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Abstract

This article discusses the Fatty Arbuckle case, an incident in which it is still not known whether or not he caused the death of Virginia Rappe. It discusses the various accounts given of the incident and whether or not some of the witnesses may have purposely lied about events for their own gain.

The Fatty Arbuckle Trial: The Injustice of the Century

By Elizabeth Fischer

Courtroom trials are rarely cut and dry. Evidence can be lost, witnesses change their stories, and criminals can lie, making cases very difficult to decide. The Fatty Arbuckle trial was marked by little strong evidence and dominated by unpredictable testimony. When Roscoe "Fatty" Arbuckle was arrested on September 10, 1921 for the murder of Ms. Virginia Rappe, no one knew the bumpy road that lay ahead. Witnesses changed testimony or, worse, vanished, most likely not wanting to be involved in what would become a great scandal with far reaching effects. It was rumored that individuals were being bribed to modify their testimony. Newspapers were reporting the events in a play-by-play fashion but still missing crucial facts. Those who bore witness to the events leading up to Rappe's death had been drinking and had sordid pasts, making them easy to discredit on the witness stand. The "truth" of what happened during the party at the St. Francis Hotel in San Francisco, California was changed time and time again. Although it is difficult to sort out what did happen on that lazy Labor Day afternoon, it is likely that Arbuckle was implicated in what really was not a crime at all but rather a long-term illness that finally caught up with its victim. After three lengthy trials, Arbuckle was acquitted but his career was destroyed. The ever-changing testimony of the witnesses, careless reporting, troubled pasts, and subsequent attempts to get the facts straight make it almost impossible to determine the truth of that day and why Hollywood's favorite funny man stopped laughing.

Arbuckle had been working hard the months prior to the party. He made several extremely successful comedy films and had just signed a contract with Paramount Pictures that guaranteed payment of one million dollars each year for three years, making him the highest paid celebrity up to that point¹ Arbuckle and his friends planned to celebrate the holiday by relaxing in a room at the St. Francis Hotel. Several cases of alcohol were sent to up to where they were staying, despite the fact that drinking was illegal. Many people, including Virginia Rappe, Al Semnacher, and Bambina Maude Delmont, were invited to stop by the party. Rappe was a little known film actress whom Arbuckle had met before but had not seen for several years. Semnacher was Rappe's manager. Delmont was a known blackmailer and was suspected of being involved in prostitution and swindling, among other things. The three settled into the party shortly before lunch and were having a good time by all accounts when things suddenly went awry. It is here that the accounts begin to differ.

It is true that at some point during the party, probably around 3:00 pm, Rappe became ill and found her way to Arbuckle's bathroom where she began vomiting. What occurred shortly thereafter remains a mystery. Throughout the trials, though, Arbuckle's statement about the sequence of events was unwavering. The *New York Times* reported that Arbuckle claimed he had gone to his room to change his clothing, locked the door, went to the bathroom, and found Rappe there doubled over in pain and vomiting. He proceeded to assist her for several minutes before moving her into his bedroom. He then sought assistance from

other members of the party. Zey Prevon and Maude Delmont came into the room to find "Miss Rappe...sitting up and tearing at her clothes...[and] frothing at the mouth."² Arbuckle tore off one of Rappe's shirtsleeves, which she had already ripped partially off, and left the room. Upon returning several minutes later, he picked an ice cube up off of Rappe's body while inquiring what it was for. Delmont told him to put the cube down and that she knew what she was doing. She then demanded he leave the room. Arbuckle refused to go and made the mistake of shouting, "Shut up or I [will] throw her [Rappe] out the window."³ He then assisted in carrying Rappe to another room where several doctors examined her. If this story is true, Arbuckle did not cause the woman's death.

