

“Trial,” Hollywood’s Prescient Film on the Left’s Playbook

When You Can’t Find a Law to Fit the Facts, Find Some Facts to Fit the Law

by Norman Berdichevsky (April 2016)

Although now sixty years old, the film “Trial” based on Don M. Mankiewicz’s Harper’s prize winning novel is still contemporary. It stars Glenn Ford as a dedicated idealistic law professor, seeking justice for a young Mexican-American boy, the 17 year old Angel Chavez, and his alleged victim, Marie Wilson, a 16 year old white girl.



David defending his client Angel Chaves in the film “Trial”

The film does not involve police brutality but rather how the entire mechanism of the media, the courts and our laws are mobilized and exploited in order to polarize feelings and glorify victims by making them martyrs. Nothing else explains how and why in spite of all the progress made in our lifetime towards ending discrimination and prejudice in the public arena, our society continues to lurch from one dramatic crisis to another, often inflamed by the media, and appealing to further balkanize raw emotions according to group identities on the basis of race, ethnicity, and gender.

The film is set in “San Juno Village,” California in 1947, a town with a large population of whites, many of whom can be assumed to be migrants from the Southern states and a minority population of Mexican origin.

Prominent attorney Barney Castle (Arthur Kennedy) seeks only the aggrandizement of a cause featuring a “minority” victim to aid his Communist loyalty. The film brilliantly illustrates how trials often stray far from weighing the evidence against the accused to addressing grievances against either “society” or the police as we saw in the headline events in Sanford Florida, (Trayvon Martin shot by George Martinez), Ferguson, Missouri, (Michael Brown shot by the

police), and Baltimore (the death of Freddy Gray). For Barney, the issue is to find an appropriate martyr for his cause rather than save an innocent soul.

A law professor at the State University, David Blake (Glenn Ford), will not have his teaching contract renewed due to his total lack of courtroom experience. He has the summer to find some way to gain that only to be suddenly offered a major frontpage headline case by lawyer Barney Castle, a front man for the Communist Party who knows how to play the system to the hilt. David has the advantage of being naïve and having an heroic record of military service in World War II (4 battle stars and a Silver Star). Barney convinces him that his background and intense belief in the boy's innocence are more important than courtroom experience.

It is California, 1947 and the alleged crime takes place in a community notorious for its anti-Mexican sentiments, illustrated at the very start of the film by a sign on the beach where the "crime" took place as a private community for residents only. In fact, Angel is not guilty of anything more than making out with a few kisses and embraces of Marie, whose death is brought on by an attack of a recurring childhood disease but the offense has taken place on the restricted San Juno beach, off limits to Mexicans and her ripped dress with several missing buttons testify to "attempted rape."

Barney sets out to raise money for a defense fund while handing the court room work to the inexperienced David whom he convinces to turn down a generous plea bargain from the District Attorney, John J. Armstrong with gubernatorial ambitions, who offers a minor charge of manslaughter punishable by a maximum sentence of two to five years in prison.

David believes that Marie's history of rheumatic fever as a child could well be the cause of her death, but that existing prejudices against "Mexican rapists" (sound familiar?) and the law that a death caused as a result of the commission of a felony (such as attempted rape) could justify a charge of first degree murder. He is justifiably cautious and very surprised when Barney throws caution to the wind in seeking to enter a plea of not guilty risking the death penalty.

It is not Angel's welfare or the grief of the boy's mother that is at stake. What is crucial for Castle is a cause celebre featuring the issue of racial/ethnic prejudice. Ironically it is not the D.A. who intends to play up

the racial issue although he well knows it will act in his favor. He makes a sarcastic comment to Barney remarking when being introduced to David that..."I may be a native-born white Protestant but in my heart, I'm as good an American as someone who just got off the boat."

The mother of the slain girl is a member of the town council and has been active in promoting policies of tolerance in community affairs. She is taunted by her husband for her views on arguing for fair play for the town's Mexican population but nevertheless agrees to a quiet private funeral in fear of the event being used for further incitement and racial hatred by white extremists.

Indeed, she has reason to fear. A vigilante mob is encouraged by a local rabble-rouser to forcibly remove Angel from custody and lynch him, an act prevented at the last moment by the appeals and threats of the local venal sheriff, "Fats Sanders," imploring the crowd to disperse, convincing them that such an act would expose the town to economic reprisals and the scorn of the national media. He promises moreover that the boy will be convicted in court and then "legally hanged."

Seen from today's standpoint, there is a 180 degree polar reversal of today's "Black Lives Matter" rationale. The violent demonstrations of the past few years all were based on the scenario of white police officers automatically being assumed as guilty for the deaths of individuals from the black community. In "Trial," the mob believes that only "White Lives Matter" and that a Mexican charged with a heinous crime against a white girl must be assumed to be guilty.

David soon realizes that Angel is not guilty while Barney stages a huge statewide rally to raise money. It's there that David realizes that raising funds is as much for the Party as for Angel's defense, Barney is out to create race hatred and social instability and if anything, wants Angel to be found guilty to create an heroic martyr, a fact that has also dawned on Barney's former love interest and fellow traveler, Abbe (played by Dorothy McGuire). She is well aware that David has been led by the nose by Barney. During their work together, Abbe at first admires David's idealism symbolized by the inscription on his pocket lighter "Ubi injuria, ibi remedium" (Where there is a wrong, there is a remedy), but later comes to his rescue in convincing him that she too let herself be exploited by Barney's cynical manipulation of her original idealistic motives.

