
ACT THREE

AT RISE OF CURTAIN: *We see the same scene as at the end of Act Two. There has been no time lapse. THREE glares angrily at EIGHT. He is still held by two JURORS. After a long pause THREE shakes himself loose and turns away. He walks to the window. The other JURORS move away and stand around the room now; they are shocked by this display of anger. There is silence. Then the door L opens and the GUARD enters. He looks around the room.*]

GUARD. Is there anything wrong, gentlemen? I heard some noise.

FOREMAN. No. There's nothing wrong. [*Points to large diagram of apartment.*] You can take that back. We're finished with it. [*GUARD nods and takes diagram. He looks curiously at some of JURORS and then goes out. JURORS still are silent; some of them begin to sit down slowly at table. FOUR is still seated D R. THREE still stands at window. He turns around now. JURORS look at him.*]

THREE [*loudly*]. Well, what are you looking at? [*They turn away. He goes back to his seat now. EIGHT puts his chair back at right end of table. Silently, rest of JURORS, including FOUR but excluding ELEVEN, take their seats. TWELVE begins to doodle on a piece of paper. ELEVEN moves D L and leans reflectively against wall. TEN blows his nose but no one speaks. Then, finally.*]

FOUR. I don't see why we have to behave like children here.

ELEVEN. Nor do I. We have a responsibility. This is a remarkable thing about democracy. That we are—what is the word? . . . ah, notified! That we are notified by mail to come down to this place—and decide on the guilt or innocence of a man; of a man we have not known before. We have nothing to gain or lose by our verdict. This is one of

the reasons why we are strong. We should not make it a personal thing. . . .

NINE [*slowly*]. Thank you, very much.

ELEVEN [*slight surprise*]. Why do you thank me?

NINE. We forget. It's good to be reminded. [*ELEVEN nods and leans against wall again.*]

FOUR. I'm glad that we're going to be civilized about this.

TWELVE. Well, we're still nowhere.

EIGHT. No, we're somewhere, or getting there—maybe.

FOUR. Maybe.

TWELVE. Who's got an idea?

SIX. I think maybe we should try another vote. [*Turns to FOREMAN.*] Mr. Foreman?

FOREMAN. It's all right with me. Anybody doesn't want to vote? [*Looks around table. Most of them shake their heads. ELEVEN has moved to table and takes his seat.*]

FOUR. Let's vote.

TWELVE. Yes, vote.

SEVEN. So all right, let's do it.

THREE. I want an open ballot. Let's call out our votes. I want to know who stands where.

FOREMAN. That sounds fair. Anyone object? [*Looks around. There is a general shaking of heads.*] All right. I'll call off your jury numbers. [*Takes a pencil and paper and makes marks in one of two columns after each vote.*] I vote guilty. Number two?

TWO. Not guilty.

FOREMAN. Three?

THREE. Guilty.

FOREMAN. Four?

FOUR. Guilty.

FOREMAN. Five?

FIVE. Not guilty.

FOREMAN. Six?

SIX. Not guilty.

FOREMAN. Seven?

SEVEN. Guilty.

FOREMAN. Eight?
 EIGHT. Not guilty.
 FOREMAN. Nine?
 NINE. Not guilty.
 FOREMAN. Ten?
 TEN. Guilty.
 FOREMAN. Eleven?
 ELEVEN. Not guilty.
 FOREMAN. Twelve?
 TWELVE. Guilty.
 FOUR. That's six to six.
 TEN [*mad*]. I'll tell you something. The crime is being committed right in this room.
 FOREMAN. The vote is six to six.
 THREE. I'm ready to walk into court right now and declare a hung jury. There's no point in this going on any more.
 FOUR [*to ELEVEN*]. I'd like to know why you changed your mind. [*To TWO*.] And why you changed your mind. [*To SIX*.] And why you did. There are six men here who think that we may be turning a murderer loose in the streets. Emotion won't do. Why? [*TWO, ELEVEN and SIX look at each other*.]
 SIX. It would seem that the old man did not see the boy run downstairs. I do not think it likely that the old man heard someone scream, "I'm going to kill you." Old men dream. And if the boy did scream that he was going to kill, then we have the authority of this man—[*Motions at THREE*.]—to prove that it might not really mean he's going to kill.
 SEVEN. Why don't we take it in to the judge and let the kid take his chances with twelve other guys?
 FOREMAN. Six to six. I don't think we'll ever agree—on anything.
 THREE. It's got to be unanimous—[*Motioning at EIGHT*.]—and we're never going to convince him.
 EIGHT. At first I was alone. Now five others agree; there is a doubt.