Others who were at the party, however, gave very different accounts of the events that occurred after Arbuckle went to his bedroom. Maude Delmont, the main accuser, issued a statement to the newspapers that was shockingly different from Arbuckle's trial testimony:

During the afternoon the party began to get rough and Arbuckle showed the effects of drinking. Virginia and I were in our room. Arbuckle came in and pulled Virginia into his room and locked the door. From the scuffle I could hear and from the screams of Virginia, I knew he must be abusing her....Arbuckle had her in the room for over an hour, at the end of which time Virginia was badly beaten up. Virginia was a good girl...she had led a clean life....⁴

Clearly Delmont believed Arbuckle was guilty of much more than causing Rappe's death. It was this statement that was used to indict Arbuckle for murder. After charges had finally been made District Attorney Matthew Brady told the press,

Following this assault, Miss Rappe died as a direct result of the rupture of her bladder. The evidence discloses beyond question that her bladder was ruptured by the weight of the body of Arbuckle either in a rape assault or an attempt to commit rape...we also know that when the other members of the party went into the room, Miss Rappe was moaning in great pain and crying, 'I am dying! I am dying! He killed me!'⁵

Brady's account was based on the testimony of several partygoers and came out after the coroner's inquest. Although many of the individuals at the party had not been eyewitnesses to most of what happened to Rappe, their statements claimed that Arbuckle was fully responsible for Rappe's death and the world believed them.

Part of the difficulty in determining the truth of what happened that day arises because witnesses changed their stories to either exonerate or condemn Arbuckle. Statements that were given shortly after Rappe fell ill differ greatly from those heard later in the courtroom under oath. Even Arbuckle's initial statement does not coincide with his later testimony. He had told reporters that "shortly after Miss Rappe had taken a few drinks, she became hysterical and complained she could not breathe and then started to tear off her clothes."⁶ Here he mentioned nothing about finding Rappe in his bathroom or being alone in a room with her, both vital pieces of information.

Once the trial began, the *New York Times* recognized that testimony had changed. In an article written on September 25, 1921, the author recounted a line of questioning by the prosecution in which Al Semnacher claimed that Arbuckle had not been in the room alone with Rappe. The paper then stated, "This contradicts the statement which District Attorney Thomas Lee Woolwine alleges Semnacher made before the Los Angeles Grand Jury a few days ago."⁷ This instantly made all of Semnacher's testimony suspicious.

Zey Prevon's testimony is unconvincing as well because authors who have written about her testimony differ on what she said after Rappe's death. Two authors, Stuart Oderman and David A. Yallop, give accounts of her testimony before and during the coroner's inquest. Oderman, an Arbuckle biographer, alleges that Prevon changed her original testimony to exonerate Arbuckle. Initially the partygoer had said that "when [she] walked into the room, Virginia was writhing on the floor, and in pain, and she said to me, 'He killed me. Arbuckle did it.'"⁸ On September 13, however, she said, "I didn't see very much, and I was *repeating what Maude Delmont had told me*. I always thought Mr. Arbuckle to be a kind and thoughtful man.... Virginia Rappe went into the bedroom with Roscoe Arbuckle *because she wanted to*. That's all I have to say."⁹

Yallop, another biographer who used the actual court documents in writing his book, disagrees with Oderman. He claims that her testimony changed to condemn Arbuckle. He alleges that the influence of District Attorney Matthew Brady and his staff caused the woman to amend her previous statement. On Tuesday, September 13, Prevon was unavailable to testify because she had been "questioned until 4:30 A.M." the evening before and "was 'not in a condition to attend the court that day.'"¹⁰ Eventually, the coroner gave up attempts to question her and declared that testimony would be taken the next day. It was Wednesday, as Yallop argues, that the court saw "what a good job the D.A.'s office had done on Zey Prevon."¹¹ Prevon told Milton U'Ren, the Assistant District Attorney, that she desired to change her testimony, which previously had asserted Arbuckle was not guilty. She claimed Rappe had yelled, "I am dying, I am dying, I know I am dying; he [Arbuckle] hurt me."¹² When she was finished, she was led from the courtroom and fainted. Alice Blake, another partygoer, was held for questioning in the same manner as Prevon and corroborated her statement, almost forcing the grand jury to believe the testimony. These statements from the two women were instrumental in getting a manslaughter conviction.

