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MATTER OF INTENT
By Gary Earl Ross

Characters

TEMPLE SCOTT, a black woman lawyer, middle-aged.

ROBERTA (BOBBI) NICHOLS, her roommate, also black.

ADAM CASTER, D.A., white, in his 50s.

MAE LOU McKITCHEN, the defendant, black, about 20.

KATE WAYBORN, white, middle-aged.

SANDFORD WAYBORN, Kate's husband, white.

SANDY WAYBORN, Kate's teenage son.

CHARLOTTE DONNELLY, Kate's best friend, white, middle-aged.

THOMAS McKITCHEN, Mae Lou's older brother.

DR. FLETCHER WYATT, a black psychiatrist, middle-aged.

ROSCOE "UNCLE LUCKY" McKITCHEN, late thirties.

JUDGE JAMES GAVIN, white, about 60.

Time: Fall, 1960.
Place: Buffalo, New York.

Act One — The Wayborn Home. The Scott/Nichols Home. The District Attorney's Office. Mae Lou McKitchen's Jail Cell, with Flashbacks to the Wayborn Home and Uncle Lucky's South Carolina Home. Temple's Office. The Wayborn and Donnelly Homes. Interview Room, with Flashback to Uncle Lucky's Home.

Act Two — The Scott/Nichols Home. Court, with Flashbacks to Uncle Lucky's Home and the Wayborn Living Room.

A Note on the Stage: In Act One the action shifts locations enough to warrant a simple multiple set with props and lighting to indicate different places. Throughout Act Two, upstage is arranged as a courtroom, while downstage is used for flashbacks and attorneys approaching the audience as if approaching a jury.

Act One

Scene 1

(Darkness. Heard in darkness, TEMPLE SCOTT's voice is that of a mature woman who speaks quietly, with calm authority.)

TEMPLE

The act of taking a life is seldom simple. People kill for every imaginable reason. Love, hate, greed, jealousy, self-defense, even pleasure. They kill in a rage or a drunken stupor or cold blood, and sometimes for reasons our imaginations can't begin to understand. Why somebody kills is as important as the act itself. The law makes distinctions based on context and intent. The barroom brawl that leaves a body on the floor might be manslaughter or justifiable homicide. It is not the same as sugaring your husband's coffee with rat poison. In cases of capital murder, the prosecution must show intent. The defense must disprove what the average juror already believes in his heart—that the accused knew his actions would result in death and that, having had time to consider this certainty, he proceeded anyway. In other words, he pulled a trigger or jammed a knife under a rib cage because the death of the victim was what he—or she—most desired. Murder, you see, is always a matter of intent.

(After a brief silence comes the second voice. MAE LOU McKITCHEN's voice is slow, caught somewhere between womanhood and girlhood. She is singing tearfully, slowly, with difficulty.)

MAE LOU

Jesus loves me, this I know, 'cause the Bible tells me so. Little ones to him belong. They are weak and he is strong. Yes, Jesus loves me. Yes, Jesus loves me. Yes, Jesus loves me. The Bible tells me so.

(Lights rise. Crying as she sings, MAE LOU, in a maid's uniform, is kneeling beside a woman's body, back toward the audience, blood beneath her. MAE LOU lifts a bloody knife. Blackout.)

Scene 2

The Scott/Nichols Living Room. Evening.

(Lights up. Upstage, a table and three chairs. Period music plays. BOBBI NICHOLS enters, in an apron, carrying plates, flatware, cloth napkins. She sets the table, then exits. TEMPLE SCOTT enters from the opposite side and sets her briefcase on the floor. The music begins to fade, and she notices the table.)

TEMPLE

Bobbi, I'm home. Are we . . . Aw, damn! It's Thursday. She knows I like to watch *The Untouchables* on Thursday.

(BOBBI enters with breadbasket , pitcher, glasses.)

BOBBI

Hey, Temple.

(Arranging bread, pitcher, and glasses on the table.)

TEMPLE

Hi. We having company for dinner?

BOBBI

Yes. Somebody from school.

TEMPLE

Not Dr. Porter, I hope. I can't take another evening with that man.

BOBBI

Oh, hush. Dr. Porter's not all that bad.

TEMPLE

He's stiffer than a dead cat. Even with two glasses of wine in him he makes you want to dig a hole in the back yard.

BOBBI

He's got a lot on his shoulders, this being his first year as vice principal in a new town. He hasn't made a lot of friends yet.

TEMPLE

He's made the one he wants.

BOBBI

What do you mean?

TEMPLE

He's been here for dinner twice, and I don't think he would have said more than two words at a time to me if I set his tie on fire. All he could do was make eyes at you. Mouth hanging all open like a puppy too dumb to see he's fixing to get kicked. Has he said anything? Has he asked you out yet?

BOBBI

No. He'd never try to date one of the teachers, not while she works in the same school. He's very proper.

TEMPLE

Properly miserable.

BOBBI

Yes. Sometimes I feel sorry for him.

TEMPLE

Don't let pity put you in an embarrassing spot. Girl, you lay another cloth napkin in front of him and that Negro's liable get down on one knee and ask you to transfer to another school.

BOBBI

It's not Dr. Porter.

TEMPLE

That's a relief. So, who is it? You didn't put out any wine. Wait. It's Marcus, isn't it? The Hunters are going out and he's coming upstairs to eat with us.

(Sits in one of the chairs.)

BOBBI

Nope. He's got homework, and living downstairs from his sixth grade teacher means he can't claim the dog they never had ate it.

TEMPLE

One of the white teachers then? Union business?

(Pours lemonade, drinks.)

BOBBI

It's Thomas, the new custodian.

TEMPLE

Thomas? I'm supposed to give up *The Untouchables* so you can entertain the janitor?

BOBBI

It's not me he's coming to see.

TEMPLE

Oh. That means Thomas is in trouble and you want me to help. Bobbi, I can't keep giving free legal assistance. I don't make enough as it is. I don't mind doing things for your church, and I never charge the Hunters because Mr. Hunter worked in the mill with Glenn.

BOBBI

And they charge us next to nothing for this flat.

TEMPLE

But there is my office rent. If I didn't have you to share expenses, I couldn't buy food. Now, I've got to charge somebody for my services.

BOBBI

It won't come to services. I'm not trying to scare up a new client.

TEMPLE

A new client would be fine, as long as it's a paying client.

BOBBI

I didn't know Thomas's last name until today.

TEMPLE

What's that got to do with anything?

(Takes another drink.)

BOBBI

It's McKitchen.

TEMPLE
(almost spitting)
McKitch—oh my God! As in *Mae Lou* McKitchen?

BOBBI
He's her brother. He came in to sweep out my room at the end of the day. I said I hadn't seen him all week and he started crying, Temple. Crying.

TEMPLE
So you invited him to dinner?

BOBBI
I just had to. A good meal. Happy music. I thought it might make him feel better. He's a nice boy, kind of innocent, and he's really scared for his sister. I thought maybe you could talk to him, explain the case to him.

TEMPLE
You want me to explain that his sister could get the electric chair?

BOBBI
I think he knows that. I was hoping you could tell him how the court system works.

TEMPLE
His sister is colored. The victim was white. The judge'll be white and so will most or all of the jury. How the court system works is, there's a good chance she'll get the electric chair.

(Doorbell rings.)

BOBBI
That must be him. Please talk to him, Temple. Please? And try not to scare him.

TEMPLE
Oh, all right. All right. I'll try not to scare him but I won't give him any false hope. That wouldn't be fair.

BOBBI
I better go down and let him in.
(Exits where TEMPLE entered as TEMPLE drinks.)

TEMPLE
Could've used that wine.

(Offstage, footsteps and voices. BOBBI gestures THOMAS McKITCHEN into the room. Simply dressed, he is barely in his twenties. His manner is deferential, his face wide-eyed and innocent.)

BOBBI
Temple, this is Thomas. Thomas, this is my roommate, Temple Scott.

TEMPLE
(Shaking his hand.)
Pleased to meet you, Thomas.

THOMAS
Nice to meet you, Miz Scott.

BOBBI
Thomas, why don't you have a seat and let me see how the pork chops are doing.

THOMAS
Pork chops? I love me some pork chops, Miz Nichols.

BOBBI
I'm glad to hear that. Now you just sit there and talk to Temple and I'll be back in a few minutes.

(THOMAS sits. TEMPLE resumes her own seat and studies him. He smiles at her and says nothing, eyes wandering about the room.)

TEMPLE
Would you like some lemonade?

THOMAS
No thank you, ma'am.

TEMPLE
Bobbi—Miss Nichols—tells me you're the new school custodian.

THOMAS
Assistant custodian, yes, ma'am.

TEMPLE
You seem a little young for such an important job.

THOMAS
One of the deacons from church took me down to City Hall to 'ply.

TEMPLE
Do you like your job?

THOMAS
It's okay. Duane, the head custodian, he pretty nice to me. He show me where all the supplies is and how to empty the dust bag on the 'raser cleanin' machine. He eat lunch with me and talk to me like a man. Not like Dr. Porter.

TEMPLE
What does Dr. Porter do?

THOMAS

Tell me don't talk to the chirren. Plunge the toilets. Take out the lunch room garbage soon as the kids done. Don't touch the boiler 'cause that's Duane's job. He get mad sometime and call me stupid. Why he do that?

TEMPLE

Maybe he doesn't know any better. Or maybe he just needs to make more friends.

THOMAS

That ain't no way to make friends.

TEMPLE

No, it's not. You're not from Buffalo, are you?

THOMAS

No, ma'am. South Ca'lina.

TEMPLE

What brings you up north?

THOMAS

Uncle Lucky died.

TEMPLE

Uncle Lucky?

THOMAS

He was Mama's brother. He raise me and my sister when Mama died. He drownded. Fishin'. We come here 'cause Aunt Rose was here.

TEMPLE

Who's Aunt Rose?

THOMAS

Mama and Uncle Lucky's cousin. First we live with her, but then she got too sickly. She took us to her church and the Sparkses help us get jobs and fount us places to stay.

TEMPLE

Where's your Aunt Rose now?

THOMAS

She passed, 'bout four months ago.

TEMPLE

I'm sorry . . . So now it's just you and your sister.

THOMAS

Yes, ma'am.

TEMPLE

Which one of you is older?

THOMAS

Me, by a year.

TEMPLE

Where do you live, Thomas?

THOMAS

Oh, I got me a room at the YMCA on Ferry Street.

TEMPLE

Walking distance to the school, eh?

THOMAS

Yep.

TEMPLE

And where does your sister live?

THOMAS

With the Wayborns, the white folks . . . or she did till she got in trouble.

TEMPLE

Tell me about it.

THOMAS

They say she kilt Miz Wayborn. Kilt her with a knife. She in jail now.

(Wiping eyes.)

Mae Lou ain't kill nobody. She couldn'ta.

TEMPLE

Why do you say that?

THOMAS

Uncle Lucky use to talk a lot 'bout people's nature, 'bout how they like animals. A snake be a snake, no matter what. A dog be a dog. People the same way. They is what they is and can't be no different. Like Mama. Uncle Lucky say Mama love to drink, even when she was a girl and she go up the road to the juke house. Drinkin' was her nature. Uncle Lucky was strict. He tried to make sure neither one of us end up goin' to hell like Mama.

TEMPLE

Oh . . . Okay. So tell me about Mae Lou?

THOMAS

She a lot like me. Quiet. Do her chores and try to stay out folks' way. She like to feed birds and sing 'bout Jesus and go to the picture show. She got a pretty smile.

TEMPLE

She sounds like a sweet girl.

THOMAS

And she can cook too. Uncle Lucky teach us both but she do it better'n me. Make somebody a fine wife someday.

(Shakes his head, face contorting.)

She ain't never hurt nothin'. Ain't her nature.

TEMPLE

This must be very hard for you.

THOMAS

Yes, ma'am. She all I got.

TEMPLE

Now, the court has assigned defense counsel.

THOMAS

That's her lawyer, right?

TEMPLE

Yes. What's her lawyer's name?

THOMAS

Mr. Burke.

TEMPLE

Has Mr. Burke talked to you?

THOMAS

No, ma'am. Ain't never met him. Down at the jail they say I need to talk to him 'fore I can see Mae Lou but I don't know how to find him.

TEMPLE

Did Miss Nichols explain that I'm an attorney, a lawyer?

(THOMAS nods.)

TEMPLE

I'll call Mr. Burke tomorrow and make sure you can get in to see your sister.

THOMAS

Thank you, Miz Scott.

TEMPLE

You're welcome. Now, Miss Nichols wanted you to talk to me in case you had some questions about what's happening.

THOMAS
When you think they'll let Mae Lou out? Once they see killing ain't her nature, they got to let her go. Right?

TEMPLE
I'm sorry. I'm afraid it's not quite that easy.

(BOBBI enters, wiping her hands on her apron.)

BOBBI
Everything will be ready in a couple minutes.

TEMPLE
Thomas, would you excuse me a minute?

THOMAS
Yes, ma'am.

(TEMPLE rises and leads BOBBI downstage)

TEMPLE
Is it me, or is this boy retarded? And why do his hands twitch so much?

BOBBI
Maybe he's a little slow but he works hard and he's nice. Has he been talking?

TEMPLE
Yes. He thinks they'll let her out once they realize she's too sweet to commit murder.

BOBBI
Oh, no.

TEMPLE
You ever meet his sister?

BOBBI
No, why?

TEMPLE
The paper said she was dull, had a vacant stare. Maybe being slow runs in the family.

BOBBI
What if it does?

TEMPLE
She may not be competent to stand trial.

BOBBI
Wouldn't that be obvious? Wouldn't the court see that and put her in the state school?

TEMPLE

No, Bobbi. She's colored. She's supposed to be dumber than the white folks handling her case.

(Pause.)

Why don't you go see to the food and let me talk to Thomas a little more?

BOBBI

All right.

(Exits, patting THOMAS's shoulder.)

(TEMPLE looks at THOMAS for a moment. Then she crosses to her briefcase, removes a yellow legal pad and a pen, and returns to her seat.)

TEMPLE

Thomas, I want to help you, you and your sister. But first you have to tell me all you can about her—and about Uncle Lucky, Aunt Rose, the Wayborns. If I'm going to help, I need to know everything.

(Blackout.)

Scene 3

Adam Caster's Office. Next Day.

(Lights up. Downstage there is a desk with a chair behind it and one beside it. Clad in a dark suit, ADAM CASTER is seated at the desk, reviewing documents. TEMPLE, also in a suit and carrying her briefcase, appears behind him, upstage center.)

TEMPLE

Mr. Caster?

CASTER

Yes.

TEMPLE

I hope I'm not intruding, but nobody was out front.

CASTER

I'm afraid my secretary's gone to lunch. Miss Scott, isn't it?

TEMPLE

Mrs. I'm surprised you—

CASTER

Of course I recognize you. I've seen you around the courthouse.

(Extends hand, which TEMPLE takes.)

TEMPLE

Guess I am kind of hard to miss.

CASTER

Come in. Please.

TEMPLE

Thank you.

CASTER

Have a seat. Would you like a cup of coffee, or tea?

TEMPLE

(Sitting.)

No, thank you.

CASTER

I've heard good things about you, Mrs. Scott. A widow—is that right? A widow who worked her way through college and then law school, finishing near the top of her class in both. Quite an achievement, especially for someone . . . for someone already out in the world.

TEMPLE

When my husband died, I had to do something. School seemed like a good idea.