THREE. You can't ever convince me that there's a doubt, because I know there isn't no doubt.
 TWELVE. I tell you what, maybe we are a hung jury. It happens sometimes.
 EIGHT. We are not going to be a hung jury.
 SEVEN. But we are, right now, a perfect balance. Let's take it in to the judge.
 FOUR [*to EIGHT*]. If there is a reasonable doubt I don't see it.
 NINE. The doubt is there, in my mind.
 FOREMAN. Maybe we should vote.
 TWELVE. What do you mean—vote?
 THREE. Not again!
 TEN. I still want to know. Vote on what?
 FOREMAN. Are we or aren't we a hung jury?
 EIGHT. You mean that we vote yes, we are a hung jury, or no, we are not a hung jury?
 FOREMAN. That's just what I was thinking of.
 ELEVEN [*bitterly*]. We can't even agree about whether or not the window should be open.
 FOREMAN. Let's make it a majority vote. The majority wins.
 FOUR. If seven or more of us vote yes, that we are a hung jury, then we take it in to the judge and tell him that we are a hung jury.
 FOREMAN. Right. And if seven or more vote no, that means that we aren't a hung jury, and we go on discussing it.
 FOUR. It doesn't seem quite right to me.
 THREE. It's the only solution.
 SEVEN. I agree, it's the only way.
 TWELVE. Anything to end this.
 FOREMAN [*looking around table*]. Are we agreed then? Seven or more vote yes and we take it in to the judge. [*ALL nod*.]
 THREE. Let's call our votes out.
 FOREMAN. I vote yes, we're a hung jury. [*Makes a mark on a sheet of paper*.] Two?
 TWO. No.
 FOREMAN. Three?
 THREE. Yes.

FOREMAN. Four?

FOUR. Yes.

FOREMAN. Five?

FIVE. No.

FOREMAN. Six?

SIX. No.

FOREMAN. Seven?

SEVEN. Yes.

FOREMAN. Eight?

EIGHT. No.

FOREMAN. Nine?

NINE. No.

FOREMAN. Ten?

TEN. Yes.

FOREMAN. Eleven?

ELEVEN. No.

FOREMAN. Twelve?

TWELVE. Yes.

THREE [*with a groan*]. Oh, no!

FOREMAN. It's six to six.

NINE. We can't even get a majority to decide whether or not we're a hung jury.

FOUR [*rising*]. I went along with the majority vote on this question. And I didn't agree with voting that way, not really, and I still don't. So I'm changing my vote. I say no, we are not a hung jury. I believe that the boy is guilty beyond a reasonable doubt. There are some things I want to find out from those gentlemen that changed their minds.

[*Sits again.*]

FOREMAN. Then we aren't a hung jury—so we go on.

EIGHT. Good! We go on.

FOUR [*to TWO*]. Why did you change your mind?

TWO [*hesitating a moment*]. He—[*Points to EIGHT.*—he seems so sure. And he has made a number of good points.

While he—[*Points to THREE.*—only gets mad and insults everybody.

FOUR. Does the anger and the insult change the guilt of the

boy? He did do it. Are you going to turn a murderer loose because one of the jurors gets angry when he thinks a murderer is being turned loose?

TWO. That's true.

FIVE. There is a doubt.

FOUR. I don't think so. The track is straight in front of the window. Let's take that point. So the el train would have made a low rumbling noise. El trains screech when they go around curves. So the old man could have heard a scream, which is high-pitched. And it is a tenement and they have thin walls.

THREE. Good. Good. That's it. That's it.

FOUR. And what if the old man was wrong about the time it took him to get to the door but right about whom he saw? Please remember that there weren't any fingerprints on the knife, and it is summer, so gloves seem unlikely.

THREE [*to EIGHT*]. Now I want you to listen to this man. [*Motions at FOUR.*] He's got the goods.