The reason for the differences in the historical record is not clear. Oderman's fascination and love of silent films may have biased his reading of the already murky facts.¹³ Yallop's account is probably more accurate because of his extensive use of court documents. Realizing the difficulty in determining the real facts of this case, Yallop wrote a disclaimer before describing the event of the Labor Day party: "What follows, based on the transcripts I subsequently uncovered...and on the testimony of both prosecution and defense witnesses and others intimately involved with the case, is my *reconstruction of what happened that hot September day in 1921*."¹⁴ Still, the information is ambiguous and statements like Prevon's make it difficult to determine what really happened to Rappe.

Recorded allegations made by Rappe before her death were also sketchy, and accounts of what she said vary greatly. Immediately after she fell ill, some witnesses claimed she made accusatory statements that implicated Arbuckle. Andy Edmonds, author of *Frame-Up!* claimed she yelled "Stay away from me! I don't want you near me!" when Arbuckle attempted to assist her.¹⁵ However, Lowell Sherman, a movie actor who was at the party, made the following statement during his courtroom testimony that was reported by the *New York Times*, "I cannot say that she screamed because I did not hear any scream. She used no words that were distinct; it was just a sort of mumbling and groaning."¹⁶ Testimony about statements made by Rappe in the subsequent days right before her death is similarly confusing. According to Edmonds, Nurse Jean Jameson heard two different stories from Rappe during the time she kept vigil at Rappe's bedside. The first was that Arbuckle attacked her; the other was she did not have any idea what had happened.¹⁷ Robert Grant and Joseph Katz, on the other hand, allege that Maude Delmont kept suggesting to Rappe that Arbuckle had hurt her but "so long as the girl remained lucid and coherent she denied such charges."¹⁸ The claims that Rappe made did not add up, and the suggestions of what she said basically served only to discredit Arbuckle during the trial. Some of the discrepancy may arise because of the sources of information. The *New York Times*, although normally a reputable newspaper, attempted to obtain information about the case as quickly as possible because it was sensational news that could sell large numbers of newspapers. Perhaps in this haste, the facts were recorded incorrectly.

Exactly what had occurred in Rappe's past is difficult to surmise from the written history. Rappe gave the impression that she was a little known Hollywood actress whose biggest accomplishment had been to be selected for the cover photograph of the sheet music for "Let Me Call You Sweetheart."¹⁹ She had also appeared in a number of low budget short films in the year before her death. According to Andy Edmonds, however,

There was always a very strong suspicion...that Rappé [*sic*] was actually a prostitute, hooked into some sort of 'white slavery' racket...[which] enticed girls to Hollywood with promises of anything from movie jobs to money to marriage, then whored them out for profit.²⁰

This evidence does not seem to be corroborated elsewhere, however. At the time of her death, Rappe may have been engaged to Henry Lehrman; the *New York Times* reported that he told the manager of the funeral home to tell the dead Rappe that he loved her.²¹ According to Edmonds, Lehrman had recently moved to New York effectively breaking off the romance. Furthermore, David Yallop argues that at the party, Rappe asked Arbuckle to loan her a large sum of money for an operation. Yallop argues, "She was pregnant, and she was sick. She needed money to have an abortion...."²² At Arbuckle's suggestion that she tell her supposed finance, she mentioned that her hopes of marriage would be finished if he found out. One has to wonder whether she was engaged and how she became pregnant in the first place, if she was indeed pregnant. The answers remain a mystery because of the lack of sound evidence.

Many people, including Arbuckle's wife, Minta, did not like Rappe. Minta

once said, "She was sweet enough, naïve. But had no morals whatsoever. She'd sleep with any man who asked her....She was a sad case."²³ William Randolph Hearst's columnist, Adela Rogers St. Johns, made a similar judgment of Rappe's character: "Virginia Rappe was a parasite, a studio hanger-on, who used to get drunk at parties and start to tear her clothes off."²⁴ These statements certainly did not correspond with Delmont's assertion that Rappe was a good girl who was brutally attacked. Rappe's past, while seemingly important to analyzing the case, was overlooked frequently during the trial, thus preventing anyone from knowing the truth.

