

THE MANY TRIALS OF FATTY ARBUCKLE

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There's a scene about seven minutes into the 1915 silent film short *Mabel and Fatty Viewing the World's Fair* in San Francisco where the camera pans right, across, and up the façade of the St. Francis Hotel. If the audience knows where to look, they can just make out the window of room 1219. Roscoe "Fatty" Arbuckle would come to regret ever having seen that room. What happened there over the 1921 Labor Day weekend even today links his name to sexual assault and murder—at least in the popular imagination. The three dramatic trials that followed bankrupted him, destroyed his career, introduced Hollywood to morals clauses, and fascinated the Prohibition-era San Francisco public in the first no-holds-barred media circus since the 1906 earthquake and fire. It made the 1915 World's Fair look like a damp squib.



Roscoe "Fatty" Arbuckle



Roscoe "Fatty" Arbuckle in courtroom. Photo courtesy of San Francisco History Center, San Francisco Public Library

It is nearly impossible now to grasp the extent of Roscoe Arbuckle's fame. Paid more than any other actor in Hollywood, he had just signed a \$3 million dollar contract.

On September 3, he and friends Lowell Sherman and Fred Fishback made the long drive from Los Angeles to San Francisco, checking in to three connecting rooms (1219, 1220, and 1221) at the St. Francis (now the Westin St. Francis). Prohibition had been the law since 1919 but there were ways around that obstacle, both in the hotel itself as well as several outlets around Union Square. In addition to the alcohol the men brought along, Sherman bought more for an impromptu in-suite party of music, dancing, and drinking on the early afternoon of the fifth. Several people on the fringes of the Hollywood set attended, including Zey Prevon¹, Maude Delmont², and actress Virginia Rappe³. No

two witnesses would later agree on what precisely happened next. But something did occur, and Virginia Rappe died four days later.

Delmont arrived at the Hall of Justice on Kearny Street on the ninth, asking to speak to detectives, determined to report a murder: Fatty Arbuckle had violently assaulted her dear friend, Virginia Rappe, causing severe internal injuries that led to the young woman's death. As she later explained to the newspapers, "I could hear Virginia kicking and screaming violently and I had to kick and batter the door [to 1219] before Mr. Arbuckle would let me in. I looked at the bed. There was Virginia, helpless and ravaged. When Virginia kept screaming in agony at what Mr. Arbuckle had done, he turned to me and said, 'Shut her up or I'll throw

her out a window.’ He then went back to his drunken party and danced while poor Virginia lay dying.”

Her criminal complaint alone was sufficient but District Attorney Matthew Brady triple-downed and empaneled a grand jury on the tenth, which eventually indicted Arbuckle for manslaughter. Brady additionally summoned a coroner’s jury. The prosecution was eager to move forward even before most of the evidence, including the autopsy results, was ready. Ignoring the grand jury’s indictment, and based instead on Delmont’s credibility, the district attorney advanced a death-penalty case for felony murder. In retrospect, the police and prosecutors should have been more careful. Delmont had an extensive criminal record for extortion and fraud, and her wildly inconsistent statements and outright lies forced the prosecutors to omit her from the witness list in all three subsequent trials, despite simultaneously relying on her by proxy as the only one who could coordinate the changing memories and statements from other state witnesses. On September 7, two days before Rappe’s death, she had sent telegrams to two acquaintances which read, “We have Roscoe Arbuckle in a hole here chance to make money out of him.”