FOUR. And it might have taken a few seconds to get a handkerchief out and wipe the fingerprints away.

EIGHT. This is a point.

THREE. Why don't we just time this one, to see?

FIVE. Just what are we timing?

EIGHT. Yes, let's be exact, please.

FOUR. I am saying that the old man downstairs might have been wrong about how long it took him to get to the door but that he was right about whom he saw running down the stairs. Now it may have taken the murderer about thirty-nine seconds to wipe away all the fingerprints and get down the stairs to the place where the old man saw him—the boy, that is.

THREE. This is right.

FOREMAN. We reconstructed the old man getting out of bed and going to the door, and we timed that; now let's reconstruct the actual crime.

NINE. As well as we can reconstruct it.

SEVEN. I think a murderer could use up thirty or forty seconds pretty easily at that point.

FOUR. Let's reconstruct the killing.

SEVEN. Yes, let's.

THREE [*taking knife from table, giving it to EIGHT*]. Here, you do the stabbing.

FOUR [*taking knife*]. No, I'll do it.

THREE [*to SEVEN*]. Why don't you be the one that gets stabbed? You're younger than I am. And don't forget, you take one second to fall.

FOUR [*rising, moving toward R, turning*]. And he was found on his side—his right side—so fall and roll onto your right side. [*To EIGHT*]. If someone hates another person enough to kill them, don't you think that it's reasonable to suppose that the murderer would look at his victim for a second or two?

TWELVE [*to EIGHT*]. Divorce yourself from this particular case—just human nature.

EIGHT. Yes, it seems reasonable.

THREE. Hey, wait a minute! [*ALL look at THREE*]. He falls and he ends up on his right side, the father did, but stabbing someone isn't like shooting them, even when it's right in the heart. The father would have worked around for a few seconds—lying there on the floor—writhing, maybe.

FOUR. That's quite possible. There would have been enough oxygen in his system to carry him for two or three seconds, I should think.

ELEVEN. Wouldn't the father have cried out?

THREE. Maybe the kid held his mouth.

EIGHT. That also seems possible.

FOUR. Also, there's another point we might bring out. Anyone who is clear enough mentally to wipe the fingerprints away after murdering someone, well, that person is also clear enough mentally to look around the apartment, or the room in this case, to see if there are any other clues. It would just be for a second or two, I should think, but still he would look around.

THREE. This gets better and better.

FOUR. We're trying to make it clear. One doesn't talk about quality when murder is involved. Well, let's do it.

FOREMAN. About this on the fingerprints—the kid wiped the fingerprints off the knife. Well, what about the doorknob? If I saw a man coming into my home, a man that hated me, and if he was wiping the doorknob with a handkerchief as he came in, it would give me an uneasy feeling. [*ALL smile*]. So the doorknobs must have been wiped after the killing, and this, too, would take some time.

FOUR [*to TWO*]. You timed the last one. Why don't you time this one, too?

TWO. All right.

FOUR [*as SEVEN takes his position in front of FOUR at R stage; FOUR has knife in his hand*]. Stamp your foot when you want me to start.

TWO [*waiting a few seconds*]. I want the hand to be at sixty. [*Waits another second, then stamps foot*].

FOUR [*not screaming, but still loud*]. I'm going to kill you. [*Brings knife down, overhand. Blade is collapsed. SEVEN catches knife in his hands and falls to floor a second after shout. He writhes a bit, then rolls onto his right side. FOUR stares at him for a few moments, then digs into his pocket and produces a handkerchief. It takes him a moment or two to unfold handkerchief; then he bends down and wipes handle of knife. He looks about, as though checking to be sure that he has done everything. Then he rushes to door L that leads out of jury room and wipes doorknob. Then he turns around a full circle and wipes knob again*]. He would have wiped both knobs. [*Then he rushes R and goes back to door of jury room and repeats double process on doorknob. Then he stamps his foot and cries out*]. Stop!

TWO [*checking watch*]. Twenty—yeah, twenty, twenty-five—twenty-nine—about twenty-nine and a half seconds, I'd say.

FOUR [*moving to behind FOREMAN'S chair at left end of table*]. And whoever did murder the old man, and I think

it was the kid, he still had to run down the hall and down the stairs—at least one flight of stairs.

