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The Mark of Cain
A Drama in Two Acts
by Gary Earl Ross

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Characters

DR. OSSIAN CAIN, African-American physician, late middle age

CHARLES DURHAM, white, late-60s, a brilliant but world-weary crusading attorney

ALICE CAIN, African-American, considerably younger than her husband Ossian

LIZBETH CAIN, African-American, about 19, Ossian's daughter with his late first wife

MARCELLUS CAIN, African-American, mid-40s, Ossian's younger brother

JASPER LANDIS, white, middle-aged, prosecutor

JUDGE ROYCE, white, middle-aged

INSPECTOR JOHN GRUBER, white, 30s-40s

HANNAH BRAINERD, white, 30s-40s

EMORY BUELL, white, middle-aged to late middle-aged

POLICE OFFICER 1 (in one scene, can be doubled by Landis)

POLICE OFFICER 2 (in one scene, can be doubled by Buell)

POLICE OFFICER 3 (in one scene, can be doubled by Royce)

CHARITY WORKER (in one scene, can be doubled by Hannah)

CEMETERY ATTENDANT (in one scene, can be doubled by Gruber)

TIME: Late summer and early fall, 1925

PLACE: A northern industrial city, maybe Detroit or Cleveland or Buffalo.

Act One: The Cain home. A police interrogation room. An office. A court room.

Act Two: A court room. A hospital waiting room. A cemetery entrance. The Cain home.

The stage has a simple multiple set highlighted by objects that can be shifted to represent the various locations: a home, interrogation room, office, waiting room, and a court room. On one side, downstage, is a park bench which appears in the first and final scenes of the play.

The author is indebted to Linda Chodos, Esq., for technical assistance.

The Mark of Cain was first performed as a staged reading on March 25, 2013, at Subversive Theatre in Buffalo, New York. Directed by April Jones and produced by Kurt Schneiderman, the reading had the following cast:

<i>Dr. Ossian Cain</i>	Gary Earl Ross
<i>Charles Durham</i>	Gary Darling
<i>Alice Cain</i>	April Jones
<i>Lizbeth Cain</i>	Candace Whitfield
<i>Marcellus Cain</i>	Donald Capers
<i>Jasper Landis</i>	Anthony Giambrone
<i>Judge Royce</i>	Doug Smith
<i>Inspector John Gruber</i>	Rich Kraemer
<i>Hannah Brainerd</i>	Elizabeth Oddy
<i>Charity Worker</i>	Elizabeth Oddy
<i>Emory Buell</i>	Tom Turici
<i>Cemetery Attendant</i>	Rich Kraemer
<i>Police Officers</i>	The Ensemble

The Mark of Cain premiered at the Manny Fried Playhouse, home of the Subversive Theatre Collective, in Buffalo, New York, on March 31, 2016, with the following cast and crew:

<i>Dr. Ossian Cain</i>	Gary Earl Ross
<i>Charles Durham</i>	Lawrence Rowswell
<i>Alice Cain</i>	Candace M. Whitfield
<i>Lizbeth Cain</i>	Aqueira Roberts
<i>Marcellus Cain</i>	Greg Howze
<i>Jasper Landis</i>	Brendan J. Cunningham
<i>Judge Royce</i>	Murry Galloway
<i>Inspector John Gruber</i>	Rich Kraemer
<i>Hannah Brainerd</i>	Tamara Hopersberger
<i>Emory Buell</i>	J. Tim Raymond
<i>Cemetery Attendant</i>	Rich Kraemer
<i>Charity Worker</i>	Tamara Hopersberger
<i>Police Officers</i>	Ensemble
<i>Director</i>	Michael Lodick
<i>Stage Manager</i>	Guy DeFedericis
<i>Production Manager</i>	Ryan Filer
<i>Lighting Design</i>	Kurt Schneiderman with Hasheen Deberry and Mike Mottern
<i>Sound Design</i>	John Shotwell
<i>Set Design</i>	Michael Lodick and Tom Izard
<i>Set Construction</i>	Dan Toner, James Bowra, & Katie Little
<i>Costumes</i>	Maribeth Pauline
<i>Props</i>	Ensemble

Gary Earl Ross is indebted to the cast. When the original Ossian Cain withdrew from the play for reasons beyond his control and forced Ross out of the director's chair and onto the stage, the other actors helped direct him so rehearsals could continue until another director came aboard. And thanks to Mike Lodick for agreeing to helm the production, which was dedicated to the late Gary Darling for input that helped shape the final script.

Act One

Scene 1

(Lights focus only on CAIN, seated on a downstage bench.)

