

By Mark J. Phillips and Aryn Z. Phillips

# The “Fatty” Arbuckle Case: Hollywood’s First Celebrity Trial

**T**HE FRENCH CALLED IT THE CRAZY YEARS FOR the extraordinary social, economic and artistic changes that occurred. The British called it The Golden Age Twenties for its years of economic boom. In America, it was the Roaring Twenties.

By any name, it was the decade in which the 20th Century came of age.

The Twenties brought peace and prosperity to most, and a sense of social evolution. Charles Lindbergh piloted the *Spirit of St. Louis* from New York to Paris. Baseball was America’s pastime and Babe Ruth its unquestioned king. Prohibition in 1920 did little to slow the party atmosphere of jazz, flappers and excess, that roared unabated until the stock market crash of October 1929.

And, despite the highs and lows, through it all, America went to the movies.

## A Sad Anniversary

This year marks one hundred years since the first of the great Hollywood trials, that of Roscoe “Fatty” Arbuckle, and the start of America’s fascination with crime that has not abated since.

In 1921, Arbuckle was the highest paid film star in Hollywood. King of the two-reel comedies, he was beloved by millions for his pratfalls, his pie fights and his innocent, angelic smile. Studios churned his movies out by the score, and ticket buyers across the country stood in line to watch them.

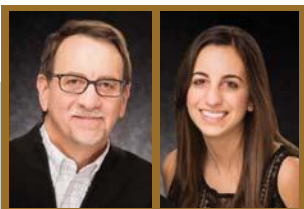
But all that came to a tragic end on September 5, 1921.

Coming off a punishing year-long schedule of back-to-back filming, Arbuckle and several friends drove to San Francisco for a spell of rest and relaxation over the Labor Day weekend. Prohibition was in full swing, but liquor was available to those who could afford it, and Arbuckle certainly could.

That weekend, after a drunken revel in his suite at the St. Francis Hotel, Arbuckle was wrongfully charged in the rape and death of 26-year old actress Virginia Rappe.

Rumors, none of which were true, swirled of his sexual deviation and he was caught in a firestorm of ambitious politicians, rapacious studio owners, social reformers and newspaper publishers. Arbuckle was tried in both the press and the courts, which, after three trials, acquitted him of any wrongdoing.

But the damage was done. Blacklisted and financially ruined, he was one of the most reviled men in America.



**Mark J. Phillips** is a shareholder at the law offices of Lewitt Hackman in Encino, California. **Aryn Z. Phillips** is a graduate of the Harvard School of Public Health and holds a Ph.D. in Public Health from UC Berkeley. They are the co-authors of *Trials of the Century* (Prometheus, 2016). They can be reached, respectively, at [lphillips@lewithhackman.com](mailto:lphillips@lewithhackman.com) and [aryn\\_phillips@berkeley.edu](mailto:aryn_phillips@berkeley.edu).



## Rise and Fall

Just thirty-four, his rise and fall in the world had been dizzying from every perspective.

Born March 24, 1887, Arbuckle was one of five children born into a poor farming family in Smith Center, Kansas. His father, William, presumed him to be the product of his wife's infidelity and, in revenge and derision, named him Roscoe Conkling Arbuckle, after the notorious U.S. senator and womanizer from New York.

Arbuckle's movie success was neither chance nor favor, but rather the result of talent and many years of hard work.

On his own since age 12, even then 185 pounds, Arbuckle was a skilled performer, capable of physically-demanding slapstick humor, dancing and pratfalls. His charm won over audiences around the world and he spent his early years headlining Alexander Pantages' national touring group.

Picnicking one afternoon in El Paso, Texas, the troupe found themselves surrounded by soldiers led by Mexican revolutionary Pancho Villa. Arbuckle and Villa introduced themselves, and, in a moment of sublime historical mischance, began throwing fruit pies at each other in fun.

When Arbuckle later introduced the now iconic pie fight in early films, the gag became a mainstay for him, as well as scores of other film comedians who adopted and perfected the routine.

He ultimately found stardom with Keystone Studios, the seminal early movie studio in Los Angeles founded by film producer and comic genius Mack Sennett, whose Keystone Kops—anchored at one end by Arbuckle's sizable girth—have

entered the American lexicon as any group that mismanages its affairs despite a zany excess of energy and activity.