When Arbuckle was asked to return to San Francisco as the chief suspect in Rappe’s death, the newspapers went mad. The *San Francisco Chronicle* and William Randolph Hearst’s *Examiner* led the way, with the *Examiner* headline for September 9 reading, “S.F. BOOZEFEST KILLS ACTRESS” in bold and above-the-fold. It was a mere hint of more graphic and wildly sensationalist things to come that combined a number of compelling elements: a famous actor with a wholesome image; a dead young woman; alcohol-fueled excess in an age of reformed morality; Hollywood types with their wealth and privilege; hints of sexual deviance; and the disreputable, modern, “jazz age” behavior of city girls versus the traditional image of chaste American womanhood. Attorneys on both sides leaked to the press, rumor was presented as fact, and a new avalanche of falsehood flowed with every morning and evening edition. There had been nothing like it.⁴



Fatty Arbuckle with attorneys. Photo courtesy of San Francisco History Center, San Francisco Public Library

The case went to trial barely a month later. In the preliminary hearing, Presiding Judge Sylvain Lazarus noted fatal weaknesses in the prosecution’s case: “I do not find any evidence that Mr. Arbuckle either committed or attempted to commit rape...the district attorney has presented barely enough facts to justify my holding the defendant on the charge which is here filed against him.” But the judge went on to that “We are not trying Roscoe Arbuckle alone; we are not trying the screen celebrity who has given joy and pleasure to the entire world; we are actually, gentlemen, trying ourselves. We are trying our present-day morals, our present-day social conditions, our present-day looseness of thought and lack of social balance... I have decided to make a holding on the ground of manslaughter.” That statement alone would practically guarantee reversal on appeal, but it never came to that.



Women fill the courthouse at the trial for Roscoe "Fatty" Arbuckle. Photo courtesy of San Francisco History Center, San Francisco Public Library

The first trial lasted from November 14 to December 4, 1921. The Women's Vigilance Committee reserved a block of seats in the front row in what was otherwise a crowded and hectic courtroom. Brady presented a number of witnesses, none of them Maude Delmont. The state's theory was that in the course of a wild, almost bacchanalian party, Arbuckle dragged Virginia Rappe from Room 1220 to his private room, 1219. Perhaps as long as an hour passed before Delmont, Alice Blake, and Zey Prevon, frantic to save their friend, kicked on the door until Arbuckle opened it. He was wearing a bathrobe and Miss Rappe's Panama hat. Rappe was on the bed, clothes ripped, screaming that Arbuckle had done this to her. Arbuckle callously ordered Delmont to remove Rappe and then continued with his drunken party. Carried to a separate room in the hotel and then to Wakefield's Sanitarium⁵ on Sutter Street, Rappe lasted four days in agony before dying from peritonitis, caused by a torn bladder—the direct result of either Arbuckle's weight

on top of her or a sex act. Prevost, Blake, and others verified loosely this sequence. In addition, several treating physicians testified, although their diagnoses varied. The prosecution witnesses did not do well under cross-examination.

The defense team introduced evidence of Rappe's medical and social history, framing the evidence in such a way that the jury could conclude she had complications from gonorrhea, an abortion, or both, and had suffered with cystitis for years. A nurse from the sanitarium testified that Rappe told of having internal pain for six weeks prior to the party. Finally, Arbuckle took the stand and described finding a sick and disoriented Rappe in his bathroom, and then carrying her to the bed, assuming she was inebriated and had vomited. He called for help from the women at the party and later arranged for Rappe to stay in another room, after first summoning the hotel physician. Prosecution questioning did not dent this defense or Arbuckle's

WHO WAS VIRGINIA RAPPE?

Virginia Rappe's life story was overshadowed by rumors, speculations and the sensationalist media coverage that followed her death. William Randolph Hearst noted at the time that the scandal had "sold more papers than the sinking of the *Lusitania*." Yet, today, we know very little of the person before the scandal. Who was Virginia Rappe?

Virginia Rappe was born on July 7, 1895 in Chicago. Raised by her grandmother, Virginia started working as a model at age 14. At 21, she moved to San Francisco to pursue her modeling career. Over the next five years, she made a name for herself as a silent film actress, a model, and fashion designer.

