr. Shields?

SHIELDS: I am through with my statement.

McMASTER: *(Stopping just short of sarcasm.)* I don't remember anything in the evidence, your honor, that the lady we designate here as Glame Be Bee and whom we have called Mrs. Be Bee is the wife of Mr. Be Bee.

JUDGE: There has been no evidence to that fact. She has been referred to as Mrs. Be Bee and that's all.

SHIELDS: I'll ask that she be sworn for that purpose.

JUDGE: Very well.

(The JUDGE nods to FIRST MAN as McMASTER sits. SHIELDS remains standing and looks toward GLAME and HIRAM as SPECTATORS comment to each other.)

FIRST MAN: The State of Utah calls Glame Be Bee to the witness stand to testify as a witness in her own behalf.

(SHIELDS motions to GLAME to stand and move toward the witness chair. She does so.)

Raise your right hand please.

GLAME: Sure.

(She complies.)

FIRST MAN: Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

GLAME: I do. You bet I do!

SHIELDS: Your name is Glame Be Bee?

(She moves to the witness chair and sits as SHIELDS approaches her and the FIRST MAN returns to his seat.)

GLAME: That is the name I have used ever since...

SHIELDS: You can answer yes or no.

GLAME: *(Interrupts.)* Yes. I was known...

SHIELDS: *(Interrupting.)* Let's not have any discourse. Just answer the questions.

GLAME: Yes.

SHIELDS: Are you the wife of Hiram Be Bee?

GLAME: Yes. I am his wife.

SHIELDS: And have you been married to him long?

GLAME: (*Proudly.*) Not with a damned license, but with common law since 1925.

(SHIELDS registers minor disgust with his client, but manages to conceal his true feelings, maintaining his professional posture. Everyone in the courtroom reacts to her statement.)

SHIELDS: Since 1925. Where did you start to live with him?

GLAME: In Wyoming, in November 1925.

SHIELDS: And have you lived with him as his wife ever since?

GLAME: (*Sits a little straighter in her chair, assuming a saintly attitude.*) Absolutely!

SHIELDS: That is all.

(SHIELDS, still maintaining his professional posture, moves to his chair and sits down as the JUDGE speaks to McMASTER.)

JUDGE: Do you wish to cross-examine the witness?

McMASTER: (*Stands and moves to face GLAME.*) Yes, your honor. How long have you lived in the State of Utah, Mrs. Be Bee?

GLAME: (*Becoming very matter-of-fact in her manner.*) Oh, in and out for many, many years, but I don't know how many years this last time. I could get that verified by seeing some people I know, but I can't remem...

SHIELDS: (*Trying to maintain patience with his client.*) Never mind the discourse. If you remember, tell the court how long.

GLAME: I don't remember. Maybe ten or fifteen years.

McMASTER: (*Paces a few steps, then faces the JUDGE.*) As I understand the law on marriage, your honor, the common law marriage is not recognized in Utah. When you marry here, you have to get a license, and have one authorized to perform marriages to perform the ceremony.

SHIELDS: (*Stands as McMASTER turns towards him.*) But, if they went into common law marriage in Wyoming, the State of Wyoming recognizes that as a good and legal marriage, and if they later move to Utah, then Utah recognizes that marriage.

JUDGE: Do you know the law on that exactly, Mr. Shields?

SHIELDS: Section one, Article Four of the Constitution of the United States says, "Full faith and credit shall be given in each state to the public acts..."

JUDGE: (*Interrupts.*) Yes, know the law. I wondered if you clearly understood it.

SHIELDS: I do.

(THE JUDGE looks at McMASTER.)

McMASTER: (*Reluctantly.*) Yes, I also understand that.

SHIELDS: This court must find at this time that a crime has been committed and that there is probable cause that the defendant has committed that crime. If the law says she can't commit the crime, then there isn't probable cause.

JUDGE: If she is legally married to Be Bee, we cannot prosecute her on the charge before this court.

McMASTER: (*Becoming agitated.*) But your honor has no evidence to sustain that she is the wife of Be Bee.

SHIELDS: (*Firing back an answer.*) Now, does your honor have any evidence to sustain that she is not the wife

of Hiram Be Bee and any evidence before him that it is not a good marriage?

McMASTER: The burden is upon the defendant.

SHIELDS: I don't think so. The burden is on the state. She is presumed to be innocent until proven guilty.

McMASTER: *(Cooling down.)* Of course.

SHIELDS: *(Maintaining, his thrust.)* If this woman can't commit this crime, this is the place to settle it here.
(He sits down.)

McMASTER: *(Turns to face SHIELDS, standing.)* All questions, Mr. Shields, that go to that issue have to be decided before that issue can be adjudicated.

SHIELDS: *(Firmly.)* Correct.

McMASTER: *(Still hanging on to his point.)* And the judge can, for his purpose here, can determine whether or not they are legally married.

(SPECTATORS comment to each other, The JUDGE looks at his notes, McMASTER sits and FIRST MAN motions to GLAME to return to her seat from the witness chair.)