In fact, so recognizable were the disaster-prone Kops with their tall, British-style police helmets, that many police departments throughout the United States quickly abandoned the headgear in favor of the eight-point officers' caps worn by officers today.

Tipping the scales at more than 300 pounds, wherever he went, he was known as Fatty and that nickname appeared everywhere in newspaper and magazine articles, on movie posters and in product promotions. But it was only a screen name, and Arbuckle never used it himself, nor did his friends use it in conversation with him. When anyone addressed him as Fatty in public, he politely responded, "I have a name, you know."

By the summer of 1921, Arbuckle was at the height of his success and popularity, as Paramount had signed him to an unprecedented three-year, \$3 million contract that made him the highest paid movie actor of his day. He employed a butler and a chauffeur, entertained often, spent freely, and saved nothing.

He kept six cars, including a Rolls Royce and a custom-built Pierce-Arrow touring car four times the size of an average car. "Of course, my car is four times the size of anyone else's," Arbuckle told interviewers. "I am four times as big as the average guy!" At \$25,000, the car cost one hundred times the average American's annual salary.

These excesses of Hollywood stirred the passions of the national press and caught the attention of politicians.



Newspapers, particularly the Hearst dailies, ran editorials critical of movie actors, and calls came from many directions for the industry to police itself. It was in this charged environment that Arbuckle announced an “open” party in San Francisco, loaded his Pierce-Arrow with supplies, and headed north from Los Angeles.

Monday, September 5, was the national holiday, and Arbuckle’s suite at the St. Francis Hotel began to fill with guests. Amongst them was a curious pair—Maude Delmont and Virginia Rappe, the former a petty criminal and the latter a twenty-five-year-old bit actress with a reputation as a likely prostitute.

Arbuckle had never met either of them except in passing and there is some dispute about what they were doing in San Francisco that weekend.

By midmorning, the party in Arbuckle’s suite was in full swing. There was food, bootleg liquor, music and dancing, and a stream of guests coming and going. Rappe became extremely drunk, then inexplicably erupted into hysterics and ran through the suite ripping at her clothes.

Startled witnesses believed she had been accidentally kneed in the abdomen by Arbuckle while dancing. When Arbuckle later attempted to use the bathroom in his room, he found Rappe vomiting into the toilet. She was crying with pain, and he carried her to his bedroom to lie down.

When Delmont entered the room, she found Rappe on the bed, disheveled and screaming, with Roscoe leaning over her. The clamor brought other guests, and Delmont ordered the bathtub filled with cold water to cool Rappe’s fever.

Arbuckle located a vacant room down the hall and took her there to lie down, Delmont following to keep an eye on her.

He phoned the hotel manager and asked for the physician on call, who opined that she was simply suffering from too much to drink. The party continued without Delmont or Rappe for the rest of the afternoon in high spirits, and with no other incidents.

The next day, Tuesday, September 6, Rappe was no better. Delmont summoned another doctor, Melville Rumwell, a physician associated with the local Wakefield sanitarium. This was an unusual selection, but perhaps telling as Dr. Rumwell was a specialist in maternity, and Wakefield an institution with a reputation for performing abortions.

That afternoon, Arbuckle checked out of the St. Francis, picking up everyone’s tab for the weekend. He boarded the coastal passenger liner *Harvard* for the trip south to Los Angeles, and on Wednesday, September 7, he returned to work.

Back in San Francisco, Rappe’s condition continued to deteriorate. She was moved to the Wakefield Sanitarium on Thursday afternoon. By then, delirious with a high fever, she died of peritonitis and a ruptured bladder in the early afternoon of Friday, September 9.

After Rappe’s death, Maude Delmont contacted the San Francisco Police Department and swore out a complaint against Arbuckle, alleging that he had dragged Rappe in his bedroom and raped her, either personally or with a Coca-Cola bottle, and that her death was the result of that assault.

Arbuckle did not even know that Rappe had died until two San Francisco police officers knocked on his door and summoned him back to San Francisco for questioning.

Early Saturday morning, Arbuckle returned to San Francisco with an attorney, Frank Dominguez, and reported to the Hall of Justice, where he was questioned for three hours.