CASTER

It was a splendid idea, and now you're in private practice?

TEMPLE

It's private because I didn't quite fit in with some of the big firms in town, at least not with the two that let me have an interview.

CASTER

Their loss, I'm sure.

TEMPLE

At this point I prefer being my own boss.

CASTER

Probably a wise choice. Now, what brings you all the way up to my office?

TEMPLE

I've come about the McKitchen case.

CASTER

McKitchen? You mean the Wayborn murder?

TEMPLE

Yes, sir.

CASTER

A terrible business. I didn't know her very well, but Kate Wayborn served on a civic committee with my wife. You never expect a woman you met at a banquet to end up murdered.

TEMPLE

The whole thing is very sad . . . for everyone.

CASTER

Sometimes this job . . . Ah, well . . . So, what about the case?

TEMPLE

This morning the officers at the city jail wouldn't let me into the holding area to see Mae Lou McKitchen.

CASTER

Now you know they can't just let anybody in, Mrs. Scott. The girl has an attorney of record. Jack Burke from the public defender's office drew the short straw last week.

TEMPLE

I'm sorry, Mr. Caster. I thought you'd know by now. I've been retained to represent Miss McKitchen.

CASTER

Retained?

TEMPLE

Her family hired me last night. I filed the substitution order this morning. I figured someone would call you, but I guess I was mistaken. In any case, the jail is refusing to let me see my client.

CASTER

Her family. Her only family, if memory serves, is her brother, a public school janitor.

(TEMPLE says nothing.)

CASTER

How does a janitor come up with a retainer?

TEMPLE

How I'm paid for my services is immaterial—and confidential.

CASTER

Of course. I'm just thinking out loud. I can take care of your little jail problem with a telephone call, but first . . .May I be frank?

TEMPLE

You're the district attorney, Mr. Caster. You don't need my permission to be frank.

CASTER

Then let's call it frank advice.

TEMPLE

If you wish.

CASTER

And please understand that what I'm about to say is rooted in respect, the deep respect I have for what you've made of yourself.

TEMPLE

What I've made of myself?

CASTER

Yes. You're a credit to your . . . community.

TEMPLE

Well, I—

CASTER

Let this case go, Mrs. Scott.

TEMPLE

Excuse me?

CASTER

Let this case go. Just let it go and step back from it. We can have the substitution order rescinded. Give everything back to Jack Burke. No harm done.

TEMPLE

Harm? Mr. Caster, is there a point in here somewhere? If I may be frank, you're confusing the hell out of me. Why should I drop my client?

CASTER

This is not the case for you. I'm trying to keep you from making a big mistake.

TEMPLE

My Bar card says it's my mistake to make.

CASTER

But aren't you a little out of your depth, counselor?

TEMPLE

Am I?

CASTER

Don't be coy, Mrs. Scott. You know what I mean. There aren't many colored lawyers in town, and so few colored women lawyers I can count them on one hand and still have a finger left to point you toward a better career move.

TEMPLE

I didn't take on Mae Lou McKitchen as a career move.

CASTER

A good thing, too, because it's a no-win situation, even for a seasoned defender. For someone such as yourself who's just starting out . . .

TEMPLE

I've been a practicing attorney for eight years.

CASTER

Well, this isn't a divorce or a real estate closing.

TEMPLE

I've tried criminal cases before, and even won.

CASTER

This isn't a purse snatching or pawn shop robbery but first degree murder. A colored maid butchers the wife of a prominent citizen. Sandford Wayborn plays golf with the mayor and sits on the governor's trade advisory board. With a sword like that hanging over this office, I'll have to try the case personally. There's no chance in hell we'll let her plead out. This has to go to trial.

TEMPLE

Look, Mr. Caster—

CASTER

The press is all over this. I can't step outside without somebody asking questions or sticking a microphone in my face.

TEMPLE

How inconvenient while you're running for re-election.

CASTER

Newspapers are calling her the Negro Lizzie Borden. Public opinion is running just as high among colored as white. Do you have any idea how many colored maids and day work girls have been let go since McKitchen was arrested?

TEMPLE

Quite a few, I imagine.

CASTER

This is a long road, a long and nasty road with the electric chair at the end. Don't you think it's too much for somebody with a one-woman office and no investigator? Is that what you want for your first capital case?

TEMPLE

I realize it's complicated.

CASTER

But there's nothing complicated about it. Kate Wayborn is found in her living room, dead of multiple stab wounds. Her colored maid is kneeling over the body, holding the murder weapon, crying. There's blood on her hands, on her dress, on her knees. The same blood type as the victim. When police take her into custody, she keeps saying how sorry she is.

TEMPLE

Maybe she was just sorry her employer was dead.

CASTER

Believe that if you like. Peddle it as a defense and see how far it gets you. The average right-thinking person will see the case as open and shut.

TEMPLE

So what's her motive? From what I've heard she was happy in her job.

CASTER

We ruled out robbery because the victim's jewelry was still on her body. Apparently, Mrs. Wayborn was upset with McKitchen for breaking some china. Mr. Wayborn says the girl had trouble holding onto things. In her six months with them, she broke several plates and glasses and knocked over quite a few things. His wife liked her and was patient with her, but we think she broke one dish too many. The victim fired her. They argued. Then, in a rage, the girl went to the kitchen, got a knife, and returned to the living room to stab Mrs. Wayborn.

TEMPLE

In a rage? The press says she's quite timid. Docile, even.

CASTER

Everybody gets mad, even timid maids. Suddenly she has no job and anger builds up inside her. What's she going to do? It's not like she'll come by another job easily. And who has done this thing to her? Why, Mrs. Wayborn.

TEMPLE

And you've charged her with first degree murder.

CASTER

She knew what she was doing.

TEMPLE

She had trouble holding onto china, but no problem picking up a knife and holding it firmly enough to stab her mistress five times? A bit slow but not so slow you can't prove intent? Childlike but not childlike enough to avoid the electric chair?

CASTER

That's for the jury to decide.

TEMPLE

A jury of her peers.

CASTER

Yes, a jury of her peers.

TEMPLE

Then I hope there's room in the jury pool for all those unemployed colored maids and day work girls.

CASTER

There's no need to take that tone, Mrs. Scott.

TEMPLE

There's no need to treat me like a child, Mr. Caster. I know you and everybody else would love to see Mae Lou McKitchen strapped in and fried as soon as possible. Then we can all get back to a world where slow colored maids don't kill their rich white ladies. But what I don't understand is why you're so dead set against me representing her.

CASTER

Juries around here aren't ready yet to see a colored woman lawyer sitting beside a colored woman killer. It'll distract them, maybe compromise the integrity of the trial.

TEMPLE

If the case is so open and shut, why should it matter who defends her?

CASTER

Regardless of what you might think, I want the trial to be fair. It's a murder case, not a civil rights sit-in. When the press latches onto you, the courtroom will turn into a dime store lunch counter.

TEMPLE

I beg your pard—

CASTER

I don't want that to happen. The judicial process will be better served if McKitchen has a white attorney, a man, somebody whose presence and experience will keep the jury and the newspapers focused on the task at hand.

TEMPLE

You mean a public defender less likely to file an appeal. It's not jurors that aren't ready to face a colored woman defender. It's you. Either you're prejudiced against me for being colored—

CASTER

Ten years ago, I was part of the American Bar Association decision to admit Negroes.

TEMPLE

(Standing.)

Does that give you a license to dismiss me now? Are you scared you'll lose the jury because it'll seem you're beating up on a helpless woman, or that my incompetence will lead to so many appeals you'll never get to throw the switch? However you cut it, you're selling me short. Again.

CASTER

That's unfair. I do respect you. I've already said that.

TEMPLE

Then prove it. Hate me or fear me, I don't care, but prove that respect. Don't treat me like a clerk in diapers who doesn't belong at trial. Don't patronize me by praising what I've made of myself. I'm not stupid, I'm not fragile, and I'm far too good an attorney to let you talk me out of a case because I make you uncomfortable.

CASTER

I never pull my punches in court.

TEMPLE
(Leaning closer.)
Nobody's asking you to. Now, I'm Mae Lou McKitchen's legal counsel. You really have no say in the matter. I demand to see her, or I'll go to the Bar.

CASTER
Very well. You're right. It's your mistake to make. I'll call the jail. You can see her this afternoon.

TEMPLE
Thank you. And I'd like copies of all the files and reports.

CASTER
Of course. Anything else?

TEMPLE
I'll let you know.

CASTER
I'm sure you will. I'll say this for you, counselor. You certainly are persistent.
(Offers his hand, which she takes.)

TEMPLE
A fine quality in a lawyer, wouldn't you say?

CASTER
Indeed.

TEMPLE
And so is a healthy cynicism.

CASTER
Yes . . .

TEMPLE
Then you'll forgive me for what I'm about to say.

CASTER
Mrs. Scott . . .

TEMPLE
You knew before I got here I was McKitchen's new attorney. The clerk's office did notify you, and you told the jail to keep me out so I would come to see you first and you could persuade me to drop the case.

(CASTER says nothing.)

TEMPLE
If you had known how persistent and cynical I was when I applied for an ADA job in this office eight years ago, would you have given me an interview then?

(CASTER still says nothing.)

TEMPLE

Have a pleasant afternoon, Mr. Caster.

(Exits. Blackout.)

Scene 4

Mae Lou's Jail Cell. Later.

(Lights up but limited to a small upstage corner where a bench is against the wall. In jail garb, which she wears through the entire first act, even in flashbacks, MAE LOU sits on the bench. She simply gazes out at the audience. There is a sound of rattling keys, then a squeaking, clanking door. TEMPLE appears and walks to the bench.)

TEMPLE

Miss McKitchen, my name is Temple Scott. I'm your new attorney.

(Holds out her hand.)

(MAE LOU looks up, confused.)

TEMPLE

Thomas hired me last night. Mr. Burke signed the case over to me this morning.

MAE LOU

You colored.

TEMPLE

Yes, I am.

MAE LOU

(Taking TEMPLE's hand.)

How Thomas?

TEMPLE

Fine. He's coming to see you tomorrow.

(MAE LOU smiles broadly.)

TEMPLE

(Sitting beside her.)

Now, I'm here to help you, Miss McKitchen.

MAE LOU

Everybody call me Mae Lou.

TEMPLE

When we're alone and talking, I'll call you Mae Lou if you like. But whenever we're with other people—with other lawyers, in front of the judge—I will call you Miss McKitchen, and you will call me Mrs. Scott. All right?

MAE LOU

Yes, miss.

TEMPLE

Good. First I'll need to ask you a few questions. Sometimes it might seem that I'm asking you the same question over and over again. When it feels like that, like you've already heard the question, just answer it anyway.

MAE LOU

Okay.

TEMPLE

(Taking out a pad.)

I want you to explain things the way you remember them, and be completely honest with me. Do you know the three people you never lie to?

(MAE LOU shakes her head.)

TEMPLE

Your doctor, your preacher, and your lawyer. None of them can help you unless you tell the truth. If I'm your lawyer, you have to trust me. Do you understand?

(MAE LOU nods. TEMPLE takes notes throughout their exchange.)

TEMPLE

Good. So, tell me why you're here.

MAE LOU

You know already.

TEMPLE

But I want to hear it from you, Mae Lou.

MAE LOU

I kilt Miz Wayborn.

TEMPLE

How?

MAE LOU

With a knife.

TEMPLE

Where did you get the knife?

MAE LOU

Kitchen, I guess.

TEMPLE

You guess? Don't you know?

MAE LOU

It all happen so fast.

TEMPLE

Why did you kill her?

MAE LOU

I don't know.

TEMPLE

Did the two of you argue?

MAE LOU

I don't think so.

TEMPLE

Were you angry with her?

MAE LOU

I don't know! I can't 'member!

TEMPLE

You can't remember why you killed her.

MAE LOU

No.

TEMPLE

Do you remember killing her?

MAE LOU

I'm not sure. Maybe. A little.

TEMPLE

Do you remember going into the kitchen and getting the knife?

MAE LOU

I musta. They fount me on the floor with her, holdin' the knife.

TEMPLE

That's not what I asked, Mae Lou. Do you remember going into the kitchen? That's very important. Do you remember killing her?

(MAE LOU hesitates, then shakes her head, looking uncertain. TEMPLE studies her a moment.)

TEMPLE

We'll come back to that later. First, let's talk about your job with the Wayborns. Your brother says Deacon and Mrs. Sparks from church helped you both get your jobs.

MAE LOU

Yes, ma'am. Miz Sparks took me to meet Miz Wayborn.

TEMPLE

Tell me about the job. What did you do?

MAE LOU

Every day I made breakfast and clean up the kitchen. Then I went to work on the rest of the house. Upstairs one day, downstairs the next—'cept on Monday, which was for washin' and ironin'. Round five o'clock I start on dinner. When they finish eatin', I clean the kitchen again, then take a plate on up to my room over the garage.

TEMPLE

It sounds like you were very busy.

MAE LOU

Wasn't nothin' I ain't done before. I growed up cookin' and cleanin'.

TEMPLE

For Uncle Lucky.

MAE LOU

(Brightening.)

Yes.

TEMPLE

Did you get a day off?

MAE LOU

Sunday. Mr. Wayborn would take the family out to breakfast 'fore church, then out to a early dinner. Meantime, I have me a little somethin' in my room and wait for the one of the choir ladies to pick me up. In church I sit with Thomas and later me and him have dinner with somebody from the congregation or maybe go out to eat someplace on Jefferson.

TEMPLE

Did you have any other time off?

MAE LOU

Sometime I got a Wednesday or a Friday afternoon off, sometime both. Lotta times Miz Wayborn be off volunteerin' while I was workin', so I be alone in the house. But every so often she have company. Once I put out food for the ladies, I usually got the afternoon off.

TEMPLE

The ladies?

MAE LOU

You know. White ladies, in nice clothes and big hats and white gloves. Sometime they come for a meetin' or somethin' but mostly it was just Miz Wayborn and Miz Donnelly.

TEMPLE

Miss Donnelly?

MAE LOU

Miz Wayborn's best friend. They play cards and talk 'bout their husbands. Didn't want me 'round for none of that, so I go on over to my room. Maybe take a bus downtown and go to the picture show till it was time to make dinner.

TEMPLE

Tell me about Mrs. Wayborn. What kind of person was she?

MAE LOU

She was nice.

TEMPLE

How? How was she nice?

MAE LOU

Sometime she give me things she didn't want no more, like . . . like pretty dresses. She always say nice things to me . . . and she always say nice things 'bout me, too.

(Upstage lights dim and downstage lights rise as KATE WAYBORN enters and crosses from one side of the stage to the other. She is wearing gold bracelets and an expensive-looking dress and hat. Purse tucked under one arm, she pulls on gloves. She stops and calls out as if to someone in another room.)

KATE

Sandford. Sandford!

SANDFORD (off)

Yes?

KATE

Charlie's here and we're going out. Sure you don't want us to drop you at the airport?

SANDFORD (still off)

It's out of your way, sweetheart.

KATE

It wouldn't be any trouble.

(Comparably dressed, CHARLOTTE DONNELLY enters from the same side as KATE and stops.)

CHARLOTTE

Where did you find your new girl?

(KATE turns to CHARLOTTE but before she can answer, SANDFORD enters, wearing a business suit and carrying a suitcase.)