As a fashion designer, Rappe expressed her political conscience. During World War I, she gained recognition for her "peace hat", a hat that resembled dove wings. Rappe was quoted by the *Reno Evening Gazette*, explaining, "We should express our peace sentiments in our clothes. If we believe in peace, why wear military jackets and soldier caps? Clothes influence our minds."

Rappe's belief in the power of fashion to change minds also applied to women's rights. Posing in traditionally male clothing, Rappe advocated for "equal clothes rights with men." The paper credits Rappe with being the "first who invaded the masculine wardrobe, carried off the Tuxedo coat idea and immediately converted it into a chic little street suit."

Adapted from "Hollywood's First Major Harassment Case, 96 Years Before Weinstein" by Gabrielle Bellot, The Cut, published 11/29/2017



Virginia Rappe

composure. When the case went to the jury, a mistrial followed. Jurors deadlocked 11–1 to acquit.

District Attorney Brady elected to retry Arbuckle immediately. The second proceeding began on January 11 and continued to February 3. It was essentially a replay of the first, but the defense team elected not to have Arbuckle testify, believing it unnecessary. That was a strategic error. The case again resulted in a mistrial, only this time with a 9-3 split in favor of conviction. Brady was frustrated but not exhausted and the parties assembled for a third time from March 13 until April 12. The new defense team learned from the previous errors. They strengthened their hand with more damaging information on Virginia Rappe's background and medical history, savaged the prosecution witnesses—getting several to admit that the DA threatened them into testifying—and as in the first trial, Arbuckle took the stand. He was acquitted and in a singular event, the jury issued a written apology.



District Attorney Matthew Brady. Photo courtesy of San Francisco History Center, San Francisco Public Library

Arbuckle's career never recovered. A \$700,000 legal bill (in 1922 dollars) and tax issues drove him into bankruptcy. He was blacklisted by the studios which were anxious to clean up their image as a haven for debauchery and already suffering additional scrutiny from the scandal-tinged murder of director William Desmond Taylor in 1922. Charlie Chaplin and others remained Arbuckle's friends and found him occasional directorial work under the pseudonym "William B. Goodrich." Roscoe Arbuckle died in 1933, just as his career was on the verge of a comeback.

The trial changed some things. Hollywood fell under the censorial hand of Will Hayes and his family-friendly moral code. Despite the verdict, the conservative reformation was emboldened and the Scopes Trial was just around the corner. Closer to home, patently obvious and illegal misconduct during the trial rightfully damaged the reputation of the San Francisco District Attorney's office, although Brady remained until 1943. His ambitious pursuit of Arbuckle

went well beyond prosecutorial zeal; it became an irrational and largely self-serving hunt for the great white Hollywood whale and promised to catapult him into the political stratosphere; it never did.

Most troublingly, although Arbuckle was certainly innocent of the murder/manslaughter charge, in the course of the trial his defense team resorted to a familiar strategy: to present alternatives—entirely reasonable ones—for the cause of Virginia Rappe's death while simultaneously and deliberately trashing her private life. Few protections existed to shield sexual assault victims in 1921 and there were none at all when the alleged victim was deceased.

The more things change...

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Notes:

1. Zey Prevon was an alias. Her birth name was Sadie Reiss but at various times went by Zey Prevost and Zey Prevyn.
2. Maude Delmont sometimes insisted being referred to as Bambina Maude Delmont, though for no apparent reason. In a 1922 newspaper story, her full name is given as Maude Bambina Delmont Hopper Wood, which also notes her probationary sentence for bigamy.
3. Virginia Rappe was born Virginia Rapp but added the extra vowel and altered pronunciation when she began her stage career.
4. In what had to be the worst studio public relations nightmare since humans walked the earth, Famous Players-Lasky's 1920 production of "The Life of the Party" starring Fatty Arbuckle was still playing in some theaters.
5. Wakefield's Sanitarium was at 1065 Sutter, now the Raphael House homeless shelter. It was formerly the Mount Zion Hospital and afterward the Golden Gate Community Hospital.