JUDGE: *(Looking up from his notes, reluctantly speaks.)* Under the law, the court deems that the Be Bees are legally married and we cannot prosecute her on the charge before this court.

(Lights fade on the "courtroom" area as everyone freezes except THIRD MAN who moves to downstage right as a pool of light comes up there. Also SECOND WOMAN moves to downstage left as a pool of light comes up there.)

THIRD MAN: I still say she was guilty!

SECOND WOMAN: She aided in the getaway and harbored a criminal!

THIRD MAN: ... and resisted arrest.

SECOND WOMAN: Imagine, a woman carrying a deadly weapon and assaulting an officer!!

THIRD MAN: *(Sarcastically.)* A common law marriage being valid?

SECOND WOMAN: *(Holier-than-thou tone.)* Imagine, a woman living with a man without a proper marriage. Is nothing sacred?

THIRD MAN: Depraved scum!

(SECOND WOMAN and THIRD MAN exit as lights fade.)

SCENE 4 -- Time: Spring 1883. **Place:** A small town in Texas. *Lighting comes up behind scrim bright enough to silhouette people moving about the stage. YOUNG GLAME enters downstage right and crosses to center of first level and speaks to SECOND MAN, who assumes the role of a banker and who enters from first level left as he is writing in his ledger.*

YOUNG GLAME: *(Using a sugar-sweet voice.)* I'm so sorry to disturb you. I need some help lifting a strong box from my carriage. It belonged to my late husband and I want to put it in your bank for safe keeping.

SECOND MAN: *(Closes his ledger and puts it under his arm and places his pencil behind his ear.)* I suppose I could give you a hand, little lady.

(He glances around, then turns smiling at her.)

Looks like I don't have any customers right now. That your carriage out front?

(BUTCH CASSIDY and YOUNG HIRAM enter down stage left, their heads covered with hats and their faces concealed by scarves. They are carrying small saddle bags and run up the three levels speaking quickly and softly as they move. Simultaneously, YOUNG GLAME and SECOND MAN are conversing down stage.)

YOUNG GLAME: *(Moves close to SECOND MAN, takes his arm and smiles sweetly.)* You are so kind to help me.

BUTCH CASSIDY: *(Stage whisper.)* The ol' coot fell for her story.

YOUNG HIRAM: *(Stage whisper.)* Yeah, Butch, hook line an' ...

(BUTCH CASSIDY and YOUNG HIRAM move to top level left and exit.)

YOUNG GLAME: Ever since my husband passed away I have been so worried about the safety of his strong box.

(She flutters her eyes and tightens her hold on his arm.)

It's all I have for me and my little ones.

SECOND MAN: *(Pats her hand.)* Now, don't you worry about a thing, little lady. We'll keep it in a safe place for you.

(BUTCH CASSIDY and YOUNG HIRAM re-enter up stage left.)

BUTCH CASSIDY: *(Excited, but whispering.)* Looks like a good haul!!!

YOUNG HIRAM: Here, take this.

(He hands BUTCH his saddle bag.)

I can go back and stuff some more in my pockets.

BUTCH CASSIDY: No! We have enough!! No time to go back!

(As BUTCH CASSIDY and YOUNG HIRAM run to about the second level, SECOND MAN turns.)

SECOND MAN: Excuse me Ma'am, but I think I hear someone inside.

(He starts to pull away from her as she tightens her hold on his arm and cuddles closer to him.)

I'll just take a look.

YOUNG GLAME: Oh, I didn't hear anything.

SECOND MAN: Now you wouldn't want your money in a bank that wasn't watched, would you?

(He gently removes her hand from his.)

Be with you in a minute.

(SECOND MAN quickly moves to stage left and sees BUTCH CASSIDY and YOUNG HIRAM making a fast exit. They turn as they see SECOND MAN.)

BUTCH CASSIDY: Damn it!! He sees us. Run for the horses!

SECOND MAN: *(Shouting.)* What's going on back there? Hey.... hold it! Thieves. Stop where.....

(YOUNG GLAME exits down stage right as BUTCH CASSIDY exits stage left. YOUNG HIRAM turns and pulls a pistol from his holster under his vest.)

SECOND MAN: *(Loudly pleading.)* No..... no!!!! Don't shoot! Please...

(YOUNG HIRAM fires a shot into SECOND MAN as he grabs his chest and staggers.)

YOUNG HIRAM: You should have helped the little lady.

PERUSAL SCRIPT -- Due Process: Hiram Be Bee, Alias the Sundance Kid by *Shirlee Hurst Shields*

SECOND MAN: Help me... please... don't...

YOUNG HIRAM: Like I said, you should be more of a gentleman.

BUTCH CASSIDY: (*Shouting from offstage.*) C'mon. We better get out a here, fast!
(*Lights fade as SECOND MAN slumps to the floor.*)

INTERMISSION

26 additional pages in ACT TWO

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