SANDFORD

No trouble for you, but it would deprive me of young McLaughlin's latest attempt to butter me up for a promotion. I've grown rather fond of the attention. Hullo, Charlotte.

CHARLOTTE

Sandford.

KATE

Mr. McLaughlin's not here yet. I didn't want to leave before I knew you had a ride.

(A car horn sounds offstage.)

SANDFORD

(Checking his watch.)

See? Right on time. McLaughlin will do anything to stay in my good graces. Have fun while I'm gone, sweetie. I'll be back on Friday.

(Kisses KATE.)

KATE

Bye, honey.

(SANDFORD crosses to where KATE and CHARLOTTE entered but stops and turns around.)

SANDFORD

The new girl, she's working out all right?

KATE

Yes.

SANDFORD

I just wondered if it might be too soon for you to leave her alone in the house . . . with all the . . . you know.

KATE

She'll be fine, Sandford, and so will all the . . . you know. Now go hold the governor's hand, like a good little advisor. I think by now he must've grown fond of the attention. And don't forget your hat.

(SANDFORD exits.)

CHARLOTTE

All the . . . you know?

KATE

Every time we change help Sandford worries about his rare coins and my jewelry. But it's all perfectly secure in the bedroom safe, except for what I'm wearing.

CHARLOTTE

Your new girl hardly looks like a safecracker to me. Where did you find her?

KATE

A friend of Hettie's brought her in.

CHARLOTTE

She's terribly young.

KATE

But so far her cooking is top notch. She's very sweet and she really needs the job.

CHARLOTTE

Sweet? Is that what we're calling the thick-witted these days?

KATE

Shame on you. Mae Lou's a good worker, the most agreeable girl I've ever had.

CHARLOTTE

But there's something not quite right about her. When I asked her to tell you I was here, it looked as if my sentence got lost in a fog on the way to her brain.

KATE

She doesn't say much. Maybe it does take her a little time to understand, but she's eager to please and knows how to mind her own business. And she does everything I ask, happily.

CHARLOTTE

When you're dumb as a doorstop you don't know any better.

KATE

Charlotte Donnelly!

CHARLOTTE

Of course, you don't have to be Einstein to mop floors. In any case, I wouldn't get too attached to Miss Bright Eyes in there, if I were you.

KATE

Why not?

CHARLOTTE

She may seem like a child but she's not. She's awfully pretty for a colored girl. I'm sure you've noticed that, Katie.

KATE

I've noticed.

CHARLOTTE
She's the kind who'll make an impression on men too. They'll take stock of everything but her brain.

KATE
Are you implying that Sandford . . . or Sandy . . . ?

CHARLOTTE
Heavens, no! I mean it won't be long before some colored steelworker snaps her up to pack his lunch and cook his Sunday ham.

KATE
I don't think so. There's an innocence about Mae Lou, a purity that's kind of refreshing. I don't think men have even occurred to her yet. That's probably a good thing.

CHARLOTTE
Oh, please! You don't really believe she's a virgin, do you?

KATE
Well . . .

CHARLOTTE
Never mind. Don't answer that. Let's go before I throw up.

KATE
As long as you do it before we get to the restaurant.

(Laughing, they exit. Lights dim downstage, then rise upstage. TEMPLE and MAE LOU are still seated.)

TEMPLE
Did Mrs. Wayborn ever get angry with you?

(MAE LOU shakes her head.)

TEMPLE
Not even when you broke her good china?

(Upstage lights dim and downstage lights rise as KATE, holding something, enters and goes to downstage center.)

KATE
Mae Lou, would you please come in here.

(As TEMPLE freezes, MAE LOU emerges from the darkness of the jail cell and walks downstage to face KATE. She stands with eyes lowered, as if waiting to be reprimanded.)

KATE
(Holding up the halves of a broken plate.)
Mae Lou, I found this in the kitchen trash. Do you know anything about it?

MAE LOU

Y-yes, ma'am. I-I dropped it in the sink this mornin'. I was washin' it and it just slip right outta my hand.

KATE

This is Staffordshire china. It's been in my family for years. Staffordshire. Do you have any idea how much this was worth?

MAE LOU

I'm sorry, miss.

KATE

Why didn't you tell me?

MAE LOU

(Beginning to cry.)

I was afraid you would get mad and fire me. I'm sorry, miss.

KATE

Mae Lou . . .

MAE LOU

(Pounding her thigh with her fist.)

I'm so clumsy sometime. I'm so stupid, so stupid.

KATE

(Setting down plate and reaching for MAE LOU.)

It's all right, Mae Lou. It's all right. I'm not going to fire you.

(MAE LOU flinches. Instead of withdrawing, KATE lifts MAE LOU's chin to look into her eyes.)

Expensive or not, it's only a plate. Everybody has accidents. There's nothing to cry about.

(Pulls MAE LOU toward her until she is crying on KATE's shoulder.)

Nothing at all. Shhh. Everything will be fine. I just want you to tell me when something like this happens. Okay?

(MAE LOU nods. Downstage, lights dim. MAE LOU returns to her seat as KATE exits. Upstage, lights rise slowly. MAE LOU and TEMPLE are seated.)

TEMPLE

Mrs. Wayborn was so kind she comforted you when she should have been angry?

MAE LOU

Yes.

TEMPLE

What about Mr. Wayborn? What was he like?

MAE LOU

Didn't see him much, 'cept at dinnertime and sometime on Saturday. He was gone a lot. He never say too much to me, but he was nice enough.

TEMPLE

Did he ever get angry with you?

MAE LOU

No, or not so's he say.

TEMPLE

So you never argued with him?

MAE LOU

No.

TEMPLE

Tell me about Sandford, Jr. Sandy. I know he's eighteen and a freshman at Canisius College.

MAE LOU

A nice boy. Real smart. He talk to me sometime when he come home from school.

TEMPLE

What did you talk about?

MAE LOU

School mostly. Sandy want to be a teacher but his daddy say teachers don't make 'nough money. Sandy be a good teacher. Every now and then he read me somethin' he wrote for school. It always sound real nice, like it came from a book.

TEMPLE

So you two were friendly.

MAE LOU

I like Sandy.

TEMPLE

Did he like you?

MAE LOU

I think so.

TEMPLE

Did you ever argue with him?

MAE LOU

No.

TEMPLE

You're a pretty girl, Mae Lou. Did Sandy or his father ever try to . . . touch you—

MAE LOU
(Sharply.)
No! They never done nothin' nasty.

(TEMPLE says nothing for a moment. Then she flips back through her pad.)

TEMPLE
All right. Now I have a few background questions. Tell me about your mother.

MAE LOU
I don't 'member much 'bout her. She died when I was real little. I know she use to drink a lots. My uncle told me all 'bout that. And I think she had a pretty voice.

TEMPLE
Really?

MAE LOU
I think she musta sung "Jesus Loves Me" to me when I was a baby. I kinda always knowed that song and when I think about it, when I hear it in my head, it's always a pretty voice.

TEMPLE
That's a nice thing to remember. I bet it comforts you to think of it.

MAE LOU
(As if pulled back to reality.)
Ma'am?

TEMPLE
Thinking about your mother singing to you must make you feel happy.

MAE LOU
Oh, yes, Miz Scott. Just the thing when I get sad or scared.

TEMPLE
What about your father?

MAE LOU
Never knowed my father.

TEMPLE
Then let's talk about your uncle. Thomas said he raised you after your mother died.

MAE LOU
Yes, ma'am.

TEMPLE
And he was your mother's older brother.

(Upstage lights dim and downstage lights rise as UNCLE LUCKY, in worn work clothes, enters. A small table and chair are downstage center.)

LUCKY

Now, where them damn kids at? Chores ain't done. Food ain't on the table. Thomas! Mae Lou! Git your lazy behinds out here! . . . THOMAS!

(THOMAS runs in from the other side of the stage and slows to walk to the table. Facing UNCLE LUCKY, he tries to catch his breath.)

LUCKY

Where you been, boy? Where your sister?

THOMAS

Mae Lou comin', sir. I run on 'head of her.

LUCKY

Where you been?

(THOMAS looks down as if ashamed.)

LUCKY

I axed you where you been.

THOMAS

School, sir.

LUCKY

What for? The law say you ain't gotta go no more.

THOMAS

Reverend Roper say that's just South Ca'lina tryin' to get 'round the Supreme Court.

LUCKY

Reverend Roper need to worry 'bout his congregation tryin' to get 'round Jesus. What you go to school for?

THOMAS

It wasn't reg'lar school, sir. It was after all the other kids gone home.

LUCKY

What . . . for?

THOMAS

Miz Hackney say she try to help me and Mae Lou. She say we come to her class two afternoons a week, she teach us to read better.

LUCKY

What you need to read for, boy? You ain't got to read to sweep floors in the mills or the cannery. Ain't got to read to work in the fields.

THOMAS

Maybe I want to do somethin' else.

(LUCKY slaps THOMAS in the back of the head.)

LUCKY

You can't do nothin' else. Smart ain't your nature. Look at you, all glassy-eyed, with your mouth hangin' open. Sometime your hands shake like your mama's use to when she went more than a day without a drink. You half understand what folks say. Took you years to put your shoes on the right feet and you still can't tie 'em tight. You too stupid to realize you stupid.

(THOMAS begins to cry.)

LUCKY

(Twisting THOMAS's ear.)

And you cry like a girl. Now hush up 'fore I give you somethin' to cry about.

(MAE LOU enters, stops at a safe distance from her uncle. She is trembling.)

LUCKY

Well, here come the other one, slow as you please. Get on over here, girl!

(Hesitantly, MAE LOU comes closer. UNCLE LUCKY snatches her upper arm and she cries out.)

LUCKY

Listen to me, both of you. Miz Hackney ain't nothin' but a uppity nigger bitch from up north don't know how to mind her own damn business. Don't know shit 'bout your useless mama or what I sacrificed to keep food in your mouths and clothes on your backs all these years. And she done ruint my supper for the last time. Either one of y'all go anywhere near that school again, I'll skin you both. You hear me?

THOMAS

Yes, sir.

(MAE LOU nods.)

LUCKY

That's what I thought. Now, Thomas, go tend to your chores.

(Twists THOMAS's ear and pushes him away.)

Mae Lou, get me some food on this table in the next ten minutes, and don't you dare drop another dish or I'ma take a belt and lay it 'cross your bare black ass.

(As THOMAS exits, UNCLE LUCKY shoves MAE LOU toward upstage, then follows THOMAS out. Lights dim downstage, rise upstage. MAE LOU and TEMPLE are still seated.)

TEMPLE

Tell me about Uncle Lucky.

MAE LOU

He took us when nobody else would. Uncle Lucky was the best man I ever knowed.

(Blackout.)

Scene 5

Temple Scott's Office. Two Weeks Later.

(Lights up. TEMPLE sits behind a desk with file folders and a telephone. Across from her is DR. FLETCHER WYATT, in a suit. TEMPLE waits as WYATT finishes reading a file. He looks at her.)

TEMPLE

What do you think?

WYATT

Intriguing, Miss Scott, to say the least. The wire services have painted quite a different picture of your client.

TEMPLE

At first the local papers called her slow. Then she became the colored Lizzie Borden.

WYATT

Downstate we've heard worse. One reporter called her the Demon Domestic.

TEMPLE

I missed that one.

WYATT

The picture I get from your notes—very thorough notes, I might add—is of a girl with limited intellectual capabilities. It's likely she was born to an alcoholic mother. There's a growing body of evidence that suggests a causal relationship between a woman's drinking and her child's mental development. Sometimes there are physical manifestations, like asymmetric facial features and bulging eyes, or neurological manifestations, like poor coordination and bodily tremors.

TEMPLE

The neurology part would explain both Mae Lou and her brother. Could the mother's drinking actually damage her enough to satisfy the M'Naghten Rule?

WYATT

Could it have left her unable to tell right from wrong? Possibly. On the surface, however, I can see no reason for her to kill. Since it appears she did, why? Was she somehow provoked and unable to stop herself?

TEMPLE

Irresistible impulse, like in the movie *Anatomy of a Murder*. But that's tough to prove. Where's Jimmy Stewart when I need him?

WYATT

Or was some delusion at work? Did she imagine she was killing in self-defense? She must have had a reason. Even Lizzie Borden had her motives.

TEMPLE

Then you'll examine her?

WYATT

That's why I'm here.

TEMPLE

Dr. Wyatt, I can't tell you how much I appreciate your coming on such short notice.

WYATT

Harlem isn't so far away. Just a train ride.

TEMPLE

An all day train ride.

WYATT

I got an early start. Besides, I figured if you were half as persuasive in person as you are on the telephone, it would be worth the ride just to watch you work.

(The telephone rings. TEMPLE answers.)

TEMPLE

Scott Legal Services. How may I help you? Yes. This is Mrs. Scott. I see. At this time I have no comment. No, that's a matter of public record. You're welcome.

(Hangs up.)

WYATT

The press?

TEMPLE

Been hounding me ever since I took over the case. Everybody and his brother wants an interview or a hint of what the defense case will be.

WYATT

It sounds like being in the spotlight makes you uncomfortable.

TEMPLE

It does. Is the idea of a Negro defense attorney that foreign to them?

WYATT

You remember Calhoun, the lawyer on Amos 'n' Andy?

TEMPLE

I try not to.

WYATT

Calhoun's what they expect. You don't fit the picture, and you're a woman, too.

TEMPLE

Is it any better for Negro doctors?

WYATT

It is in New York, but even there a colored psychiatrist still raises an eyebrow or two.

TEMPLE

What drew you to psychiatry?

WYATT

Curiosity, I guess. That and a desire to be different. My parents were both doctors. I followed in their footsteps through Howard and then Meharry. I didn't want to inherit the family practice so I bailed out of internal medicine the first chance I got.

TEMPLE

Were they upset with you?

WYATT

Nah! My sister joined the practice and took over when they retired. And before they died, my mother kept pestering me to tell her, as a professional courtesy, why my father was so damned stubborn. By the way, I'm sorry I called you 'miss' earlier, but I didn't see a ring.

TEMPLE

Actually, I'm a widow.

WYATT

Oh . . . I'm so sorry. I didn't mean to—

TEMPLE

That's all right. You couldn't have known.

(For a time neither one speaks.)

TEMPLE

It was a long time ago. One night I kissed Glenn goodbye and sent him off to his shift at the steel mill. Next morning a man in a blue suit was at my front door saying, "There's been an accident." Suddenly, I was alone—thank God without children.

WYATT

Even so, it must have been very difficult.

TEMPLE

It made me what I am. I used my insurance settlement to put myself through college and then law school. Now here I am, playing hot seat roulette with the colored Lizzie Borden.

WYATT

So when do I get to meet this infamous lady?

TEMPLE

(Standing, moving away from the desk.)

Dr. Wyatt, there is the matter of your expenses—travel, hotel, professional fees. As I explained earlier, Miss McKitchen's church took up a collection to defray legal expenses, but it's barely enough to cover the cost of paper and transcription. I thought we'd have more by the time you got here, from her brother's co-workers and a local NAACP fund, but . . . well, I'm pretty much doing the case pro bono.

WYATT

Mrs. Scott, please don't trouble yourself about money. As I said, I come from a family of doctors. My ex-wife is a doctor. Our son is a doctor. We're doing very well. Besides, I could use a little pro bono work to resurrect the idealism of my youth.

TEMPLE

Thank you.

WYATT

The only promises I can make, however, are that I will use my best judgment and I will tell the truth. If I find Miss McKitchen was sane at the time of the murder, I will say so.