THREE. You see! You see! [SEVEN rises from floor and dusts himself off.]

FOUR. The old man downstairs may have been wrong on the time, but in view of this I think it's quite reasonable to assume that he did see the kid run downstairs.

TWELVE [to EIGHT]. So now both time sequences check—the one you did and the one we did; what with running downstairs and everything, it does pretty much check out on times.

SEVEN. Sure—he's an old man who wants attention. . . . [Motions at NINE.] He's probably right, but the old man feels the way everyone does—a life is at stake. [Sits again at table, placing knife back on table.]

FOUR. So the story of the old man may well be true.

EIGHT. Except for the fact that he absolutely swore, under oath, that it was only fifteen seconds.

NINE. We seem to all agree that it was twenty-five to forty seconds later.

EIGHT. You are now admitting that the old man lied in one case and told the truth in the other. I admit that this does tend to confirm the story of the old man, but in part he is now a proven liar—and this is by your own admission.

TWO [to EIGHT]. That may be true, that the old man lies in part, but I think it will change my vote once more. [To FOREMAN.] Guilty.

THREE [to SIX]. What about you? What do you think now?

SIX [getting up, crossing to water cooler]. I'm not just sure what I think. I want to talk some more. At first I thought guilty, then I changed. Now—I'm sort of swinging back to guilty. [Takes a drink.]

THREE [to ELEVEN]. And what about you?

ELEVEN. No. [Shakes his head.] I am now in real doubt—real doubt. . . .

FIVE. I say guilty. I was right the first time.

THREE. Now we're beginning to make sense in here.

FOREMAN. It seems to be about nine guilty to three not guilty.

[FOUR sits again.]

EIGHT. One more question about the old man downstairs. How many of you live in apartment buildings? [Eight hands go up, including his own.]

ELEVEN [to EIGHT]. I don't know what you're thinking but I know what I'm thinking.

FOUR [to ELEVEN]. What's that?

ELEVEN. I do not live in a tenement, but it is close and there is just enough light in the hall so you can see the steps, no more—the light bulbs are so small—and this murder took place in a tenement. Remember how we stumbled on the steps?

EIGHT. The police officers were using big bulbs and one even had a flashlight. Remember?

ELEVEN. An old man who misjudged the time by twenty seconds, on this we all agree, this old man looked down the dark hallway of a tenement and recognized a running figure?

EIGHT. He was one hundred per cent wrong about the time; it took twice as long as he thought.

ELEVEN. Then could not the old man be one hundred per cent wrong about who he saw?

THREE. That's the most idiotic thing I've ever heard of. You're making that up out of thin air.

TWELVE. We're a hung jury. Let's be honest about it.

ELEVEN [to SEVEN]. Do you truly feel that there is no room for reasonable doubt?

SEVEN. Yes, I do.

ELEVEN. I beg your pardon, but maybe you don't understand the term, "reasonable doubt."

SEVEN [angrily]. What do you mean, I don't understand it? Who do you think you are to talk to me like that? [To ALL.] How do you like this guy? He comes over here running for his life, and before he can even take a big breath he's telling us how to run the show. The arrogance of him!

FOUR. No one here is asking where anyone came from.

SEVEN. I was born right here.

FOUR. Or where your father came from. [*Looks at SEVEN, who looks away.*]

EIGHT. Maybe it wouldn't hurt us to take a few tips from people who come running here! Maybe they learned something we don't know. We're not so perfect.

ELEVEN. Please. . . . I am used to this. . . . It's all right. Thank you.

EIGHT. It's not all right.

SEVEN. Okay—okay—I apologize. Is that what you want?

EIGHT [*grimly*]. That's what I want.

FOREMAN. All right. Let's stop the arguing. Who's got something constructive to say?

TWO [*hesitantly*]. Well, something's been bothering me a little. This whole business about the stab wound, and how it was made—the downward angle of it, you know?

THREE. Don't tell me we're going to start that. They went over it and over it in court.