Subsequent attempts to analyze the information have also greatly distorted the facts to an unrecognizable blur. One interesting and rather telling facet of the case according to David Yallop, is that names were changed during and after the trial. He states,

One of the curiosities of the Arbuckle story is the constancy with which facts have been garbled over the years....Rappe, in some accounts, sports an accent mark, Semnacher is just as often Sminacher....I have tried to track down the right names, but in some cases I have simply had to make an educated guess.²⁵

Also, several of the key figures in the story went by many names, making it difficult to find information about each witness. Zey Prevon, for example, went by Zey Preven, Zeb Provost, Zeh Pryvon, Zey Pryvon, Zey Prevon, and Sadie Reiss²⁶ Even if an author could determine the correct names for the witnesses, their testimony still makes it difficult to deduce what happened that day. Each witness's testimony appears slightly different depending on the source. Several of the authors used in this paper referred to each other's works and yet there are great discrepancies between information in each book. For example, Yallop claims, "One hundred men working diligently all over the country were unable to discover any unsavory facts about Arbuckle. In fact, their investigations must have uncovered a great deal to support Arbuckle."²⁷ Robert Grant and Joseph Katz, however, claim that in February of 1917, Arbuckle was involved in an orgy in Boston where he was finishing up a publicity tour.²⁸ Although the authors claim that Arbuckle was most likely not involved, the story was smeared all over the press. Grant and Katz also state that this story, "hound[ed] Arbuckle during his trials."²⁹ This kind of information is certainly an "unsavory fact," and yet Yallop did not use this fact in his book. The number of instances of this sort make it impossible to uncover the simple facts.

Personal agendas also played a large role in the shaping of the events surrounding the three murder trials that were held in an attempt to prove that Arbuckle had been involved in Rappe's death. In each trial, the outcome was different and the facts changed. Delmont's agenda was questioned several times and eventually prevented D.A. Matthew Brady from letting her testify at any of the trials. When Arbuckle's attorneys looked at Delmont's past, they found that she had committed bigamy and had a lengthy police record that included blackmail and posing as "the other woman" in divorce cases.³⁰ Her history of blackmail led many to speculate that she concocted the story in order to blackmail Arbuckle or to gain notoriety and thus money. Attorney Frank Dominguez actually charged

that there had been a conspiracy involving Delmont and Semnacher. The *New York Times* reported that Dominguez believed the two individuals and “some one else [took] the torn garments from the room of Miss Virginia Rappe and carr[ied] them to Los Angeles with the idea of extorting money from Arbuckle.”³¹

Authorities eventually openly questioned Delmont’s credibility. Delmont had claimed that she and Rappe had a “lifelong friendship” when in actuality they had probably only met two days prior to the party.³² According to Yallop, Semnacher, Rappe, and Delmont had actually been in San Francisco on business. Delmont had initially told authorities that she was a “beauty specialist” but later admitted that she collected “subscriptions for a labor journal in Fresno” and that the group was engaged in business when they received the invitation to the party.³³ This admission certainly showed that Delmont was capable of lying to anyone.

David Yallop further suggests that Arbuckle had rejected Delmont’s request that she be taken to dinner the night before the Labor Day party. He argues that she was simply angry with Arbuckle and thus fingered him as the guilty party as revenge. Robert Grant and Joseph Katz, however, argue that Delmont was upset by the fact that Arbuckle “had actually called the hotel detective to remove Maude because of her drunken and offensive behavior” during the party.³⁴ In actuality, both events may have occurred and irritated Delmont. Her credibility was further shattered by the fact that initial questionings were inconsistent with statements made under oath after Rappe’s death. The difference in her stories may have been influenced by her realization that she stood to gain a lot from Arbuckle’s guilt. Whatever did happen was probably not what Delmont stated. Her past history, personal agenda, and resentment made her an unconvincing witness.