Dominguez believed the matter of Rappe’s death would be dispensed with easily and in due course, but was concerned about the consequences of Arbuckle’s possession of bootleg liquor. He advised Arbuckle to remain silent.

His concerns were seriously misplaced and at about midnight that night, Saturday, September 10, Arbuckle was arrested and charged with first-degree murder. He spent the next 18 days in jail until bail was granted on September 28.



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### **Colliding Forces**

That Arbuckle came to find himself in this fight for his life was the result of several colliding forces.

First, Delmont’s inexplicable fabrication of the assault on Rappe, given in the form of a sworn affidavit, could not be easily

explained away or ignored by the authorities.

Second, the new district attorney in San Francisco, 46-year-old Matthew Brady—a politically connected and ambitious lawyer in his second year as prosecutor who saw the prosecution of Arbuckle as a steppingstone to higher office.

Finally, and importantly, the immediate focus of both the local and national newspapers owned by William Randolph Hearst was overwhelmingly and uniformly biased against Arbuckle.

The coverage was all-pervasive. Beginning Monday, September 12, the Hearst papers ran sensational front-page headlines every day, including “*Fatty Faces Coroner’s Jury,*” “*Orgy Girl Offered Bribe to Keep Mum*” and “*Movieland Liquor Probe Started – 40 Quarts Killed At Fatty’s Big Party.*”

So did papers all over the United States. The coverage in The New York Tribune, founded in 1841 by abolitionist Horace Greeley, was nearly continuous, but, while some reporting was

relatively balanced, this was the age of yellow journalism and much of the content pilloried Arbuckle.

### Trial One

Trial commenced before Superior Court judge Harold Louderback on Monday, November 14. Arbuckle was now represented by attorney Gavin McNab, well known for representing Hollywood celebrities, and a team of four other respected attorneys. After five days of questioning, a jury of seven men and five women was empanelled.

Prosecutor Matthew Brady was working with weakening evidence and recalcitrant witnesses. Those present at the Labor Day party had been interviewed by the police immediately after Rappe's death and had initially backed Delmont's story, but several had recanted and refused to sign statements. Brady responded by threatening them with perjury and confining them in protective custody to prevent the defense from conducting interviews.

Brady's most difficult challenge, however, was Maude Delmont, on whose claims the charges were largely based. Of uncertain age, her photo reveals her to be a woman of middle age with a dour expression. Using a string of aliases, she had an extensive police record, with at least fifty charges ranging from bigamy to extortion filed against her.

Not only was she a lifelong criminal, she had changed her story so many times that by the time trial commenced, both sides seriously doubted her credibility.

To guarantee her testimony at the earlier inquest would not be contradicted at trial, Brady had her jailed on bigamy charges and refused to release her to testify. Defense requests to call her to the stand were turned down by the court.

Prosecution witnesses included guests at the party, a studio security guard who testified to Arbuckle's having met Rappe in 1919, a hotel chambermaid who testified to the rowdy nature of the celebration, and a criminologist who testified that Arbuckle's fingerprints on the inside of his bedroom door obscured those of Rappe, suggesting that Rappe had struggled to open the door and that Arbuckle had forced it closed.

Defense experts were called to demonstrate that Rappe's death could have been the result of disease. Other witnesses included those who testified that they had witnessed Rappe on prior occasions drink to excess and run about tearing at her clothes, even running naked in the streets.

Arbuckle was the final witness in his defense. His testimony was described as calm, lasting four hours. He recounted the events of the party and how he found Rappe on the floor of his bathroom in front of the toilet, carried her into his room and put her on the bed. He described her distress, the screaming and the tearing at her garments.

On cross-examination, the prosecutor retraced Arbuckle's testimony but was unable to find any weaknesses in his defense. It was clear that if a crime had been

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committed, no one had seen it and there was no physical evidence that pointed to Arbuckle.

Maude Delmont, with her black past and her shifting story, was never called as a witness.

Both sides made closing arguments, the defense portraying Arbuckle as a kind man who had sweetened the lives of millions of little children, now needlessly suffering when no crime had been committed, and the prosecution calling him a moral leper with whom no woman in America was safe.