TWO. I know they did—but I don't go along with it. The boy is five feet eight inches tall. His father was six feet two inches tall. That's a difference of six inches. It's a very awkward thing to stab *down* into the chest of someone who's half a foot taller than you are. [*THREE grabs knife from table and jumps up.*]

THREE [*moving L C*]. Look, you're not going to be satisfied till you see it again. I'm going to give you a demonstration. Somebody get up. [*Looks toward table. EIGHT stands up and walks toward him. THREE closes knife and puts it in his pocket. They stand face to face and look at each other for a moment.*] Okay. [*To TWO.*] Now watch this. I don't want to have to do it again. [*Crouches down until he is quite a bit shorter than EIGHT.*] Is that six inches?

TWELVE. That's more than six inches.

THREE. Okay, let it be more. [*Reaches into his pocket and takes out knife. He flicks it open, changes its position in his hand and holds knife aloft, ready to stab. He and EIGHT look steadily into each other's eyes. Then he stabs downward, hard.*]

TWO [*shouting*]. Look out! [*Reaches short just as blade reaches EIGHT's chest. THREE laughs.*]

SIX. That's not funny. [*Crosses back to table and sits.*]

FIVE. What's the matter with you?

THREE. Now just calm down. Nobody's hurt, are they?

EIGHT [*low*]. No. Nobody's hurt. [*Turns, crosses back to his place but does not sit.*]

THREE. All right. There's your angle. Take a look at it. [*Illustrates.*] Down and in. That's how I'd stab a taller man in the chest, and that's how it was done. [*Crosses back to his place at table.*] Take a look at it, and tell me I'm wrong. [*TWO doesn't answer. THREE looks at him for a moment, then jams knife into table and sits down. ALL look at knife.*]

SIX. Down and in. I guess there's no argument. [*EIGHT picks knife out of table and closes it. He flicks it open and, changing its position in his hand, stabs downward with it.*]

EIGHT [*to SIX*]. Did you ever stab a man?

SIX. Of course not.

EIGHT [*to THREE*]. Did you?

THREE. All right, let's not be silly.

EIGHT [*insistently*]. Did you?

THREE [*loudly*]. No. I didn't!

EIGHT. Where do you get all your information about how it's done?

THREE. What do you mean? It's just common sense.

EIGHT. Have you ever seen a man stabbed?

THREE [*pausing, looking around rather nervously, finally*]. No.

EIGHT. All right. I want to ask you something. The boy was an experienced knife-fighter. He was even sent to reform school for knifing someone. Isn't that so?

TWELVE. That's right.

EIGHT. Look at this. [*Closes knife, flicks it open and changes position of knife so that he can stab overhand.*] Doesn't it seem like an awkward way to handle a knife?

THREE. What are you asking me for? [*EIGHT closes blade and flicks it open, holding knife ready to slash underhanded.*]

FIVE. Wait a minute! What's the matter with me? Give me that knife. [*Reaches out for knife.*]

EIGHT. Have you ever seen a knife fight?

FIVE. Yes, I have.

EIGHT. In the movies? [*Passes knife to FIVE.*]

FIVE. In my backyard. On my stoop. In the vacant lot across the street. Too many of them. Switch knives came with the neighborhood where I lived. Funny that I didn't think of it before. I guess you try to forget those things. [*Flicks knife open.*] Anyone who's ever used a switch knife would never have stabbed downward. You don't handle a switch knife that way. You use it underhanded. [*Illustrates.*]

EIGHT. Then he couldn't have made the kind of wound that killed his father.

FIVE. I suppose it's conceivable that he could have made the wound, but it's not likely, not if he'd ever had any experience with switch knives, and we know that the kid had a lot of experience with switch knives.

THREE. I don't believe it.

TEN. Neither do I. You're giving us a lot of mumbo-jumbo.

EIGHT [*to TWELVE*]. What do you think?

TWELVE [*hesitantly*]. Well—I don't know.

EIGHT [*to SEVEN*]. What about you?

SEVEN. Listen, I'll tell you all something. I'm a little sick of this whole thing already. We're getting nowhere fast. Let's break it up and go home.

EIGHT. Before we decide anything more, I would like to try to pull this together.

THREE. This should be good.

FOUR. He has a right. Let him go ahead.

TWO. Do you want me to time this, too? [*EIGHT looks at TWO.*]

FOREMAN. Let's hear him.