TEMPLE

Fair enough. Your first appointment with her will be tomorrow. I'll pick you up from your hotel at ten and take you to the jail.

(A shopkeeper's bell rings, and BOBBI enters.)

TEMPLE

Bobbi? I'm in the middle of something right now.

BOBBI

I'm really sorry, Temple, but it's Thomas.

WYATT

(Rising and gathering papers.)

If it's important, I can meet with you later—maybe over dinner?

TEMPLE

Uh, no. That's not necessary. Dr. Wyatt, this is my roommate, Bobbi Nichols. Bobbi, this is Dr. Fletcher Wyatt, from New York.

BOBBI

Pleased to meet you, Dr. Wyatt.

(BOBBI and WYATT shake hands.)

WYATT

Miss Nichols.

TEMPLE

Now what's wrong with Thomas?

BOBBI

He's been fired.

TEMPLE

What?

BOBBI

Fired. Dr. Porter made him pack up his things this morning and leave the building.

TEMPLE

Why?

BOBBI

When I finally cornered the skinny bastard in his office, he hemmed and hawed about the quality of Thomas's work. Then he let it slip the downtown brass were concerned that somebody like Thomas was around children all day.

TEMPLE

Somebody like Thomas?

BOBBI

Yes. Can't we do something, Temple?

TEMPLE

(Sitting in her chair.)

I don't know, Bobbi. I don't know.

(Blackout.)

Scene 6

The Wayborn Home and the Donnelly Home. Two Days Later.

(Lights rise on each side of the stage, with darkness between them. Stage left is the Wayborn home, with a small couch. Stage right is the Donnelly home, with an armchair. In shirt sleeves, SANDFORD looks at a business card. CHARLOTTE stands near the chair, drink in hand. TEMPLE stands near SANDFORD, but moves back and forth between the homes in this scene, taking notes on a legal pad.)

SANDFORD
(Handing back TEMPLE's card.)
I know who you are, Miss Scott. Surely, you don't expect me to help you.

TEMPLE
I don't want your help, Mr. Wayborn, just the truth.

SANDFORD
The truth? The truth is, your client murdered my wife. The truth is, I plan to sit in the viewing room and smile when they throw the switch. Is that enough truth for you?

TEMPLE
Believe me, sir. I am sorry for your loss.

SANDFORD
Are you? Or are you just saying that to get me to answer your questions?

TEMPLE
Mr. Wayborn, you're on the DA's witness list. Once you're on the witness stand, you will answer my questions. Today I hope to determine whether I need to ask you questions then. I understand you were away when the murder occurred.

SANDFORD
Yes, I was in New York on business.
(Sighs and sits on the couch.)

TEMPLE
Was there any tension between your wife and Miss McKitchen?

SANDFORD
None that I knew of. Now and then Kate got exasperated with Mae Lou for breaking things. The girl was . . . butter-fingered. I wanted to let her go, but Kate . . . Kate liked her. So we started putting aside the expensive china and glassware for special occasions.

TEMPLE
Did you have any disputes or disagreements with Miss McKitchen?

SANDFORD
No.

TEMPLE
Was there ever any question of her honesty? Did you ever suspect her of stealing?

SANDFORD
No.

TEMPLE
What do you think happened that afternoon?

SANDFORD

My guess would be Mae Lou broke something and Kate lost her temper. She didn't lose her temper often, but when she did . . . Kate must have fired her and they fought about it.

TEMPLE

The police reports don't mention any broken china. Did you ever find the pieces?

SANDFORD

No. As soon as I got word, I dropped everything and caught the first flight I could, but it took me hours to get home. Anything could have happened to a broken plate in that time.

TEMPLE

Could your son have swept up the pieces and put them in the trash?

SANDFORD

I don't want you talking to my son. This whole business is hard enough on him.

TEMPLE

Your son is the prosecution's star witness. He found Miss McKitchen by your wife's body. I will have to talk to him in court.

SANDFORD

Then you can talk to him in court. I won't have you upsetting him here.

(He freezes. TEMPLE moves to CHARLOTTE.)

CHARLOTTE

How close was I to Kate? We'd been best friends for over ten years. I was the only person allowed to call her Katie. Sometimes she called me Charlie.

TEMPLE

Did she ever confide in you any concerns she had about Miss McKitchen?

CHARLOTTE

We had better things to talk about than retarded domestics.

(Sips drink and sits.)

TEMPLE

Such as?

CHARLOTTE

Women have their secrets, Miss Scott. I wouldn't be a true friend if I revealed all of Katie's, now would I? Even if she is . . .

TEMPLE

I don't want to trouble you any more than I have to. Still, I need to understand what happened between my client and the victim. You're not on the prosecution's witness list, but if I think you have relevant information, I will put you on mine.

CHARLOTTE
For gossip? For complaining about our husbands? Hers was gone too much and mine just seems to fumble his way through everything. It was girl talk, none of it useful to your client, I'm afraid.

TEMPLE
If you don't mind, I'll be the judge of what's useful to my client.

CHARLOTTE
How is it useful that Sandford's backing Nixon and Katie planned to vote for Kennedy? What does it matter that Katie knew Sandford was putting his putter to his secretary? If you're looking for a fall guy, Miss Stevens couldn't have done it any more than Sandford. She was with him in New York at the time—although that's one confidence I wouldn't mind revealing in open court. Serves the son of a bitch right.

TEMPLE
Perhaps confide is too strong. Did Mrs. Wayborn ever talk about Miss McKitchen?

CHARLOTTE
She said the girl was endearing, but clumsy as hell. When I asked why she didn't fire her, she didn't know. Maybe she felt the need to look after her, to protect her.

TEMPLE
Then Mrs. Wayborn saw her as somewhat helpless?

CHARLOTTE
Yes, but it was Katie that needed protecting, now wasn't it? Katie. That bitch. That stupid black bitch! She took my best friend from me.

(CHARLOTTE freezes. TEMPLE goes back to SANDFORD.)

SANDY
(Entering, also in shirt sleeves)
It's okay, Dad. I'll talk to her.

SANDFORD
(Standing to block SANDY.)
I told you to stay in your room. You're upset.

SANDY
(Sharply as he pushes past his father.)
I want to talk to her.
(To TEMPLE.)
To answer your question, no, I never swept up pieces of anything. My mother and Mae Lou never fought about anything. We never caught her trying to steal anything. She killed my mother for no good reason. What *else* do you want to know?

TEMPLE
You came home from school and found your mother and Mae Lou.

SANDY
That's right.

TEMPLE
Did you hear them arguing before you reached the living room?

SANDY
No.

TEMPLE
Did you see Mae Lou stab your mother?

SANDY
(Bitterly.)
I didn't have to. She was holding the knife.

(Blackout.)

Scene 7
Jail Interview Room. A Few Days Later.

(Lights up on a table and three chairs. MAE LOU sits on one chair, staring at DR. WYATT, in another.)

WYATT
How did you sleep last night, Mae Lou?

MAE LOU
Real good, Dr. Wyatt. Best sleep I had since I been here.

WYATT
Do you remember what we talked about yesterday?

MAE LOU
It was . . . No, wait. I think . . . No, I don't 'xactly 'member.

WYATT
(Produces a shiny pen from his suit jacket.)
Do you remember me holding up this pen? Telling you to look at it?

MAE LOU
Oh, that's right. You tried to hitnotize me. I 'member now. Yeah. You tried to make me sleep . . . or somethin'. I don't 'member what all you said but I do 'member it didn't work.

WYATT
I think I'd like to try again today—that is, if you're willing. It's your decision.

MAE LOU
Waste of time, but you the doctor.

WYATT

Today we're going to wait for Mrs. Scott.

(Checks wristwatch.)

She should be here any minute. Is it all right with you if she joins us for our talk?

MAE LOU

Sure. I like Miz Scott. She nice.

WYATT

Yes, she is.

(A door squeaks. TEMPLE enters.)

WYATT

(Rising to shake her hand and take her coat.)

There she is. Hello, Mrs. Scott.

TEMPLE

Dr. Wyatt. Mae Lou.

MAE LOU

Hi, Miz Scott.

TEMPLE

Sorry I'm late. I got caught up doing background research on a witness interview.

WYATT

I hope you found something useful.

TEMPLE

Maybe. I don't know yet. I hope I haven't hindered your interview.

WYATT

Not at all, but I do need to explain what we're doing today.

TEMPLE

After your call last night, there are a few things we have to discuss. Mae Lou, would you please excuse us for a moment?

(MAE LOU nods. TEMPLE takes WYATT aside.)

WYATT

She doesn't remember our session yesterday, which is probably for the best.

TEMPLE

What you said might be just the thing we need to satisfy M'Naghten. The trick will be getting it admitted. If you talk about the conclusions you reached after your examination, the judge will let your testimony stand. But if you say you made a determination of her sanity as a result of hypnosis . . . Well, we drew Judge Gavin, one of the toughest judges around.

WYATT

I know out of court statements made under hypnosis are inadmissible. But given her inability to recall what happened . . . Look, if you're concerned about the Frye standard . . .

TEMPLE

I am. For expert witnesses to fly, everything about them must be impeccable, and the techniques or theories that support their testimony must be accepted by science.

WYATT

I am a board-certified physician and a psychiatrist with years of—

TEMPLE

Dr. Wyatt, *you* satisfy Frye. The question is, does hypnosis? It's only been accepted by the AMA for two years. What's the worst a prosecution psychiatrist can say about it?

WYATT

That it's meaningless. That it can't say whether she knew the difference between right and wrong at the time of the crime. That I manipulated her testimony. He could avoid hypnosis altogether by claiming Mae Lou is pretending to be insane. If he does, I'd recommend that she testify. Sure, it's a risk, but I think it would show the jury she lacks the cunning to fake insanity.

TEMPLE

I don't even want to think about the complications of putting Mae Lou on the stand. She can't testify under hypnosis.

WYATT

Of course not, but she can be helped to remember more clearly prior to trial.

TEMPLE

I don't know . . .

WYATT

Hypnosis won't change her personality or make her something she's not. I would never compromise the truth of what she has to say.

TEMPLE

I don't mean to be difficult. It's just that I've never had a case like this before, and the law is still vague on hypnosis.

WYATT

If all this seems like sleight-of-hand, I hope you can find some comfort in the fact that I am licensed to do it.

TEMPLE

All right, tell me what to do.

WYATT

You don't need to do anything but sit in that chair and remain as quiet as you can. Once she's under, you can talk to me in a normal voice, but don't address her. If you want to ask her something, ask me and I'll ask her.

(They move back upstage. TEMPLE takes her seat. DR. WYATT sits and faces MAE LOU. He holds his pen straight up and turns the barrel back and forth.)

WYATT

Mae Lou, you remember what we tried to do yesterday, when I asked you to look at my pen and keep looking at it and listen to my voice.

MAE LOU

I ’member.

WYATT

I’d like to try again today. I’m feeling a little more relaxed today.

MAE LOU

Me too.

(The lights dim, with a spot trained on the pen and the faces of MAE LOU and DR. WYATT.)

WYATT

That’s good, Mae Lou. That’s good. We’re both feeling a bit more relaxed. You know, when you feel relaxed things have a way of working out well. Now keep your eyes on my pen and just listen to the sound of my voice.

MAE LOU

Okay.

(The spotlight fades slowly as WYATT speaks.)

WYATT

I want you to lean back and put your hands in your lap and listen to the sound of my voice. Breathe in deeply, then out slowly. In, one. Out, two. Your arms and shoulders are feeling heavy. Your eyes are still on my pen, on the light bouncing off my pen. One. Two. The light is getting smaller, smaller, shrinking to the size of a dot. One. Two. You have to squint to see the light. The more you squeeze your eyes, the heavier they begin to feel. One. Now the light is gone, Mae Lou. Two. Gone.

(Touches her forehead.)

And you’re asleep.

(MAE LOU slumps in her chair. Lights rise.)

WYATT

All right, Mrs. Scott, she’s under.

TEMPLE

Just like that?

WYATT

You can speak in a normal voice. Yes, just like that. I won't take her back through everything we did yesterday, just the events I think have a bearing on temporary insanity. And brace yourself. Some of this is quite unpleasant. Mae Lou, when I count to three, you will be in your home back in South Carolina, the summer before you turned fourteen. You will be in the kitchen. Thomas has gone fishing and Uncle Lucky has come home early for lunch.

(Puts fingertips on her forehead.)

One. Two. Three.

(Lights dim upstage, rise downstage. MAE LOU moves downstage to a table and begins setting it with invisible plates. UNCLE LUCKY enters and stares at MAE LOU a moment before speaking.)

LUCKY

Thomas ain't back yet? Been gone since 'fore dawn.

MAE LOU

No, sir.

LUCKY

Them fish must be bitin', day like this. Catfish for dinner tonight, we lucky.

MAE LOU

Yes, sir.

LUCKY

But, you know, damn if I ain't hungry now.

MAE LOU

Lunch be ready in a few minutes.

LUCKY

No hurry. I know I come home early. Coupla machines broke down and they give us the rest of the day off. So . . . what you been doin' all mornin', girl?

MAE LOU

Just my chores.

LUCKY

Just your chores.

MAE LOU

Yessir.

LUCKY

Then who that boy I seen you talkin' to a few minutes ago?

MAE LOU

Huh?

LUCKY

Don't try to be smart by playin' stupid. It don't suit you. I'm comin' up the road and I see you at the fence, talkin' to some boy. Now who was he?

MAE LOU

Oh, you mean Jesse.

LUCKY

"Oh, you mean Jesse." Jesse who?

MAE LOU

Dawkins.

LUCKY

Dawkins? Old Miz Dawkins' grandson?

MAE LOU

I was feedin' the birds and he come up to the fence and say hi.

LUCKY

Melindy's boy . . . She took him up north a long time ago. He down here for the summer?

MAE LOU

(Nodding.)

His gramma sent him to see if Thomas want to play catch.

LUCKY

He gotta be older than Thomas 'cause—

MAE LOU

He eighteen.

LUCKY

Eighteen, huh? How you know that?

MAE LOU

He told me.

LUCKY

(Moving closer to MAE LOU.)

He come to see if Thomas could play ball, but y'all done got friendly 'nough to swap birthdays. Did he want to play catch with you?

MAE LOU

No, sir. We was . . . we was talkin', is all.

LUCKY

(Looming over her.)

What I tell you 'bout talkin' to boys?

MAE LOU

(Cringing.)

We just say hi.

LUCKY

Just say hi. That's how it start with boys. Just say hi. Next thing you know they feelin' up on you, tryin' to get under your dress. You ain't too stupid to know that.

MAE LOU

He didn't do nothin' nasty.

LUCKY

He a boy, ain't he? It's in his nature. It's in all men's nature. James McWilliams got Melindy pregnant and joint the army and ain't never come back. That was 'fore the war. Now his boy down here tryin' to talk trash to you.

(Moves away from her.)

MAE LOU

Jesse didn't mean no harm.

LUCKY

Apple don't fall but so far from the tree. James could talk a woman outta her clothes faster 'n I could untie my shoes. After he go, I offer to stand by Melindy, be a father to the baby, but she don't want nothin' to do with me. . . I ever tell you how I come by my name?

MAE LOU

No.

LUCKY

Pearl Harbor come and the army want everybody. Everybody 'cept me. Flat feet. Bad eyes. Folks say, Roscoe, you don't have to go. You a lucky man. Soon everybody callin' me Lucky. But I ain't never been all that lucky.