The jury retired for deliberation. After forty-one hours, they returned on December 4, unable to render a verdict, having reached a 10-2 vote for acquittal.

### **Trial Two**

A second trial commenced on January 11, 1922, before a new jury, again with Brady for the prosecution and McNab for the defense.

Many of the same witnesses testified, and buoyed by his near success in the first trial, McNab chose not to have Arbuckle testify, focusing instead on a parade of witnesses who trashed Rappe's reputation.

The strategy backfired, with nearly disastrous results. After two days of deliberation, the jury returned deadlocked again, but this time voting 10-2 for conviction.

### **Trial Three**

The third and final trial commenced on March 6, 1922. After the near scare of the second jury, McNab left no stone unturned, carefully detailing both Rappe's sordid past and calling Arbuckle to the stand to testify in his own defense.

After five weeks and only six witnesses called by an exhausted prosecution, the jury retired to deliberate on April 12. It returned in less than five minutes.

Not only did it vote unanimously for an acquittal, it took the few minutes behind closed doors to craft a written apology to Arbuckle, which it handed to the court. The jurors wrote:

*"Acquittal is not enough for Roscoe Arbuckle. We feel that a great injustice has been done him... We wish him success, and hope that the American people will take the judgment of fourteen men and women who have sat listening for thirty-one days to evidence, that Roscoe Arbuckle is entirely innocent and free from all blame."*

But the verdict of a single San Francisco jury, even one motivated to the extraordinary gesture of penning a written apology to the defendant, was not enough to save Arbuckle's career.

Within a week of the death of Virginia Rappe, exhibitors in every city in America had withdrawn Arbuckle's films, and those that had been completed and ready for distribution were never released. His record-setting, three-year \$3,000,000 contract

was canceled, and without the ability to work and his reputation in tatters, Arbuckle was ruined.

Fueled by frenzied newspaper coverage, the groundswell of negative publicity continued to build. Amid a Hollywood lifestyle, considered by most Americans to be out of control, Arbuckle was only the most visible example.

Over the next several years, other scandals set the newspaper presses running, including the still-unsolved murder of Paramount director William Desmond Taylor and the 1923 death of silent film heartthrob and morphine addict Wallace Reid.

Those scandals, along with the Arbuckle trials, led to the creation of the Motion Picture Producers and Distributors of America, known as the Hays Office, under the dictatorial sway of former U. S. Postmaster General, Will Hays.

Just as major league baseball hired Judge Kennesaw Mountain Landis as Commissioner in 1921 following the infamous 1919 Black Sox Scandal, so the Hays Office was created to deal with a trail of broken lives and disgrace that threatened the burgeoning film industry, and the public backlash that ensued.

Formed in January of 1922, one of Hays' first moves was to blacklist Arbuckle, prohibiting him from working in films.

Three years later, Arbuckle's wife, the silent film star Minta Durfee, from whom he had been separated nine years, divorced him. He married twice more, in 1925 to actress Doris Deane, who he met for the first time on the fateful 1921 passenger liner trip home from San Francisco, and again in 1932 to a young actress, Addie McPhail.

After a high-spirited dinner in Manhattan on June 29, 1933, to celebrate a just-received offer to appear in a feature-length Warner Bros. film, the couple returned to their Central Park Hotel and went to bed. That night, Arbuckle died in his sleep. He was forty-six.

### **Largely Forgotten**

A century of innovation, from silent to sound, short to feature-length, black and white to color, faltering nitrate to sophisticated computer graphics, has relegated Arbuckle and his contributions to the industry to the back of the bottom drawer of cinema history.

Film scholars and critics may know him, but his films—those that still exist—are now largely unwatched as America has all but completely forgotten its once darling Fatty Arbuckle.

Few Americans today even recognize his name, and those who do only vaguely remember an alleged rape and rumored Coke bottle—the legacy, obituary really, written for Arbuckle in the newspapers in the fall of 1921 when he was still a household name.

Few have fallen so far, so fast.

The one who profited most from that fall, was, perhaps, William Randolph Hearst, who boasted later that the Arbuckle's trial and his fall from grace had served its purpose by selling more of his newspapers than the sinking of the *Lusitania*. 