Both Abbe and David have been played for suckers. They know it and are forced to come to grips with the roles they have been given. The film's dialogue explaining why so many well-meaning people motivated by noble intents are so easily duped by the trained minions of the Far Left and the party line should be required viewing in college courses that seek to chart the course of famous trials which have degenerated into willful ignorance of the evidence as proven in Sanford, Florida, Ferguson, Missouri and, as I expect, in Baltimore as well.

Angel learns the additional fact that the judge in his case is Theodore Motley, a Negro (readers should know that when the film was made in 1955, this was still the polite term of reference for Blacks/Afro-Americans). Angel's cellmates in prison convince him that this is an example of a put-up job because it will reinforce the sense of justice if he is convicted with a presiding judge who is also a minority and therefore expected to favor the defendant. When David hastily throws this accusation in Motley's face, the judge responds angrily that it is David who is succumbing to race prejudice. By the end of the trial however, we see Barney turn on the judge, ultimately calling him an "Uncle Tom" when the Party Line has changed.

At a New York rally called by the All People's Party (front organization of the communists), designed to raise funds for Angel's defense, Barney manipulates the crowd making it clear to David how the funds are ultimately to be used for the benefit of the Party rather than the defense fund. He himself is working without compensation, a tactic he now realizes was also cleverly arranged from the start. Even the tactic of stressing the ethnic aspect of the trial is blatantly offensive as Barney insists on serving spicy Mexican food on every occasion that Angel's mother insists would give any person an ulcer. Teenagers from the All People's Party Summer Camp for Peace and Freedom are featured on stage chanting slogans followed by an address by a Black professor, a scantily clad Habanera dancer and Angel's tearful mother thanking the crowd and pleading for mercy on her son's behalf. Generous pre-arranged contributions to the Angel Chavez Defense Fund, ostensibly from labor unions (but arranged by the Party), are read out by Barney, driving the crowd of 20,000 into an enthusiastic frenzy.

Upon his return to California, David is served with a subpoena from the local state committee on Un-American Activities, seeking to uncover a communist role in the rally and David's part in illicit fund raising techniques. He is bitter and vents part of his anger towards Abbe for not warning him in time.

In a heart to heart confrontation, David and Abbe speak of how noble causes could not prevent their being drawn into a web of intrigue serving other goals. It is the best dialogue in American cinema explaining how this has happened to good people.

David tells Abbe he will confront the committee by telling them the truth and hints and asserts in a pointed remark that “the truth never hurt anybody but that is something that not everyone believes.”

Later that night they quarrel.

David: You're not leaving Abbe – You're running away! – Did it ever occur to you that I might already know? There is a big difference between being a fool and being fooled. I've got eyes and a rudimentary brain. You know five minutes after I left New York I knew that Barney was a communist and five minutes after I got on the plane, I knew you were a communist too! I know how you and Barney fooled me. There's only one thing I wish, that I had met you before Barney – that's right!

Abbe: No, I wasn't a communist – not a card-carrying one. I was the perfect fellow traveler. Yes, I was enthusiastic and loyal and discreet. I was the perfect fellow traveler.

David: When did you stop being a fellow traveler? – last week, last month, a minute ago, a year ago?

Abbe: One doesn't just stop – one drifts in and then one suddenly drifts out. I drifted in when I was a freshman and drifted out when I was still in college. .

David: Why did you drift in Abbe, Why?

Abbe: Because I was just one of a thousand freshmen and I wanted to be different, and I found out there were clubs and meetings, and if you went to them, you were different! Suddenly people pointed you out and you became a sort of campus curiosity. And you met people who were important whose names were in the newspapers and you had friends who were going to change the world with you...and share the Party line – that was the most important part of all – it told you who to vote for, who to march for who to put on banners and gave you a

kind of directive when it told you what was true and what was false.

Much of this will strike readers, as it did me, as familiar, incisive and evoke many reminiscences. It is part of our formative years that took a long struggle to disavow. For Abbe, it was finally just "growing up" that led her to put some distance between her and the old family of comrades. She finally could not accept the certainty of the Party Line that was always changing so that Monday's truth became Tuesday's lie.

Since the film appeared, much has changed, but there are still those trial spectators who are only interested in the group identity of the victims and the accusers rather than who is the guilty or innocent individual, as determined in a court of law, according to the rules of evidence in which both sides strive to find a "remedy" if there is a wrong.

I will withhold from the readers the outcome of the trial. The conclusion is full of intrigue, surprise and tension. My hope is that they choose to view it, as a warning and a vindication that an ounce of prevention is worth a pound of cure. It is a shame that this 1955 film did not receive much more attention and awards for its message. It is also proof, that at least in this film, Hollywood got it right about the diverse forms of bigotry in the courtroom and the standard playbook used by the communists and Far Left for manipulating juries and public opinion to win a cause rather than right a wrong.

*Writer's note: The assassination of New Orleans Police Chief David Hennessy (1858-1890) led to a sensational trial in March, 1891. The verdict of acquittals and mistrials of the accused Italian immigrants angered locals, and on August 14, 1891, the prison doors were forced open and 11 of the 19 accused Italian men who had been indicted were lynched. This travesty of justice was the largest known mass lynching in U.S. history.

Leo Max Frank (April 17, 1884 – August 17, 1915) was a Jewish American factory owner convicted of the murder of a 13-year-old employee, Mary Phagan, in Atlanta, Georgia. His legal case, and lynching attracted national attention and became the focus of social, regional, political, and racial concerns, particularly regarding antisemitism. He was lynched by a mob that had angrily protested Governor John M. Slaton's commutation of Frank's sentence from capital

punishment to life imprisonment.

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