(Pause.)

I had a good job up in Washington, cookin' at the Chandler Hotel. Then my father died, and I had to come back here. Took a job in that damn cannery. Coupla months later my mama died, and I got stuck raisin' your mama. Then she died and now I got to raise you and Thomas. That ain't no kinda luck, is it?

MAE LOU

No, sir.

LUCKY

And your mama was pure misery to me. I'm out workin' to feed us and she at the fence, not much older 'n' you, talkin' to that no-'count Rufus Carter. Next thing I know she tippin' round to the juke joint with him. Pretty soon she ain't nothin' but a drunk and a whore.

(UNCLE LUCKY grabs her arm, and she winces.)

LUCKY

I couldn't never get her to do right but Lord knows I tried. She always smelt like whiskey and cigarettes and men. All I could do was put her to bed when she got drunk or grit my teeth when she and her nigger of the week went at each other like hogs in the next room.

MAE LOU

Oww!

LUCKY

Wasn't long 'fore she had Thomas ridin' low in her belly. She left 'fore he was born and come back later with both of you. She died in that bedroom, coughin' up blood and shittin' herself like a baby. All 'cause she got her first taste of liquor and her first taste of lust . . .

MAE LOU

Uncle Lucky . . . You hurtin' me. Please.

LUCKY

(Letting her go.)

She was so beautiful . . . like you . . . I ain't gonna let you be like her.

MAE LOU

I won't.

LUCKY

Do you want to go to hell, just like your mama?

MAE LOU

(Beginning to cry.)

No.

LUCKY

Then you can't stand 'round talkin' to boys, Mae Lou. You can't.

MAE LOU

I won't. I promise I won't.

LUCKY

Anybody in this house need to go to hell, it's me.

(Suddenly UNCLE LUCKY pulls her to him and kisses her. Wide-eyed she freezes.)

LUCKY

I ain't gonna have you ridin' somebody dick in your room while I'm thinkin' 'bout you in mine. Jesus, I can't do that again. I can't let you like it. I got to take the joy out of it early. Maybe . . . maybe then . . .

(The lights begin to dim. UNCLE LUCKY swings MAE LOU into the table, and there is the crash of shattering dishes.)

MAE LOU

Uncle Lucky, no!

(He forces MAE LOU back onto the table and holds her down, kissing her face and neck. She is crying. There is just enough light now for the audience to see vague outlines as UNCLE LUCKY forces her legs apart and positions himself between them. He grunts, and she cries out. Blackout. MAE LOU whimpers. She begins singing, tearfully, then mechanically.)

MAE LOU

Jesus loves me, this I know, ’cause the Bible tells me so. Little ones to him belong. They are weak and he is strong. Yes, Jesus loves me. Yes, Jesus loves me . . .

(Silence.)

End of Act One

Act Two

Scene 1

The Scott/Nichols Living Room.

(Lights up. Downstage TEMPLE is seated on a couch with files in her lap as BOBBI paces back and forth behind the couch.)

TEMPLE

You have to try to understand how the law works.

BOBBI

It's my fault. It's all my fault.

TEMPLE

Nothing is your fault.

BOBBI

Yes, it is. I dragged you into it by inviting Thomas to dinner.

TEMPLE

I'm a big girl, Bobbi. I could've said no.

BOBBI

You tried to say no, but I begged you.

TEMPLE

You didn't beg me. You asked me to talk to him, and I did. I could've walked away from the whole thing. I chose not to.

BOBBI

Me and my stupid teacher instincts. I looked at Thomas just like he was one of my kids. That sad puppy look gets me every time. Don't worry, Thomas. Miss Nichols can fix it. I fixed it all right. Now he's out of a job and sleeping in the church basement and you're about to ruin his life as well as his sister's and maybe even ours.

TEMPLE

Bobbi—

BOBBI

You promised to help her, Temple. You promised.

TEMPLE

I am helping her.

BOBBI

How? This isn't the kind of thing you share with the world.

TEMPLE

I have to do what I can to keep her out of the chair.

BOBBI
What good is saving her if she can't have a life?

TEMPLE
When there's life, there's a chance for a good life.

BOBBI
Oh, really? If you manage to get her off and they don't stick her in an asylum, how can she make a living? She won't be the colored Lizzie Borden anymore. She'll be the perverted sex girl, and who's going to hire the perverted sex girl?

TEMPLE
Bobbi—

BOBBI
Or her brother? Or her attorney? They'll go after you just like they went after Adam Clayton Powell.

TEMPLE
That's a tax fraud case. If I tried to cheat the tax man on what I make, he'd send me a sympathy card.

BOBBI
(Sitting on the couch.)
You know what I mean. They'll look for things to ruin you, Temple. They'll look hard.

TEMPLE
Jesus, Bobbi . . .

(For a moment neither speaks.)

TEMPLE
Look, I'm a lawyer. I argue for a living, every damn day. I don't want to argue in my own home, especially when I have to prepare for tomorrow, for the toughest argument of my entire life. Right now, what I need most is to be left alone so I can think.

BOBBI
All right. You need to be alone so much, maybe I'll just go stay at my aunt's house for a few days.

TEMPLE
Maybe that would be for the best.

BOBBI
(Standing.)
Fine. You do what you need to do. I'll do what I need to do.
(Exits.)

(TEMPLE looks at her papers for a moment, then sighs and lays them aside. She leans forward to click on an imaginary television. After a crackle of static ADAM CASTER is heard.)

CASTER

The biggest myth of the criminal justice system is that the burden of proof rests with the prosecution. Presumed innocence takes its first beating in the press, where reports of suspects taken into custody shape the public mind. The presumption further unravels during voir dire.

(Blackout.)

CASTER (continuing through blackout)

No matter how fair they honestly believe themselves to be, prospective jurors begin to judge a case as soon as they are given the few details needed to determine impartiality. The wise and the witless, the sincere and the cynical, the godly and the godless—they all do it, because they are all human. And nothing puts a thumb on the scales of justice like murder. Deep in his heart everyone knows that murder is the worst crime on the books. Nobody wants to see a murderer go free. That is the prosecutor's greatest advantage.

Scene 2

The Courtroom.

(For the remainder of the play, upstage is arranged as a courtroom, with a judge's bench, a witness box, a small evidence table, and counsel tables flanking the bench, so that the attorneys are facing each other across upstage center. Each table holds a briefcase and several files. The trial is a single extended scene with blackouts for witness changes and flashbacks. JUDGE GAVIN, in a black robe, is on the bench. TEMPLE, in a dark suit, and MAE LOU, in a blue dress, are at one table. ADAM CASTER, in a lighter suit, is at the other. **Each attorney rises to question witnesses and sits afterward.** CASTER buttons his suit jacket each time he stands. Lights up.)

GAVIN

Before we begin, I feel compelled to address some of the issues that have arisen in this case. First, let me commend both prosecution and defense counsel for a speedy voir dire. Given the unusually high level of pretrial publicity, seating the jury might have been much more difficult. I am gratified it was not. That said, I want both parties to understand that the circus has come and gone. I will not allow these proceedings to become anything other than a trial. Mr. Caster, you have appeared in my court before and know well the limits of my patience. Now that you have won re-election, the campaign is over. I expect you to conduct yourself accordingly. Mrs. Scott, this is your first time before me. Be advised that I have no tolerance for stunts or histrionics. And your recent profile in Jet Magazine is the last such article that will appear in the course of this trial. You are both barred from speaking to reporters until this business is concluded. Now, Mr. Caster, you may begin.

CASTER

(Rising, moving downstage to face audience.)

Thank you, your honor. Ladies and gentlemen of the jury, permit me to thank you in advance for your service to the state and the cause of justice. The case we are about to try involves the most heinous crime in the criminal code, murder in the first degree. The prosecution will prove that on September 16th of this year, the defendant, Miss Mae Lou McKitchen, did willfully and with malice aforethought stab to death her employer, Mrs. Katherine M. Wayborn, in the living room of the Wayborn home on Nottingham Terrace. You will hear from the first policeman on the scene, who arrested the defendant and gathered evidence. The coroner will explain the wounds to the body and the cause of death. The crime lab will explain the physical evidence that connects the defendant to the crime, from her fingerprints on the murder weapon to the victim's blood on her hands and knees and clothing. The victim's husband will outline the long-standing dispute that led up to the murder. Finally, you will hear the testimony of the victim's teenage son, who, just seconds after the crime, found the accused kneeling over the victim and holding the murder weapon. When you have heard all the evidence, and the presentation of the defense, I will return to you to urge you to render the only logical verdict you can. Thank you.

(Returns to his seat.)

GAVIN

Mrs. Scott.

TEMPLE

(Rising, moving downstage to face audience.)

Thank you, your honor. Ladies and gentlemen, the reason we have a trial is to examine the facts in the case from every possible perspective to determine what really happened. You see, a trial is a search for the truth. Because human affairs are necessarily complex, the truth is not always a simple thing. Mr. Caster has told you that Miss McKitchen was found holding the murder weapon. But that is what we call circumstantial evidence. It does not automatically mean Miss McKitchen was the one who used the knife to stab the victim. Moreover, the defense will show that at the time of Mrs. Wayborn's death, Miss McKitchen, a woman of limited intellect in the best of circumstances, was in a state of mental imbalance so profound she cannot explain what happened, even now, and thus was incapable of forming the intent to murder. Her brother will testify about the uncle who reared them both and whose repeated physical mistreatment of the defendant left her emotionally scarred and mentally misshapen. A psychiatrist who has examined her extensively will explain the acute detachment from reality resulting from the cruelties visited upon her since her youth. And finally, the defense will show how the events of September 16th unfolded in a manner quite unlike that put forth by the prosecution. I ask only that you keep your minds open and reserve your judgment until the very end. Thank you.

(Blackout.)

(Lights rise upstage. TEMPLE is in her seat beside MAE LOU. CASTER is standing behind the prosecution table. SANDFORD WAYBORN, in suit and tie, is seated in the witness box.)

SANDFORD

Kate was just so frustrated with the girl's incompetence. I can't tell you how many pieces of good china or crystal stemware ended up shattered on the floor or in the sink. Kate had warned her more than once.

CASTER

So your wife was planning to fire her?

SANDFORD

Oh, yes. We both were, as soon as I returned from New York. We talked about it before I left.

(Lights dim upstage, rise downstage. SANDFORD moves downstage. He faces the audience and begins to adjust his tie as if gazing into a mirror. In a beige dress, KATE enters and comes up behind him. She plucks something off the back of his suit jacket.)

KATE

A piece of fuzz from somewhere. You look fine, Sandford. I'm sure your speech will be the highlight of the meeting.

SANDFORD

You know, you're welcome to come with me on some of these trips.

KATE

And sit around with a bunch of boring men discussing boring facts and figures?

SANDFORD

Some of the men bring their wives.

KATE

Oh, I've met some of those same frumps at cocktail parties and the mayor's receptions. I look at them and I'm paralyzed with fear that they're what I'm going to turn into.

SANDFORD

You could spend all your time shopping in Manhattan.

KATE

Then what would Charlie and I do when we go to New York next month? It's much more fun to shop with someone who appreciates what you're doing.

SANDFORD

I forgot about that. I suppose we'll be picking up the lion's share of the expenses, as usual?

KATE

Roger doesn't have half your business savvy. It's not Charlie's fault they're in the hole so much.

SANDFORD

Then save the fashions for your trip with Charlotte and come with me to replace all the china we've lost.

KATE

We really haven't lost that much china.

SANDFORD

We've lost enough. You know it's time we let that girl go. It's been six months.

KATE

She hasn't broken anything in a long time.

SANDFORD
It's not just the china. Something about her bothers me, makes me uncomfortable.

KATE
You feel sorry for her. You're not used to feeling pity. It makes you uneasy.

SANDFORD
Nonsense. I feel just as much pity as the next man.

KATE
Do you pity Roger?

SANDFORD
Roger's an ass. I don't know how he holds onto a woman like Charlotte.

KATE
See?

SANDFORD
No, no. Mae Lou's different. She seems so pathetic sometimes. But that's no excuse for keeping her when she's a liability.

KATE
A liability?

SANDFORD
At our last party her uniform was crooked. She mixed up several drink orders. She had trouble keeping hats and their owners straight. She just doesn't have the polish I like to see in the help. She's a disgrace to her own people. I didn't even think that was possible.

KATE
There's no need to insult the girl or her people. She has one of the best work ethics I've ever seen, colored or white, and her cooking is divine.

SANDFORD
But that's not everything. That night even Charlotte was looking at her askance.

KATE
Charlie always looks at her askance, but if you two see eye to eye on anything—

SANDFORD
Seriously, Kate. It's time we let her go and found someone more presentable. What about the next time we entertain the governor?

KATE
I'm sure he'll find her charming. Unlike some of us, he's actually gracious.

SANDFORD
In any case, when I get back from New York . . .

(Blackout.)

(Lights rise upstage. SANDFORD is on the stand.)

SANDFORD

I guess Kate just couldn't wait.

TEMPLE

Move to strike, your honor. Assumes facts not in evidence.

GAVIN

Motion granted. The jury will disregard Mr. Wayborn's last statement.

CASTER

Your witness.

TEMPLE

Mr. Wayborn, you testified Miss McKitchen came to work for you after your previous housekeeper retired.

SANDFORD

Yes, Hettie Cumber. She was with us for five years.

TEMPLE

What was your first impression of Miss McKitchen?

SANDFORD

It was favorable enough, I suppose. Mostly, I left household matters to Kate, but the girl seemed harmless enough—then.

TEMPLE

Did you notice anything unusual about her?

SANDFORD

She was younger than any of our previous colored housekeepers. Apart from that, there was nothing out of the ordinary.

TEMPLE

What about her intellect?

CASTER

Objection. The witness isn't qualified to answer.

TEMPLE

I don't seek an expert psychological opinion, your honor, but a layman's perception.

GAVIN

Objection overruled.

SANDFORD

She didn't strike me as the brightest penny in the piggy bank, but I didn't give it much thought.

TEMPLE

Did she ever strike you as . . . fragile?

SANDFORD

No.

TEMPLE

Did you notice any physical problems?

SANDFORD

Not really.

TEMPLE

What about after she started breaking dishes?

SANDFORD

What do you mean?

TEMPLE

You've testified that she was—I'm quoting now—"butter-fingered." Did you notice any physical problems, like bodily tremors or twitching hands?

SANDFORD

No.

TEMPLE

Did you ever see anything that suggested Miss McKitchen was capable of violence?

SANDFORD

No.

TEMPLE

Were you surprised, then, to learn she had been charged with your wife's murder?

SANDFORD

Quite surprised.

TEMPLE

Why?

SANDFORD

She wasn't at all forward or aggressive. She was always polite and quiet and . . .

TEMPLE

And what?

SANDFORD

And she startled easily, like a deer at the sound of a twig snapping underfoot.

TEMPLE

Could you be more specific?

SANDFORD

Well, once I saw her lose her grip on a cup and saucer. Even though she dropped it herself, she flinched at the crash, as if the noise were a surprise.

TEMPLE

And that didn't suggest that her personality might be fragile?

CASTER

Objection.

TEMPLE

Withdrawn. No further questions.

(Blackout.)