TWELVE [*getting comfortable*]. I'm in advertising. I'm used to the big shots pulling things together. Let's chip up a few shots to see if any of them land on the green.

EIGHT. I want you all to look at this logically and consistently.

THREE. We have. Guilty.

EIGHT. I want to know—is the kid smart or is the kid dumb?

FOUR. What do you mean?

EIGHT [*moving U C, so that he is standing back of men at upstage side of table*]. This is a kid who has gone to the reform school for knife fighting. The night of the murder he bought a knife, a switch knife. It would then take a very stupid kid to go and murder a man, his father, with an instrument that everyone would associate with the kid.

THREE. I quite agree, he's dumb.

EIGHT. However, if he were dumb, then why did he make the kind of wound that an inexperienced man would make with a knife?

FOREMAN. I'm not sure I understand.

EIGHT. To murder someone must take a great emotion, great hatred. [*Moves over to left of FOREMAN.*] And at that moment he would handle the knife as best he could, and a trained knife-fighter would handle it as he had been trained, underhand. . . . [*Makes underhanded motion.*] A man who had not been trained would go overhand. . . . [*Makes overhanded motion.*] But the kid is being very smart. Everyone knows that he is an experienced knife-fighter—so he is smart enough at that moment to make the wound that an amateur would make. That man is a smart man. Smart enough to wipe the fingerprints away, perhaps even smart enough to wait until an el train was going by in order to cover the noise. Now, is the kid smart, or is he dumb? [*Looks around.*]

THREE. Hey, now, wait a minute!

NINE. Well, the woman across the el tracks saw the murder through the el train, so someone in that el train could have seen the murder, too.

EIGHT. A possibility, but no one did that we know of.

NINE. It would take an awfully dumb man to take that chance, doing the murder as the train went by.

EIGHT. Exactly. A dumb man, a very stupid man, a man swept by emotion. Probably he heard nothing; he probably didn't

even hear the train coming. And whoever did murder the father did it as well as he could.

FOUR. So?

EIGHT [*moving back to his place, at right end of table, not sitting*]. The kid is dumb enough to do everything to associate himself with the switch knife—a switch knife murder—and then a moment after the murder he becomes smart. The kid is smart enough to make a kind of wound that would lead us to suspect someone else, and yet at the same instant he is dumb enough to do the killing as an el train is going by, and then a moment later he is smart enough to wipe fingerprints away. To make this boy guilty you have to say he is dumb from eight o'clock until about midnight and then about midnight he is smart one second, then dumb for a few seconds and then smart again and then once again he becomes stupid, so stupid that he does not think of a good alibi. Now is this kid smart or is he dumb? To say that he is guilty you have to toss his intelligence like a pancake. There is doubt, doubt, doubt. [*Beats table with fist as he emphasizes word "doubt."*]

FOUR. I hadn't thought of that.

EIGHT. And the old man downstairs. On the stand he swore that it was fifteen seconds; he insisted on fifteen seconds, but we all agree that it must have been almost forty seconds.

NINE. Does the old man lie half the time and then does he tell the truth the other half of the time?

EIGHT. For the kid to be guilty he must be stupid, then smart, then stupid and then smart and so on, and, also, for the kid to be guilty the old man downstairs must be a liar half of the time and the other half of the time he must tell the truth. You can reasonably doubt. [*Sits again. There is a moment of silence.*]

SEVEN [*breaking silence*]. I'm sold on "reasonable doubt."

TWO. I think I am, too.

SIX. I wanted more talk, and now I've had it.

EIGHT [*fast*]. I want another vote.

FOREMAN. Okay, there's another vote called for. I guess the

quickest way is a show of hands. Anybody object? [*No one does.*] All right. All those voting not guilty raise your hands. [*Jurors TWO, FIVE, SIX, SEVEN, EIGHT, NINE, ELEVEN and TWELVE raise their hands immediately. FOREMAN looks around table carefully and then he, too, raises his hand. He looks around table, counting silently.*] Nine. [*Hands go down.*] All those voting guilty. [*Jurors THREE, FOUR and TEN raise their hands.*] Three. [*They lower their hands.*] The vote is nine to three in favor of acquittal.