CAIN

I am called Ossian Cain. I hear there are preachers using my name to denounce me from their pulpits. They say my skin is the Mark of Cain, my flesh the flesh of the first murderer. They say it's only natural that I should be in jail for killing somebody.

(Pauses.)

All we wanted was to make a home of the house we bought, to live life unmolested. After all, the Civil War ended sixty years ago. If America isn't free and equal in 1925, when will it be?

MULTIPLE VOICES (v.o.)

Get out, nigger! Go back to your own side of town. Better yet, go back to Africa! We don't want no darkies 'round here! We want our neighborhood back! You can walk out and go live someplace else or we can drag you out and put you up in a tree! We want our country back!

(Voices continue as rocks hit wood, shatter glass. More rocks, more breaking glass. A man screams. Three gunshots. Silence.)

CAIN

If the mob hadn't come, nobody would've died that night. I guess the folks threatening us forgot that part in the Bible that says whosoever slays Cain will face vengeance sevenfold.

(CAIN rises, moves upstage into darkness. Lights rise on full stage. Upstage looks like a sparsely furnished house, a table and a few chairs. Stairs may lead to an unseen upper floor. Huddled upstage center is the Cain family: CAIN, ALICE, LIZBETH, and MARCELLUS. ALICE holds a bundled blanket, and we hear a baby crying. LIZBETH embraces MARCELLUS, whose head and eye are covered by a bloody cloth. All look terrified. CAIN holds a gun, hands shaking as he points it offstage. The baby's crying is gradually replaced by angry voices outside.)

MULTIPLE VOICES (v.o.)

Damn niggers killed Lou Brainerd. I say we go in and get 'em. What are we waitin' for? They got guns. Hell, we got more guns than they do. And we got rope too. I say we burn 'em out. We got women and children out here could get hurt. Somebody already got hurt. Killed Lou, they did. Shot him dead. Come on out, nigger. Don't make us come in after you . . .

ALICE

(Clutching baby tightly.)

They're gonna kill us, Ossian! They're gonna break down the door and kill us all!

CAIN

(Still aiming the gun offstage.)

No. I'm the one they want. If I go out—

ALICE

No!

CAIN

If I go out, they'll take me and leave the rest of you alone.

LIZBETH

Papa, no!

MARCELLUS

(In obvious pain.)

Ossie, Alice is right. They'll kill all of us. The least you can do is take some of them with us.

CAIN

I've got only four bullets.

MARCELLUS

If you aim true, brother, that's four who will never do this to another colored family.

(A sharp knock at the door rises above the steady crowd buzz.)

GRUBER (v.o.)

Ossian Cain, this is Inspector Gruber of the police! Open up or we'll break in the door!

CAIN

I've got a gun!

GRUBER (v.o.)

I know you got a gun. You shot a man dead. Now put down that gun and let us in!

CAIN

This is my house. I was defending my house. Somebody out there shot first.

GRUBER (v.o.)

Nobody . . . nobody out here fired a shot.

CAIN

That man—are you sure he's dead? I'm a doctor. Maybe I can help.

GRUBER (v.o.)

There's nothin' anybody can do for him now . . . doctor.

CAIN

I didn't mean to shoot anybody. I just wanted them . . . to stop.

GRUBER (v.o.)

If you put down your gun and come out we can sort this out.

CAIN

How many people are out there? Two or three hundred? Talking about ropes and trees. What are we going to sort out, which side of the mob gets my wife and children?

GRUBER (v.o.)

If you let us in, we can take you out surrounded by police and nobody will get hurt. I hear you got a baby in there.

CAIN

She's only five months old! What kind of people throw rocks or fire guns at a house with a five-month old baby?

GRUBER (v.o.)

I told you, nobody fired a gun! We can make sure your baby is safe. We have a lady out here who'll look after her.

CAIN

Inspector, do you have any children?

GRUBER (v.o.)

Yes, three.

CAIN

A father will understand what I'm about to say. I saw a lynching once, when I was a boy back in South Carolina. I hid in a thicket and watched a crowd of white folk have a picnic under a body still hanging from a tree. Cornbread, chicken, and lemonade—while blood dripped off the dead man's toes.

(Pause as he looks at his family, all visibly afraid.)

I'll kill another twenty men—or a hundred men—before I let that happen to *my* children!

GRUBER (v.o.)

Then let us in and we'll make sure nobody gets lynched.

MARCELLUS

You can't trust them!

CAIN

(To MARCELLUS.)

If I can talk to them, man to man, father to father—

ALICE

No, Ossie!