(Lights rise upstage. TEMPLE is seated. CASTER is on his feet near the witness stand, where SANDY WAYBORN, in a prep school sports jacket, is seated. He wipes his eyes as if he's been crying. Then he takes a few deep breaths to get hold of himself and seems to settle.)

CASTER

Are you ready to continue?

(SANDY nods.)

GAVIN

Please answer verbally, Mr. Wayborn, for the record.

SANDY

Yes, sir. I-I'm ready.

CASTER

You've testified you came home and went into the living room. There you found the defendant, knife in hand, crouching over your mother—

TEMPLE

Objection. I believe the witness said kneeling.

GAVIN

Sustained. Mr. Caster, please refrain from revising your witness's testimony.

CASTER

Yes, your honor. Mr. Wayborn, you said you pushed Miss McKitchen aside and then knelt beside your mother and determined she was dead. Is that correct?

SANDY

Yes.

CASTER

What happened next?

SANDY

I said something like, “What did you do to my mother?” and she said, “I’m sorry.”

CASTER

Miss McKitchen, the defendant, said she was sorry?

SANDY

Yes.

CASTER

Sorry for what, I wonder?

SANDY

For kill—

TEMPLE

Objection! Calls for speculation.

GAVIN

Sustained. Mr. Caster, either rephrase or move on.

CASTER

Yes, your honor. Mr. Wayborn, when you saw Miss McKitchen kneeling over your dead mother, what conclusion did you reach?

TEMPLE

Objection! The witness’s conclusions are irrelevant.

CASTER

Your honor, a person may testify as to conclusions based on rational perceptions.

GAVIN

Overruled.

CASTER

What was your conclusion?

SANDY

That Mae Lou had killed my mother.

CASTER

What did you do after you reached that conclusion?

SANDY

I cried a bit. Then I went to my father's study and called the police. After I hung up I went back to the living room and sat beside my mother to wait for them.

CASTER

Thank you. Your witness.

TEMPLE

Mr. Wayborn, I know this is difficult. I will be as brief as possible.

SANDY

Thank you.

TEMPLE

I understand you and Mae Lou—Miss McKitchen—talked when you came home from school.

SANDY

Sometimes.

TEMPLE

What did you talk about?

SANDY

You know, stuff. School stuff. House stuff. I might ask what was for dinner or had she seen my tennis shoes. Stuff.

TEMPLE

Was she easy to talk to?

SANDY

Pretty much.

TEMPLE

Did you like her?

SANDY

I guess so. I mean, she seemed nice enough.

TEMPLE

You testified you reached the conclusion Miss McKitchen had killed your mother.

SANDY

Yes.

TEMPLE

You had no doubts?

SANDY

None.

TEMPLE

You didn't once consider that this nice woman might have found your mother like that and in her ignorance tried to help by pulling the knife out?

SANDY

No.

TEMPLE

You called the police and sat by your mother's body to wait for them. Is that correct?

SANDY

Yes.

TEMPLE

Where was Miss McKitchen while you waited?

SANDY

In the living room.

TEMPLE

Where in the living room?

SANDY

Right where I left her when I went to call the police.

TEMPLE

She hadn't moved?

SANDY

No.

TEMPLE

Did you watch her from the study door while you made your call?

SANDY

No. The study's across the hall and I couldn't see her from my father's desk.

TEMPLE

So she was out of your sight while you made the call but was where you left her when you returned?

SANDY

Yes.

TEMPLE

Why didn't she run?

CASTER

Objection. The witness can't know the defendant's state of mind.

TEMPLE

Withdrawn. Why didn't *you* run?

SANDY

I guess it didn't occur to me.

TEMPLE

You had no doubts that Miss McKitchen had killed your mother, but it didn't occur to you to run from her. Instead you turned your back on her to make a phone call. You turned your back on someone you thought was a murderer. Why?

SANDY

I . . . I don't know.

TEMPLE

When you pushed her aside, did you disarm her?

SANDY

Uh . . . no.

TEMPLE

So when you left her to make the phone call, she was still holding the knife.

SANDY

I think so.

TEMPLE

Did the way she was holding the knife make you think she would attack you?

SANDY

I guess not.

TEMPLE

You *guess*? Weren't you afraid of her, this woman you thought had killed your mother?

SANDY

No . . . It's funny but I wasn't.

TEMPLE

Why not?

SANDY

I guess she didn't seem dangerous at that point.

TEMPLE

Why not?

SANDY

Because she looked kind of dazed. Kind of confused.

TEMPLE

Was she in shock?

CASTER

Objection. The witness is unqualified to make such a determination.

GAVIN

Sustained.

TEMPLE

Did she look at you or say anything to acknowledge your presence?

SANDY

Not at first. Not even after I pushed her.

TEMPLE

What did she do?

SANDY

She just kept looking at my mother and crying and saying she was sorry.

TEMPLE

At that moment, were you sorry your mother was dead?

SANDY

What kind of question is that? Of course I was sorry. I'm still sorry, every stinking day.

TEMPLE

If you were sorry then, and you're still sorry, and I'm sorry, as I said in the beginning, why couldn't Miss McKitchen simply have been sorry your mother was dead?

SANDY

Because I didn't kill her and neither did you! *She* did!

TEMPLE

Sandy, did you see Miss McKitchen stab your mother?

SANDY

I didn't have to. She—

TEMPLE

Did you see her stab your mother? Yes or no.

SANDY

No.

TEMPLE

Thank you. No further questions.

GAVIN

Redirect?

CASTER

Yes, your honor. Mr. Wayborn, you have said that Miss McKitchen looked dazed. Is it fair to say that you yourself were dazed by what you saw?

SANDY

Yes.

CASTER

Is it fair to say that when a person is dazed or confused, he, or she, doesn't always think through—

TEMPLE

Objection.

CASTER

Withdrawn. Is it fair to say that when *you* yourself are dazed or confused, *you* don't always think through your actions?

SANDY

Yes.

CASTER

Could you have turned your back on the person you believed to be your mother's killer because you were dazed?

TEMPLE

Objection. Leading.

GAVIN

Overruled. You opened that door yourself, counselor. The witness will answer.

SANDY

I guess I could have done that.

CASTER

Even though at that moment you were dazed, did you know the difference between right and wrong?

SANDY

Yes.

CASTER

Since learned counsel has asked repeatedly what you saw, I would like to continue that line of questioning. When you entered the living room and saw the defendant kneeling over your mother's body, did you see blood on the carpet?

SANDY

Yes.

CASTER

Did you see blood pooled beneath your mother's body?

SANDY

Yes.

CASTER

We've already established that you saw the knife, Exhibit A, in the defendant's hand. Did you see blood on the knife?

SANDY

Yes.

CASTER

Did you see blood on the hand holding the knife?

SANDY

Yes.

CASTER

Did you see blood on the defendant's dress?

SANDY

Yes.

CASTER

Did you see blood on the defendant's shoes?

SANDY

Yes.

CASTER

All this blood you saw, was it bright red and wet-looking or dark and sticky-looking?

SANDY

Bright red and wet.

CASTER

So the blood seemed fresh?

TEMPLE

Objection. The witness is not an expert.

GAVIN

Sustained.

CASTER
Did you see any injuries on Miss McKitchen that might account for so much blood?

SANDY
No, I did not.

CASTER
Did you see any indication anyone else was in the house at the time you came home?

SANDY
No, I did not.

CASTER
So when you came home the only person in the house besides your murdered mother was the defendant, Mae Lou McKitchen.

SANDY
Yes.

CASTER
Thank you, Mr. Wayborn. No further questions. Your honor, the state rests.

GAVIN
Given the lateness of the hour, court will adjourn and resume at ten o'clock tomorrow morning.
(Raps gavel.)

(Blackout.)

(Lights rise upstage. CHARLOTTE DONNELLY, in hat, coat, and gloves, is on the stand. TEMPLE is on her feet behind the defense table.)

TEMPLE
In that case, what did you think of Miss McKitchen's mental abilities?

CHARLOTTE
Frankly, I thought she was retarded and I said so.

TEMPLE
To the best of your recollection, how did Mrs. Wayborn respond to your perception?

CHARLOTTE
She thought the girl was innocent and naive.

TEMPLE
Thank you, Mrs. Donnelly. Your witness.

CASTER
Mrs. Donnelly, I'll be brief. Again, my sympathies on the loss of your friend.

CHARLOTTE

Thank you.

CASTER

Have you and I met before, Mrs. Donnelly?

CHARLOTTE

Yes. You interviewed me in your office shortly after Katie was . . . killed.

CASTER

What did I tell you that day?

CHARLOTTE

That you had no need to call me as a witness.

CASTER

Why not?

CHARLOTTE

You said it wasn't necessary if I didn't have direct knowledge of the crime.

CASTER

Were you surprised defense counsel called you as a witness?

CHARLOTTE

Yes.

CASTER

Why?

CHARLOTTE

The victim was my best friend. I don't really want to help the one who—

TEMPLE

Move to strike.

GAVIN

Granted. The witness's last statement will be stricken.

CASTER

Are you an educator or a psychologist or a social worker—anyone at all who has a professional understanding of mental retardation?

CHARLOTTE

No, sir.

CASTER

So you know as much about the defendant's mental abilities and state of mind as the peanut vendor who stands across the street every afternoon?

CHARLOTTE

Probably less.

CASTER

Thank you, Mrs. Donnelly, for graciously giving up what I'm sure is valuable time. No further questions.

(Blackout.)

(Lights rise downstage. In the center MAE LOU stands unmoving as UNCLE LUCKY, standing behind her, nuzzles her neck and runs his fingertips up and down her arms.)

MAE LOU

Jesus loves me, this I know . . .

(Her voice quavers and her volume fades but she keeps singing as UNCLE LUCKY talks.)

LUCKY

That's right, Mae Lou. Ain't nothin' to be scared of 'cause Jesus loves you the way he couldn't love your mama and can't love me. He won't let it feel too good or hurt too much. Just close your eyes and give yourself to Jesus and it all be over soon.

(THOMAS enters just before UNCLE LUCKY's last sentence and stops several feet behind them.)

THOMAS

Uncle Lucky?

LUCKY

(Over his shoulder.)

What you want, Thomas?

THOMAS

Fire in the cookstove gone out, sir.

LUCKY

(Releasing MAE LOU and turning to THOMAS.)

Ain't you put 'nough wood in it?

THOMAS

I-I forgot, sir.

LUCKY

Dammit, boy! Can't you do nothin' right?

(Pushes past THOMAS and exits.)

(THOMAS crosses to MAE LOU, who remains still, with her eyes shut tight.)

THOMAS

Mae Lou. Mae Lou.

(Shakes her.)

Mae Lou!

(MAE LOU flinches and blinks, seems detached from her surroundings.)

THOMAS

What y'all be doin' in here?

MAE LOU

Huh?

(Blackout.)

(Lights rise upstage. THOMAS, in shirt and slacks, is on the stand and TEMPLE stands nearby.)

THOMAS

I hear 'em like that sometime, makin' funny noises in the bedroom, talkin', prayin', singin' 'bout Jesus. Uncle Lucky say Mae Lou got to have special prayers.

TEMPLE

Thank you, Mr. McKitchen. No further questions.

(THOMAS begins to rise.)

GAVIN

Mr. McKitchen, you're not quite done yet. Now it's Mr. Caster's turn to ask you some questions.

(THOMAS sits, looking confused.)

CASTER

Thank you, your honor. Mr. McKitchen, have you ever been inside the Wayborn home?

THOMAS

No, sir.

CASTER

Then whatever prayers your uncle and your sister shared, you couldn't possibly know what happened inside the Wayborn home on Friday September 16th, now could you?

THOMAS

Oh yes, sir. I know what happen.

CASTER

You do?

THOMAS

Yessir. Mae Lou ain't kill nobody. That's what happen.

(There is a ripple of laughter through the courtroom.)

CASTER

Did your sister tell you to say that?

TEMPLE

Objection!

GAVIN

Sustained.

CASTER

Did you see your sister *not* kill Mrs. Wayborn?

THOMAS

Huh?

TEMPLE

Your honor—

CASTER

Did you see your sister *not* kneeling in the victim's blood? Did you see her *not* holding the knife that—

TEMPLE

Your honor, the defendant's presence by the body has already been established. This is simply harassment of the witness.

GAVIN

Move on, counselor.

CASTER

(Contemptuously.)

Your honor, I have no further use for this witness.

(Blackout.)

(Lights rise upstage. DR. WYATT, in a suit, is on the stand, and TEMPLE is on her feet nearby.)

WYATT

The ongoing incest had detrimental effects on both the defendant's mental and physical well being. Physically, she is sterile, the result of an untreated venereal infection from which she has otherwise recovered. Mentally, she suffers from a dissociative disorder that causes her to lose touch with reality. Her only defense against the horror of repeated forcible rapes throughout her teen years was to withdraw deep inside herself. She took everything that added up to Mae Lou McKitchen—personality, perception, consciousness, memory, hope—and crammed it into a corner of her mind the size of a thimble. She hid there, mental eyes closed, cowering in emotional darkness until her uncle had gratified himself and withdrawn, until it was safe to come out.

TEMPLE

Was she aware of anything that was happening to her?

WYATT

No. For all practical purposes, her senses shut down, which is why she has no memory of her degradation at the hands of her uncle. Essentially, she disappeared.

TEMPLE

Did this kind of disappearance become a pattern?

WYATT

Yes, in times of extreme emotional distress.

TEMPLE

At such times could her body function independently of her awareness?

WYATT

Yes, it's quite possible.

TEMPLE

Could she perform actions she later could not remember?

WYATT

That too is possible, but I wouldn't say she couldn't remember. To remember, one must first be aware that something took place. Whenever Miss McKitchen was disconnected from the world around her, she was completely unaware of anything that happened.

TEMPLE

At such times would she have any concept of cause and effect?

WYATT

No.

TEMPLE

Right and wrong?

WYATT

No.

TEMPLE

In such a state could she form the intent to commit murder?

WYATT

Absolutely not.

TEMPLE

Thank you, Dr. Wyatt. Your witness.

CASTER

(Rising but looking at papers on the table.)

Dr. Wyatt, your credentials are quite impressive.

WYATT

Thank you.

CASTER

Would it be correct to say that you've been consulting with the defense in this case almost since the beginning?

WYATT

Yes.

CASTER

You've been an expert witness in nearly fifty legal proceedings, from custody hearings to criminal trials?

WYATT

Yes.

CASTER

In civil litigation you have appeared on behalf of plaintiffs and defendants. In criminal cases you have been called by both the prosecution and the defense. In divorce court sometimes you have even supported awarding custody to fathers.

WYATT

That is correct.

CASTER

Are you paid for your services?

WYATT

Sometimes.

CASTER

Is this one of those times?

TEMPLE

Objection.

CASTER
My question goes to the credibility of the witness. An expert opinion for hire is hardly—

TEMPLE
Your honor, am I wrong to presume Dr. Meyer was compensated for his time?

GAVIN
(Rapping gavel.)
All right, calm down, both of you. The objection is overruled, but the jury is not to presume that compensating experts for their time compromises the integrity of their testimony. Dr. Wyatt is directed to answer the question.

CASTER
Are you being paid for your services in this case?

WYATT
No, sir, I am not.

CASTER
What about reimbursement for travel and lodging?

WYATT
No, sir. I have traveled and taken a hotel room at my own expense.

CASTER
How very noble of you, Dr. Wyatt. Now let's move on to your explanation of the defendant's actions.