TEN. I don't understand you people. How can you believe this kid is innocent? Look, you know how those people lie. I don't have to tell you. They don't know what the truth is. And let me tell you, they—[*FIVE gets up from table, turns his back to it and goes to window.*]—don't need any real big reason to kill someone, either. You know, they get drunk, and bang, someone's lying in the gutter. Nobody's blaming them. That's how they are. You know what I mean? Violent! [*NINE gets up and goes to window and looks out. He is followed by ELEVEN.*] Human life don't mean as much to them as it does to us. Hey, where are you all going? Look, these people're drinking and fighting all the time, and if somebody gets killed, so somebody gets killed. They don't care. Oh, sure, there are some good things about them, too. Look, I'm the first to say that. [*EIGHT gets up and then TWO and SIX follow him to window.*] I've known a few who were pretty decent, but that's the exception. Most of them, it's like they have no feelings. They can do anything. What's going on here? [*FOREMAN gets up and goes to window, followed by SEVEN and TWELVE.*] I'm speaking my piece, and you—listen to me! They're no good. There's not a one of 'em who's any good. We better watch out. Take it from me. This kid on trial . . . [*THREE sits at table toying with knife as FOUR gets up and starts toward* TEN. All the other JURORS have their backs turned on TEN.] Well, don't you know about them? Listen to me! What are you doing? I'm trying to tell you something. . . . [*FOUR*

stands over him as he trails off. There is a dead silence. Then FOUR speaks softly.

FOUR. I've had enough. If you open your mouth again I'm going to split your skull. [*Stands there and looks at him. No one moves or speaks. TEN looks at FOUR and then looks down at table.*]

TEN [*softly*]. I'm only trying to tell you. . . . [*There is a long pause as FOUR stares down at TEN.*]

FOUR [*to JURORS at window*]. All right. Sit down, everybody. [*ALL move back to their seats. When they are all seated FOUR takes a stand behind men on upstage side of table. He speaks quietly.*] I still believe the boy is guilty of murder. I'll tell you why. To me, the most damning evidence was given by the woman across the street who claimed she actually saw the murder committed.

THREE. That's right. As far as I'm concerned that's the most important testimony.

EIGHT. All right. Let's go over her testimony. What exactly did she say?

FOUR [*moving toward window*]. I believe I can recount it accurately. She said that she went to bed at about eleven o'clock that night. Her bed was next to the open window and she could look out of the window while lying down and see directly into the window across the street. She tossed and turned for over an hour, unable to fall asleep. Finally she turned toward the window at about twelve-ten and, as she looked out, she saw the boy stab his father. As far as I can see, this is unshakable testimony.

THREE. That's what I mean. That's the whole case. [*FOUR takes off his eyeglasses and begins to polish them as they all sit silently watching him.*]

FOUR [*to all of them*]. Frankly, in view of this, I don't see how you can vote for acquittal. [*To TWELVE as he sits again.*] What do you think about it?

TWELVE. Well—maybe. . . . There's so much evidence to sift. . . .

THREE. What do you mean, maybe? He's absolutely right. You can throw out all the other evidence.

FOUR. That was my feeling. I don't deny the validity of the points that he has made. [*Motions at EIGHT.*] Shall we say that on one side of the tracks there is doubt? But what can you say about the story of the woman? She saw it? [*TWO, while he is polishing his glasses, too, squints at clock.*]

TWO. What time is it?

ELEVEN. Ten minutes of six.

SIX. You don't suppose they'd let us go home and finish it in the morning. I've got a kid with mumps. . . .

FIVE. Not a chance.

EIGHT [*to TWO*]. Can't you see the clock without your glasses?

TWO. Not clearly.

EIGHT. Oh.

FOUR. Glasses are a nuisance, aren't they?

EIGHT [*an edge of excitement in his tone*]. Well, what do you all do when you wake up at night and want to know what time it is?

TWO. I put my glasses on and look at the clock.

FOUR. I just lie in bed and wait for the clock to chime. My father gave it to me when we married, my wife and I. It was ten years before we had a place to put it.

EIGHT [*to TWO*]. Do you wear your glasses to bed?

TWO. Of course not. No one wears eyeglasses to bed.