Al Semnacher, Rappe’s former manager, was also problematic. Andy Edmonds claims Semnacher was a “troublesome witness...because he had problems remembering exactly what had happened at the party.”³⁵ Shortly after Rappe’s death Semnacher had failed to tell police that he saw Arbuckle put a piece of ice in Rappe’s vagina. According to Yallop, “When asked why it had not featured in his statements to the police...he said, simply, ‘I had forgotten all about it.’”³⁶ Frank Dominguez, Arbuckle’s attorney, claimed this was partially due to the fact that “Semnacher had tried to extort money from Arbuckle to offer supporting testimony.”³⁷ Furthermore, he claimed that Delmont and Semnacher had taken Rappe’s torn clothing to blackmail Arbuckle. The *New York Times* reported that Semnacher had taken “some silk pieces...to clean his automobile and to tease her [Rappe] about getting intoxicated and tearing them off.”³⁸ Although the blackmail charge was never proven, Semnacher’s wavering testimony did cast doubt about his creditability and made his testimony almost worthless to both the defense and prosecution.

Particularly influential to public opinion, and naturally the outcome of the trial, were the newspapers. Arbuckle actually learned of Rappe’s death from a group of reporters who also informed him that he was going to be arrested for her murder. The reason for this assumption was a statement made by Delmont that claimed that Rappe’s last words were, “Maude, Roscoe should be at my side every minute and see how I am suffering from what he did to me.”³⁹ Unfortunately, the

reporters failed to investigate whether or not Delmont had actually been with Rappe when she died; she had not. It is clear that Delmont's statements to the papers played the largest role in Arbuckle's indictment. One author claims, "If public interest had not been so aroused by Ms. Delmont's accusations and other rumors, it is quite possible that no charge would have been filed."⁴⁰

William Randolph Hearst, a newspaper magnate, was particularly influential in the crusade to punish Arbuckle for his "crimes." The two leading Hearst papers exploiting the story were the Los Angeles and San Francisco *Examiner*. Robert Young claims, "As many as eight extra editions a day would appear with prurient speculation about what had taken place in Arbuckle's St. Francis suite."⁴¹ David Yallop argues, "The Hearst press adopted an attitude toward the Arbuckle case that was criminally irresponsible" and "Hearst was later able to boast that he sold more newspapers reporting the Arbuckle case than he had since America entered the First World War."⁴² For Hearst, the case offered greater fame and fortune even if it meant the ruin of a great man. The public saw Arbuckle as "a symbol of everything objectionable" about the film industry.⁴³ Sam Stoloff claims, "As the originally reported 'evidence' crumbled, the prevailing attitude was that, even if innocent of the actual charge, he [Arbuckle] was certainly guilty of lewd and immoral conduct."⁴⁴ Hearst used this sentiment to destroy Arbuckle.

The events of that day in September may never be understood. Flawed reporting, untrustworthy witnesses, and changing testimony make primary documents unreliable sources for discovering historical truth. Also, many are either lost or not part of the public record. David Yallop admits in his book that he personally owns a number of the court transcripts from the trials. Secondary sources that address the subject are faulty simply because many are based on the inaccurate primary documents. My own version of events that is given in the paper is a small selection of the information available. The sheer magnitude of the case makes it impossible to touch on all of the aspects of the case in a short format. I found contradictions not only between sources but often within the same source. The lies surrounding the incident could be to blame. As Robert Young states, one thing is clear: "The damage a pernicious lie can do cannot be forecast. Especially when abetted by malicious persecution and the deliberate misuse of the criminal justice system for personal gain."⁴⁵ Roscoe "Fatty" Arbuckle happened to be in the wrong place at the wrong time. Whether he actually injured Rappe will never be known because no one but a dead woman knows the truth of what happened in the minutes after Arbuckle entered his bedroom.

Notes

¹ Richard R. Lingeman, "The Ordeal of Fatty Arbuckle," *New York Times*, 27 August 1976, p. 62.

² "Arbuckle Relates His Story to Jury," *New York Times*, 29 November 1921, p. 5; David A. Yallop, *The Day the Laughter Stopped: The True Story of Fatty Arbuckle* (New York: St. Martin's Press, 1976), 151.

³ "Arbuckle Relates His Story to Jury," *New York Times*, 29 November 1921, p. 5.

⁴ Robert Grant and Joseph Katz, *The Great Trials of the Twenties: The Watershed Decade in America's Courtrooms* (Rockville Centre, NY: Sarpedon, 1998), 83-84.