WYATT
I did not explain her actions. I tried to explain her mental state.

CASTER
Very well. Let's talk about her mental state. The defense has spent the better part of this trial trying to convince us the defendant is retarded. Is that a correct assessment?

WYATT
No, Mr. Caster, that is most assuredly not correct. Earlier, I said her Stanford-Binet I.Q. was between 80 and 85. That puts her intellect in a range classified dull normal. She is slow but educable, not retarded in the truest and most limiting sense of the word.

CASTER
Did you not say earlier her deficits were the result of her mother's alcoholism?

WYATT
Yes. While I believe Miss McKitchen's intelligence is higher than her brother's, I am convinced both suffer from physical and mental limitations caused by their mother's drinking.

CASTER
All right, so we have a defendant with physical problems?

WYATT

Yes.

CASTER

Limited intelligence but not quite retarded?

WYATT

Yes.

CASTER

A victim of incest?

WYATT

Yes.

CASTER

And now, suddenly, you want us to believe in *The Three Faces of Eve*, too?

WYATT

That film depicts a woman suffering from a split personality. Miss McKitchen does not shift from personality to personality. She shifts from having a personality to an emotional non-existence.

CASTER

So she was in this state of emotional non-existence when she killed Mrs. Wayborn?

WYATT

She was in such a state when Mrs. Wayborn died.

CASTER

Because of this . . . this psychogenic amnesia, she couldn't recall what she did to Mrs. Wayborn until—

WYATT

She couldn't recall what happened when Mrs. Wayborn died.

CASTER

All right, she couldn't recall what happened until you hypnotized her.

WYATT

Yes.

CASTER

(Holding up a journal.)

Dr. Wyatt, I have here a recent article you wrote for the Northeast Psychiatric Review. Do you recall that article?

(Hands journal to WYATT.)

WYATT

Yes.

CASTER

Would you read the title for the court?

WYATT

The Failure of the Insanity Defense for the Negro Criminal Defendant.

CASTER

(Taking back journal.)

How did you come to write this piece?

WYATT

I conducted a study of the use of the insanity defense in criminal cases and compared acquittal and conviction rates for white and Negro defendants in the Northeastern United States.

CASTER

And what did you find?

WYATT

That Negroes are three times more likely to be convicted when they plead insanity.

CASTER

How would you explain your findings? Prejudice?

WYATT

It's not overt prejudice as much as subconscious prejudice. The Negro is generally seen as less intelligent. It wasn't so long ago that encyclopedias reported such inferiority as fact. The books may be changing, but the public mind takes a lot longer. Thus, the paradox is, the Negro is seen as too dumb to be insane but not dumb enough to escape responsibility.

CASTER

Seen by whom?

WYATT

By the general public, specifically whites.

CASTER

Who determines guilt or innocence in a criminal proceeding?

WYATT

The jury, of course.

CASTER

Then don't you mean that juries are at fault for the failure of Negro insanity pleas?

WYATT

It goes well beyond juries, Mr. Caster. It involves the entire legal system, the press—

CASTER

Is that why you're here, doctor, paying your own way to prove a Negro can be insane?

WYATT

No, I honestly believe—

CASTER

How many rabbits do you have in that hat?

TEMPLE

Objection.

WYATT

I'd hardly characterize this as a magic show.

CASTER

Then what is it, doctor? Did she kill Mrs. Wayborn because of low IQ from an alcoholic mother, mental illness from rape uncovered by hypnosis—or undiagnosed measles?

TEMPLE
(On her feet.)

Objection! Argumentative.

GAVIN

Sustained.

CASTER

Permission to approach, your honor.

GAVIN

Granted.

(Both attorneys go to the bench.)

CASTER

Your honor, till now I've been patient because this is my esteemed opponent's first capital case. But I must protest the lack of focus in her presentation of the defense. The plea of temporary insanity is straightforward. It means that the defendant committed the crime but is not responsible because of mental defect or disease. Mrs. Scott's approach is all over the place. She's tried to raise doubts that her client could have committed the crime. She can't decide if the defendant is mentally ill or mentally retarded. She's called witnesses like Mrs. Donnelly, who have no bearing on the case and can render only worthless opinions. And her expert witness might as well be a nightclub performer. I am concerned about the integrity of a conviction when defense counsel opens so many doors for appeal.

GAVIN

Your concern is duly noted, Mr. Caster—and shared. But the plea is temporary insanity, which, thankfully, the current witness is addressing, so let me warn you, Mrs. Scott. Stick to your plea for the rest of the trial to avoid wasting any more of the court's time.

TEMPLE

It's not quite that simple, your honor.

GAVIN

Do you contend that your client committed the murder but is not responsible because of insanity?

TEMPLE

No.

GAVIN

Then do you contend she did not commit the murder, in which case your plea is incorrect?

TEMPLE

I do not stipulate that she committed the crime, only that she is not responsible for it.

GAVIN

You can't have it both ways, counselor. You can't change your plea at this stage.

TEMPLE

In *New York v. Perrino* the court determined that the insanity plea is not necessarily a stipulation to having committed the crime. Imagine for a moment, sir, that my client witnessed the murder, but because of her condition cannot clarify the facts and vindicate herself. Imagine also that new evidence surfaces during the trial, exculpatory evidence.

GAVIN

If you have such evidence, bring it forward and move to have the charges dismissed.

CASTER

If the evidence is conclusive, I'll agree to the dismissal without hesitation.

TEMPLE

I need the latitude, your honor, to get to the truth.

CASTER

The truth, your honor, is in the evidence we already have. It's there for those who care to see it. If Mrs. Scott is not in that company, I would suggest that after this case she confine her practice to wills and real estate closings.

(Blackout.)

(Lights up. TEMPLE is near the stand, where MAE LOU sits, shifting uneasily, her voice almost flat.)

TEMPLE

After that first time, did your uncle begin to come to your room at night?

MAE LOU

Yes.

TEMPLE

What happened when he came to your room?

MAE LOU

He hurt me.

TEMPLE

How did he hurt you?

MAE LOU

He do nasty things to me.

TEMPLE

Like what?

MAE LOU

He . . . he touch me.

TEMPLE

I know this is hard, Miss McKitchen, but I need you to tell the court how he touched you.

MAE LOU

He touch my titties. Squeeze ’em. Sometime he rub on my privates through my nightgown.

TEMPLE

What else did he do?

MAE LOU

Lift my nightgown and suck on my titties.

CASTER

(Standing.)

Your honor, the content of this testimony would appear unsuitable for open court. The prosecution will stipulate to the defendant’s having been misused by her uncle.

(GAVIN motions both attorneys to the bench.)

TEMPLE

Your honor, to better understand my client’s trauma, the jury must hear the specifics of the debasement she endured. Imagination alone will not suffice.

CASTER

Your honor, there are ladies in the gallery and on the jury.

TEMPLE

What about the lady asking the questions, or the one answering them in front of everybody on God’s green earth?

CASTER

The state wishes to avoid the appearance of prurience and offending those of delicate sensibilities.

TEMPLE
(Shooting CASTER a look of disbelief.)
You don't think seeking to barbecue my client is offensive to delicate sensibilities?

GAVIN
(Banging his gavel.)
Enough. It is my job to maintain the decorum of this courtroom, but without justice there is no decorum. Mrs. Scott, your point is well taken. You may resume your examination after we've paused for a moment. Ladies and gentlemen of the jury, I'm afraid you have no choice. You must hear this testimony. Anyone else in the gallery who wishes not to may take this opportunity to leave quietly.
(Looks at the audience and waits several seconds.)
Well, Mr. Caster, it seems no one wishes to spare his delicate sensibilities. Mrs. Scott, continue.

(CASTER returns to his seat and TEMPLE returns her attention to MAE LOU on the stand.)

TEMPLE
Miss McKitchen, you were saying that sometimes your uncle put his mouth on your breasts. What else did he do to you when he came to your room?

MAE LOU
Stick his thing in me, in my privates. Sometime in my mouth.

TEMPLE
Did he ever kiss you?

CASTER
Objection. Leading.

GAVIN
Overruled.

TEMPLE
Did he ever kiss you?

MAE LOU
Yes, ma'am.

TEMPLE
How did he kiss you?

MAE LOU
He put his tongue in my mouth.

TEMPLE
Miss McKitchen, how often did your uncle come to your room in, say, a week?

MAE LOU
Maybe three or four times. Sometime he take me to my room in the afternoon too.

TEMPLE
When did your uncle stop coming to your room?

MAE LOU
When he died.

TEMPLE
How old were you then?

MAE LOU
Almost nineteen.

TEMPLE
So you're uncle came to your room and . . . hurt you for about five years?

MAE LOU
Yes, ma'am.

TEMPLE
He hurt you perhaps as many as eight hundred times. Did you remember any of it?

MAE LOU
No.

TEMPLE
How is that you remember now?

MAE LOU
Dr. Wyatt, he hitnotize me. That help me 'member . . . and understand.

TEMPLE
Understand what?

MAE LOU
That what Uncle Lucky done wasn't my fault and I don't need to hide from it.

TEMPLE
Did Dr. Wyatt help you remember other things?

MAE LOU
Yes, ma'am.

TEMPLE
Do you now recall what happened on the day Mrs. Wayborn died?

MAE LOU
Yes. Some of it.

TEMPLE
Miss McKitchen, would you please tell the court, in your own words, what happened that day?

(Blackout.)

(Lights up downstage. The scene is the Wayborn living room, represented by the small couch seen in Act One. KATE WAYBORN enters, clad in her beige dress and wearing a pearl choker and gold bracelets. She is carrying a glass of what appears to be whiskey. Agitated, she walks past the couch, stops to take a swallow, then retraces her steps and stops again. MAE LOU enters.)

MAE LOU

Lunch be ready soon, Miz Wayborn.

KATE

Thank you, Mae Lou, but I'm afraid I'll be dining alone today. I just got off the telephone with Mrs. Donnelly. She's not . . . feeling well.

(Looks off for a moment.)

MAE LOU

Everythin' all right, miss?

KATE

Oh, sure, Mae Lou. My mind's just wandering. I'm sorry I couldn't tell you before you put all that work into the meal.

MAE LOU

It's okay, Miz Wayborn. I like to cook.

KATE

And you do it splendidly. Listen, why don't you join me for lunch?

MAE LOU

Me?

KATE

Certainly.

MAE LOU

I don't know, miss.

KATE

I know this was going to be your afternoon off. If you have other plans . . .

MAE LOU

Oh, no, Miz Wayborn. I ain't got no plans. I just . . . I . . .

KATE

Feel a little strange eating with me?

MAE LOU

Yes, ma'am. Ain't my job to eat with you.

KATE

I won't tell if you won't. Sandford's away, my lunch partner canceled, and I don't feel like dining alone. I'm sure you've made a wonderful lunch, as always. Sit down and share it with me. Afterward, we can have tea in the living room, just as we do when I have my friends over. In fact, I'll make the tea and serve you.

(MAE LOU is clearly flustered.)

KATE

C'mon, Mae Lou. Just the two of us. It'll be fun.

(She urges MAE LOU to sit on the couch, then exits.)

(Lights dim as TEMPLE speaks from the shadows.)

TEMPLE

What happened after lunch?

(Lights rise. MAE LOU is sitting on one side of the couch, looking nervous, eyes darting about. Smiling, KATE enters and sits on the other end of the couch.)

KATE

We'll let the tea steep a bit. Then I'll bring it in. All right?

MAE LOU

Yes, ma'am.

KATE

That was a wonderful meal. I know I keep you pretty busy, but I've been meaning to ask for some time now where you learned to cook like that.

MAE LOU

My uncle. He was a hotel chef.

KATE

He taught you well. I know you're from South Carolina and that you have a brother named Thomas. This is the first I've heard of an uncle.

MAE LOU

Uncle Lucky raise us when Mama died.

KATE

He must be a good man. Is he still a chef?

MAE LOU

He drownded last year.

KATE

I'm so sorry.

(For a moment neither one speaks.)

KATE

So tell me about yourself, Mae Lou.

MAE LOU

What you want to know?

KATE

Anything. I'm just pleased we're getting a chance to talk.

MAE LOU

Well, I like to go to the picture show. I like sittin' in the dark and just lookin' at somethin' and not bein' a part of it. The ladies look so pretty up on the screen.

KATE

You're very pretty yourself. Tell me, do you ever think about getting married and having children?

MAE LOU

I don't much care 'bout boys, miss.

KATE

Oh. Why not?

MAE LOU

Guess I ain't like other girls.

KATE

Then what do you want to do with your life?

MAE LOU

I don't know. Ain't thought about it too much.

KATE

Well, you should. You don't want to be a live-in housekeeper forever, do you?

MAE LOU

Prob'ly too stupid to be anything else.

KATE

Nonsense, Mae Lou, you're not stupid.

MAE LOU

But I'm so clumsy.

KATE

Accidents happen, and you haven't had one in a long time. Give yourself credit. You can do a lot more than you think.

MAE LOU

Like what?

KATE

The way you cook, you could work in a hotel restaurant, or open your own restaurant. Or you could go to school and study to be something else. How much schooling have you had?

MAE LOU

Not much. Uncle Lucky took us out of school.

KATE

Why?

MAE LOU

He say we didn't need it.

KATE

That's a shame. Education makes all the difference.

MAE LOU

We use to go to one of the teachers after school for readin' lessons but Uncle Lucky put a stop to that too.

KATE

You poor thing! Sometimes you just have to do what's right for you, no matter what, even if you have to lie about it. Where would we women be without our secrets? You should have snuck out to continue the reading lessons.

MAE LOU

I wasn't too good with books.

KATE

The more you do something, the better you get—especially if you put your heart into it.

MAE LOU

Oh, I can read a little. I read newspapers some. It's the big words give me trouble.

KATE

I'm a pretty good judge of character. If you had applied yourself to reading the same way you do to your work, I'm sure you'd have learned even the big words very well.

MAE LOU

You think I could?

KATE

You're not a girl anymore. You're a woman, a beautiful young woman. You have to start thinking of yourself that way. Women can do things that girls can't.

(Sits up straighter, inspired.)

Wait a minute. I could teach you to read better.

MAE LOU

I don't know, Miz Wayborn.

KATE

(Sliding closer.)

I really could teach you, Mae Lou.

(Touches MAE LOU's face and gazes at her.)

I could do so much for you, if you'd let me. You do trust me some, don't you?

MAE LOU

Yes, miss.

KATE

Then trust me a little more.

(KATE slips her arms around MAE LOU and kisses her squarely on the lips. MAE LOU stiffens and her eyes widen. Blackout.)

CASTER

(Banging his hand on his table.)

Objection! Objection! Objection! Your honor, this is reprehensible! I must protest this unconscionable attempt to deflect guilt by defaming the memory of a victim unable to speak in her own defense.

TEMPLE

Your honor—

(GAVIN begins to rap his gavel.)

CASTER

Kate Wayborn was a happily married woman with no hint of this kind of perversion ever attached to her name. That counsel would resort to such a desperate ploy—

(Lights rise. MAE LOU is back on the stand, crying. CASTER and TEMPLE are on their feet at their respective tables.)

CASTER

(to TEMPLE)

Have you no sense of propriety, no respect for the family of the victim? For God's sake, she has a teenage son!

GAVIN

(Still rapping gavel.)

Quiet, Mr. Caster—now! Mrs. Scott, I'll hear from you, and it had better be good. Convince me I shouldn't strike your client's entire testimony.