EIGHT. The woman who testified that she saw the killing wears glasses. What about her?

FOUR. Did she wear glasses?

ELEVEN [*excitedly*]. Of course! The woman wore bifocals. I remember this very clearly. They looked quite strong.

NINE. That's right. Bifocals. She never took them off.

FOUR. Funny. I never thought of that.

EIGHT. I think it's logical to say that she was not wearing her glasses in bed, and I don't think she'd put them on to glance casually out the window. . . . She testified that the murder took place the instant she looked out, and that the lights went out a split second later. She couldn't have had time to

put on her glasses then. Now perhaps this woman honestly thought she saw the boy kill his father. [*Rises.*] I say that she only saw a blur.

THREE. How do you know what she saw? Maybe she's far-sighted. . . . [*Looks around. No one answers. Loudly.*]

How does he know all these things? [*There is silence.*]

EIGHT. Does anyone think there still is not a reasonable doubt? [*Looks around room, then squarely at TEN. TEN looks down at table for a moment; then he looks up at EIGHT.*]

TEN. I will always wonder. But there is a reasonable doubt.

THREE [*loudly*]. I think he's guilty!

EIGHT [*calmly*]. Does anyone else?

FOUR [*quietly*]. No. I'm convinced now. There is a reasonable doubt.

EIGHT [*to THREE*]. You're alone.

FOREMAN. Eleven votes, not guilty; one, guilty.

THREE. I don't care whether I'm alone or not! I have a right. . . .

EIGHT. Yes, you have a right. [*ALL stare at THREE.*]

THREE. Well, I told you. I think the kid's guilty. What else do you want?

EIGHT. Your arguments. [*ALL look at THREE after glancing at EIGHT.*]

THREE. I gave you my arguments.

EIGHT. We're not convinced. We're waiting to hear them again. We have time. [*Sits down again. THREE runs to FOUR and grabs his arm.*]

THREE [*pleading*]. Listen. What's the matter with you? You're the guy. You made all the arguments. You can't turn now. A guilty man's going to be walking the streets. A murderer! He's got to die! Stay with me! . . .

FOUR [*rising*]. I'm sorry. I'm convinced. I don't think I'm wrong often, but I guess I was this once. [*Crosses R.*] There is a reasonable doubt in my mind.

EIGHT. We're waiting. . . . [*THREE turns violently on him.*]

THREE [*shouting*]. You're not going to intimidate me! [*They are ALL staring at THREE.*] I'm entitled to my opinion! [*No*

one answers him.] It's gonna be a hung jury! [*Turns abruptly and sits in his chair again.*] That's it!

EIGHT. There's nothing we can do about that except hope that some night, maybe in a few months, why, you might get some sleep.

FIVE. You're all alone.

NINE. It takes a great deal of courage to stand alone.

FOUR [*moving back to table, sitting*]. If it is a hung jury there will be another trial and some of us will point these things out to the various lawyers. [*THREE looks around table at all of them. As THREE's glance goes from juror to juror each one of them shakes his head in his direction. Then, suddenly, THREE's face contorts and he begins to pound on table with his fist. He seems about to cry.*]

THREE [*thundering*]. All right! [*Jumps up quickly and moves D R, his back to all of them as FOREMAN goes to door L and knocks. The other JURORS now rise.*]

[*The GUARD opens the door L and looks in and sees them all standing. The GUARD holds the door open for them as they all file past and out L; that is, all except THREE and EIGHT. The GUARD waits for them. EIGHT moves toward the door L, pausing at L C.*]

EIGHT [*to THREE*]. They're waiting. [*THREE sees that he is alone. He moves to table and pulls switch knife out of table and walks over to EIGHT with it. THREE is holding knife in approved knife-fighter fashion. THREE looks long and hard at juror EIGHT and weaves a bit from side to side as he holds knife with point of it in direction of EIGHT's belly. EIGHT speaks quietly, firmly.*] Not guilty. [*THREE turns knife around and EIGHT takes it by handle. EIGHT closes knife and puts it away.*]

THREE. Not guilty! [*THREE walks out of room. EIGHT glances around quickly, sighs, then turns and moves out through door. GUARD goes out, closing door.*]

CURTAIN