⁵ David A. Yallop, *The Day the Laughter Stopped: The True Story of Fatty Arbuckle* (New York: St. Martin's Press, 1976), 147.

- ⁶ Stuart Oderman, *Roscoe "Fatty" Arbuckle: A Biography of the Silent Film Comedian 1887-1933* (North Carolina: McFarland & Company, Inc., 1994), 153.
- ⁷ "Tattered Clothes in Arbuckle Trial," *New York Times*, 25 September 1921, p. 14.
- ⁸ Oderman, *Silent Film Comedian*, 165.
- ⁹ *Ibid.*, 166.
- ¹⁰ Yallop, *Laughter Stopped*, 172.
- ¹¹ *Ibid.*, 172.
- ¹² *Ibid.*, 173.
- ¹³ Oderman, *Silent Film Comedian*, vii.
- ¹⁴ Yallop, *Laughter Stopped*, 107.
- ¹⁵ Andy Edmonds, *Frame-up!: The Untold Story of Roscoe "Fatty" Arbuckle* (New York, William Morrow and Company, Inc., 1991), 162.
- ¹⁶ "Testify to Bruises on Virginia Rappe," *New York Times*, 23 September 1921, p. 5.
- ¹⁷ Edmonds, *Frame-up!*, 179.
- ¹⁸ Grant and Katz, *Great Trials*, 82-83.
- ¹⁹ Oderman, *Silent Film Comedian*, 152.
- ²⁰ Edmonds, *Frame-up!*, 156.
- ²¹ "Promises to Press Arbuckle's Trial," *New York Times*, 16 September 1921, p. 3.
- ²² Yallop, *Laughter Stopped*, 112.
- ²³ Edmonds, *Frame-up!*, 156.
- ²⁴ Jerry M. Lewis, "Comedy and Deviance: The Fatty Arbuckle Case" in *Marginal Conventions: Popular Culture, Mass Media and Social Deviance*, ed. Clinton R. Sanders (Bowling Green, OH: Bowling Green State University Popular Press, 1990), 152.
- ²⁵ Yallop, *Laughter Stopped*, 3.
- ²⁶ *Ibid.*, 111.
- ²⁷ *Ibid.*, 208-209.
- ²⁸ Grant and Katz, *Great Trials*, 77.
- ²⁹ *Ibid.*
- ³⁰ Oderman, *Silent Film Comedian*, 170.
- ³¹ "Charges Blackmail at Arbuckle Trial," *New York Times*, 27 September 1921, p. 8.
- ³² Grant and Katz, *Great Trials*, 84.
- ³³ Yallop, *Laughter Stopped*, 135.
- ³⁴ Grant and Katz, *Great Trials*, 83.
- ³⁵ Edmonds, *Frame-up!*, 203.
- ³⁶ Yallop, *Laughter Stopped*, 196.
- ³⁷ Edmonds, *Frame-up!*, 203.
- ³⁸ "Tattered Clothes in Arbuckle Trial," *New York Times*, 25 September 1921, p. 14.
- ³⁹ Robert Young, Jr., *Roscoe "Fatty" Arbuckle: A Bio-Bibliography* (Westport, CT: Greenwood Press, 1994), 66.
- ⁴⁰ Lewis, "Comedy and Deviance," 20.
- ⁴¹ Young, *Bio-Bibliography*, 68.
- ⁴² Yallop, *Laughter Stopped*, 138.
- ⁴³ Stephen Vaughn, "Morality and Entertainment: The Origins of the Motion Picture Production Code," *Journal of American History* 77, no. 1 (n.d.): 41.
- ⁴⁴ Sam Stoloff, "Fatty Arbuckle and the Black Sox: The Paranoid Style of American Popular Culture, 1919-1922," in *Headline Hollywood: A Century of Film Scandal*, ed. Adrienne L. McLean and David A. Cook (New Brunswick, NJ: Rutgers University Press, 2001), 56.
- ⁴⁵ Young, *Bio-Bibliography*, 151.

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