TEMPLE

Your honor, my client is completely without guile. Anyone can see that. Whether the events she described happened or she simply imagined them, she believes them to be real. Her testimony, given honestly, cannot be disregarded just because its content is unpleasant or raises questions of the unthinkable. As for Mrs. Wayborn's good name, if she sought intimacy with other women, isn't it wholly understandable she would keep such a thing secret? But my client is on trial for her life. Justice demands that secrets be stripped away until the truth is revealed. If Mr. Caster wants to disprove Miss McKitchen's testimony in his cross-examination, he is free to attempt to do so.

GAVIN

(Looking briefly at CASTER.)

Objection overruled—but, Mrs. Scott, for the sake of the family, move this along as quickly as possible.

TEMPLE

Yes, your honor.

(CASTER returns to his seat, visibly angry.)

TEMPLE

Miss McKitchen, what happened after Mrs. Wayborn kissed you?

MAE LOU

I don't 'member.

TEMPLE

What's the next thing you do remember?

MAE LOU

Bein' on my knees. Holdin' the knife. Sandy pushin' me away.

TEMPLE

Do you remember stabbing Mrs. Wayborn?

MAE LOU

No.

TEMPLE

When you realized that Mrs. Wayborn was dead, how did you feel?

MAE LOU

Scared . . . and sorry. Sorry she was dead.

TEMPLE

No further questions.

GAVIN

Your witness, Mr. Caster.

CASTER

Miss McKitchen, let's return to this kiss you testified Mrs. Wayborn gave you. Is it possible you mistook a kiss on the cheek for something else?

MAE LOU

No, sir. She put her tongue in my mouth.

(There is murmuring throughout the courtroom.)

CASTER

Your honor . . .

GAVIN

Continue, Mr. Caster.

CASTER

Did the kiss upset you?

MAE LOU

I . . . I don't know. I guess so.

CASTER

Did the kiss remind you of your uncle?

MAE LOU

Y-yes.

CASTER

Did you think it was your uncle kissing you?

MAE LOU

Didn't feel like him.

CASTER

Oh, come on, Miss McKitchen. Aren't you supposed to tell the court you thought Mrs. Wayborn was the uncle who raped you for so many years?

TEMPLE

Objection. Argumentative.

GAVIN

Overruled.

CASTER

Aren't you supposed to say you killed Mrs. Wayborn because you thought she was Uncle Lucky? Isn't that the core of your defense, that you didn't understand what you were doing, that you thought you were killing Uncle Lucky?

TEMPLE

Objection. Compound question.

GAVIN

Sustained.

CASTER

(Going to the evidence table and picking up the knife with an exhibit tag.)

Do you recall getting this knife from the cutlery rack in the kitchen?

MAE LOU

No.

CASTER

Do you recall returning to the living room?

MAE LOU

N-no.

CASTER

(Taking a step toward her.)

Do you recall standing face to face with Mrs. Wayborn?

MAE LOU

(Shaking, crying, beginning to hug herself.)

No. No.

CASTER

Do you recall jamming this knife into her stomach again and again and again, like this!

(Jabs the knife toward her.)

TEMPLE

(Springing to her feet.)

Objec—

(Stops and stares straight ahead. Then she begins to rummage through the files on her table.)

(GAVIN and CASTER both look at her as she pulls up one file and flips it open.)

GAVIN

Are you going to object, Mrs. Scott? If you argued badgering, I'd be inclined to sustain.

TEMPLE

Your honor, may I approach?

GAVIN

Please do.

(File in hand, TEMPLE goes to the bench, where CASTER joins her. MAE LOU is still holding herself, crying softly.)

TEMPLE

Your honor, Miss McKitchen did not kill Mrs. Wayborn.

CASTER

Good Lord!

GAVIN

Mrs. Scott, if you're trying to get me to declare a mistrial . . .

TEMPLE

No, sir. Mr. Caster just proved she couldn't have done it.

CASTER

How?

TEMPLE

The way you're holding the knife, with your index finger closest to the blade. The arrangement of Miss McKitchen's fingerprints on the knife was reversed, with the index finger farthest away from the blade.

(She rearranges the knife in CASTER's hand.)

What does that feel more comfortable for, stabbing someone in the abdomen, or the back?

CASTER

That proves nothing. White cotton fibers on the blade suggest she wiped it clean before she changed its position in her hand.

TEMPLE

Then where's the cloth she used?

CASTER

We theorize she disposed of it somehow.

TEMPLE

If she was clever enough to wipe fingerprints off the knife and dispose of the cloth, somehow, why would she pick up the knife again? Why would she return to the body?

CASTER

Maybe she was in shock. Maybe she's not smart. You've been cramming it down our throats this whole trial she's not smart. People don't become criminals because they're smart.

TEMPLE

Come on, Mr. Caster. You were the one who said the truth was in the evidence we already have, for those who care to see it. Do you care to see it, or is winning all that matters?

(Blackout.)

(Lights rise. CHARLOTTE DONNELLY has returned to the stand. She looks uncomfortable, more than a little annoyed. TEMPLE is standing near her.)

TEMPLE

I've recalled you, Mrs. Donnelly, because I'm hoping that as Mrs. Wayborn's closest friend, you can help me clear up a small detail of women's etiquette.

CHARLOTTE

I'll try.

TEMPLE

It has to do with gloves.

CHARLOTTE

Gloves?

TEMPLE

Yes. I noticed the other day that you were wearing gloves when you testified.

CHARLOTTE

I always wear gloves when I go out. Ladies wear gloves.

TEMPLE

Really?

CHARLOTTE

Young girls today might not care for such things, but I was brought up to be a lady.

TEMPLE

When is it proper for a lady to wear gloves?

CHARLOTTE

When she dresses for an occasion or dresses to be seen.

TEMPLE

Then gloves would be appropriate for, say, a trip to the opera?

CHARLOTTE

Yes.

TEMPLE

Church?

CHARLOTTE

Of course.

TEMPLE

How about an afternoon tea or a luncheon?

CHARLOTTE

I should think so.

TEMPLE

Where do you buy your gloves, Mrs. Donnelly?

CHARLOTTE

Mainly at Hengerer's downtown, in packages of three pairs.

TEMPLE

Are they made of cotton?

CHARLOTTE

Yes. I can't stand the feel of those cheap synthetics.

TEMPLE

Are they usually white?

CHARLOTTE

I don't much care for pastels, either.

TEMPLE

Would it surprise you to learn that white cotton fibers were present on the knife that killed your best friend?

CHARLOTTE

Pardon me?

TEMPLE

Did you know that white cotton fibers were on the murder weapon?

CHARLOTTE

No.

TEMPLE

The thinking was that the killer tried to wipe fingerprints off with a cotton cloth. But there's a new theory now.

CHARLOTTE

Yes . . .

TEMPLE

Now we think the killer wore gloves, white cotton gloves.

CHARLOTTE

What's that got to do with me?

TEMPLE

Nothing—unless you killed Katherine Wayborn.

CHARLOTTE

She was my best friend. Why would I kill her?

TEMPLE
Maybe because you walked in and saw her kissing another woman.

CHARLOTTE
(Suddenly standing.)
How dare you!

(TEMPLE says nothing.)

CHARLOTTE
I should sue you for slander!

(TEMPLE remains silent but continues to stare at CHARLOTTE, who sits abruptly.)

CHARLOTTE
Those threads or fibers or whatever they are could have come from anything.

TEMPLE
Mrs. Donnelly, where were you on the afternoon of September 16th?

CHARLOTTE
Home in bed with a cold. That's what why I begged off my regular lunch date with Katie.

TEMPLE
You made your cancellation by telephone?

CHARLOTTE
Of course.

TEMPLE
Then if you were home sick in bed, how is it you made the call to Mrs. Wayborn's house from a telephone booth near the Pan Am counter at the Buffalo airport?

CHARLOTTE
(Looking at CASTER.)
Object or something, damn you!

CASTER
(Remaining seated.)
No, ma'am. It was my office that got the court order for the phone records—and we also have a warrant to search your vehicle for blood traces that match Kate Wayborn's type.

CHARLOTTE
Somebody else must have phoned Katie from the airport.

TEMPLE
Perhaps, but no one called the Wayborns from *your* house that afternoon.

CHARLOTTE

I was never at the airport that day.

TEMPLE

Then if I call to the stand Miss Marianne Landon, a Pan Am ticket agent, she will not recognize you as the woman who, early that Friday afternoon, paid cash for two round-trip tickets to New York City?

CHARLOTTE

How could she? She must see hundreds of people a day.

TEMPLE

But how many of them wear white cotton gloves—or return their tickets on Monday morning for a full refund and write Charlotte Donnelly, with your address, on the reimbursement form?

(Holds up the form.)

(CHARLOTTE says nothing.)

TEMPLE

You'll feel better if you tell the truth, Charlotte.

CHARLOTTE

(Slumping.)

They were supposed to be a surprise. Katie paid for almost everything whenever we went away together because Roger can never seem to make enough. She was always doing little things for me, things I didn't expect. But lately she'd begun to seem . . . distant.

(Voice breaking.)

I didn't want to lose her. I thought if she saw that I could hold up my end of things . . . I saved for months, you know.

TEMPLE

You canceled because you were running late at the airport but decided to go to Mrs. Wayborn's anyway.

CHARLOTTE

I knew if I showed up with those tickets, she would be . . . overwhelmed. Just this once I wanted to be the one to surprise her.

(Blackout.)

Scene 3

The Courtroom.

(Lights rise. The bench and witness stand are empty. TEMPLE stands beside the defense table, shaking MAE LOU's hand. THOMAS is beside MAE LOU. When she releases TEMPLE's hand, he embraces her for a moment. Then, smiling, they walk offstage together. As they go, TEMPLE resumes gathering files and stuffing them into her briefcase. ADAM CASTER enters and watches her for a moment. Then he crosses to the defense table. TEMPLE stops and looks at him.)

CASTER

I thought you'd like to know that Charlotte Donnelly is across the street in a holding cell, waiting for her husband's lawyer. She's volunteered to give a statement. It seems your client was in the room at the time of the killing, in a trance, singing to herself.

(TEMPLE nods but says nothing.)

CASTER

I owe you an apology, Mrs. Scott. Because of the newspapers and the mayor and all the heat on my office—

TEMPLE

You don't owe me a thing, Mr. Caster. You were doing what you were elected to do, not pull your punches in court. I'm just grateful you were open to finding the truth.

CASTER

It was your persistence, counselor. A fine quality in a lawyer.

(Turns and starts to leave, then stops and turns back.)

By the way, one of my ADA's is retiring in January. I'm sure if you reapply, directly to my office . . .

TEMPLE

Thank you, but no. I don't think I'd really fit in. Besides, I like being my own boss.

CASTER

See you around, Mrs. Scott.

(Turns to go.)

TEMPLE

Mr. Caster.

CASTER

Yes?

TEMPLE

Are you going to seek the death penalty for Charlotte Donnelly?

CASTER

Probably not. Why? Do you want me to?

TEMPLE

No. I don't believe in it. For anybody.

(CASTER turns. As he exits, he encounters DR. WYATT, who is entering. For a moment their eyes meet, but they pass each other without speaking. WYATT goes to TEMPLE.)

TEMPLE

Did you see Mae Lou?

WYATT

Out in the corridor. She and Thomas went off with their minister.

TEMPLE

Do you think she'll be all right?

WYATT

Depends on what you mean by all right. Her brother loves her, and she'll have friends through her church. She can work, take care of herself . . .

TEMPLE

But you doubt she'll ever find . . . intimacy.

WYATT

Unlikely without extensive therapy.

TEMPLE

I hope she'll be happy.

WYATT

If you like, I can recommend someone local.

TEMPLE

Maybe later. Right now why don't we just leave her in peace?

WYATT

Of course. You know, you're some kind of lawyer. Just when I thought an acquittal was impossible, you pull off a dismissal. Amazing.

TEMPLE

Exhausting. I think I'll sleep for a week.

WYATT

I hope you're not too tired to answer questions. Reporters from all over the state are waiting for you in the corridor.

TEMPLE

Thank God there's a service exit.

(Closes briefcase, ready to leave.)

WYATT

You're famous, Temple. The lawyer who saved the Negro Lizzie Borden. Here you are struggling in a profession not allowed to advertise and you're going to pass up all this free publicity?

TEMPLE

Yep. Look, Fletcher, I can't thank you enough for all you've done for Mae Lou, and for me. You helped me make sense of this whole thing. If it weren't for you, she would be on her way to the death house. You're a fine doctor and a fine man.

WYATT

And a fine companion, when given the chance.

TEMPLE

I know you are . . . but I'm not free to give you that chance.

WYATT

There's somebody else and what you have is so good you'd never give it up.

TEMPLE

I'm sorry if somehow I gave you the wrong impression.

WYATT

You didn't. You made an absolutely stunning impression.

(Kisses her cheek.)

I'll head out the front door and try to distract the jackals so you can make your getaway. Stay well. It was a pleasure watching you work.

TEMPLE

It was a pleasure watching you too.

(WYATT backs away from her, then turns and exits. TEMPLE turns to exit in the opposite direction, only to find BOBBI standing there, a green scarf on her head, sunglasses in her hand.)

BOBBI

Hi.

TEMPLE

Shouldn't you still be in school?

BOBBI

I took a few days off. Been here every day, in the back corner, wearing my aunt's scarf and dark glasses, like a movie star trying not to be seen but seen. Silly, right?

TEMPLE

Not at all. Sweet is more like it. I appreciate you being here, even if I didn't know it.

BOBBI

You were something to see, Temple, slugging it out like that . . . I'm so proud of you.

TEMPLE

Thank you. Are you all right?

BOBBI

Been busy. I just talked to one of my union contacts. She's gonna call downtown to see about getting Thomas his job back and maybe putting Mae Lou on in a high school cafeteria.

TEMPLE

That would be great.

BOBBI

(Taking a tentative step toward her.)

And I'm sorry too . . . about everything.

TEMPLE

That's all right, Bobbi.

BOBBI

I know I was wrong, but I was scared.

TEMPLE

I know.

BOBBI

Real scared.

TEMPLE

I know.

BOBBI

I thought . . . I thought if you opened up Mae Lou's past and Kate Wayborn's life and made them seem like a sickness, then maybe . . . maybe it meant *we* were a sickness too.

TEMPLE

Kate Wayborn has nothing to do with us, Bobbi. Never did.

BOBBI

I know that now. And Mae Lou was a client. You had to save her life.

TEMPLE

Kate and Charlotte weren't sick. They were sad, not because they were living a secret but because they were living a lie. We're private women, you and I—and maybe we'll always have to be—but we're not living anybody's lie.

BOBBI

No, we're not.

TEMPLE

Poor Charlotte. Maybe the only intent she ever formed was to love and be loved.

BOBBI

(Embracing TEMPLE)

I've missed you.

TEMPLE

(Returning the embrace.)

I've missed you too.

BOBBI
(After a moment breaking the embrace.)
You know, it's Thursday.

TEMPLE
Is it? I've lost all track of time.

BOBBI
And *The Untouchables* comes on tonight.

TEMPLE
Oh, right.
(Picks up her briefcase.)

BOBBI
Dinner, a bottle of wine, a bowl of popcorn, and your boy Eliot Ness. What do you say?

TEMPLE
Girl, I could really use the wine. Let's go home.

(They lock arms and exit. Blackout.)

THE END

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