CAIN

What else can I do? Shoot them and get us all shot? If I can talk to them, you all get to live.

ALICE

(Crying, clutching the baby tighter.)

This is our house. We bought it. The police should be chasing *them* away, not coming after us.

CAIN

(To GRUBER)

Sir, send the crowd away first. For my baby girl. Please. Then I'll let you in.

(Pauses.)

Yes, I fired the shot that killed that man. I admit that. I'll put down the gun and you can take me away. Only me. My wife and children and brother had nothing to do with this. And my brother needs to go to hospital. He got glass in his eye from one of the windows. Please.

GRUBER (v.o.)

All right, Cain.

(After a beat.)

You men move that crowd back and keep 'em back.

(At that moment wood cracks loudly, and three police officers burst onstage, two from behind, guns drawn. OFFICERS 1 and 2 speak simultaneously; OFFICER 3 says nothing.)

POLICE OFFICER 1

(Entering behind the family.)

Drop it or you're dead!

POLICE OFFICER 2

(Entering from the side at which CAIN pointed the gun.)

Everybody down, now!

(As the family reacts and complies, the police officers kick the gun aside and manacle CAIN, LIZBETH, and MARCELLUS. GRUBER, in plainclothes, enters with a woman in a drab gray CHARITY WORKER uniform. After a brief struggle, she takes the baby from ALICE, who cries as GRUBER manacles her.)

ALICE

My baby! Please! My baby!

(Blackout.)

Scene 2

(Lights rise on OSSIAN CAIN seated at a small table, his hands manacled behind his back. Sitting across from him is GRUBER, in shirtsleeves and holding a pencil above blank sheets of paper. For a moment, as lights rise, the men regard each other without speaking. They have been at this for some time; both are clearly tired.)

GRUBER

All right, Cain. Let's go over it one more time.

CAIN

You've been asking me the same questions for two hours. Do you think my answers are going to change?

GRUBER

You killed a man. Murder means a thorough investigation.

CAIN

I've already confessed. I'll plead guilty. All I ask is that my family—

GRUBER

You can't plead guilty.

CAIN

I don't understand.

GRUBER

You can't plead guilty to murder. You gotta have a trial.

CAIN

Seems a waste of time and money when you and I both know they're going to put me in the electric chair.

GRUBER

You seem pretty calm for a fella who's sure he's going to die.

CAIN

I'm not calm. I'm tired, and they won't put me in the chair tonight. But maybe I deserve it. I shot somebody. Me, who's sworn to save life. What I didn't deserve is people attacking my house, scaring my family.

GRUBER

So, you still maintain your house was under attack?

CAIN

Weren't you there? Didn't you see them? Hear them?

GRUBER

Look, Cain, there was a crowd outside your place, true enough. But it was a hot August night. If fifteen or twenty people step outside to cool off—

CAIN

Fifteen or twenty?

GRUBER

That doesn't give you the right to shoot.

CAIN

Somebody shot at my house first and threw rocks at it. My windows didn't break themselves. My brother didn't jam glass in his own eye.

(Pauses.)

Is he in hospital yet? And where are my wife and children?

GRUBER

I'll find out about your family when we're finished here.

CAIN

When will that be?

GRUBER

When . . . we're . . . finished.

(CAIN says nothing.)

GRUBER

All right. Where were you when the stone hit your house?

CAIN

Rocks hit my house. Lots of them.

GRUBER

Lots of kids were playing in the heat, throwing *stones* at each other. A few may have hit your house. Boys will be boys. Where were you when the window broke? The upstairs window.

CAIN

Downstairs, in the dark, trying to keep my wife and baby away from all the broken glass.

GRUBER

You heard a crash upstairs. Then what happened?

CAIN

I heard a shot.

GRUBER

(After a pause.)

I already told you it was probably a firecracker, from one of those boys running around.

CAIN

My daughter screamed. Lizbeth. She'd helped my brother take a few things up to his bedroom. They were upstairs when the rock throwing started.

GRUBER

What did she say, exactly?

CAIN

She didn't *say*. She screamed, "Uncle Marcellus has glass in his eye!" Right after I heard the shot. That was the last straw. I crawled to the front window and stuck my gun out. And pulled the trigger.

GRUBER

How many times did you shoot?

CAIN

Twice.

GRUBER

You didn't go upstairs right away to help your brother? You, supposedly a doctor?

CAIN

I said it was the last straw. I went up after I fired. I took him to the bathroom and wrapped his face . . .

(Pauses.)

I tried to shoot high. I just wanted to scare them away. I didn't mean to kill that man.

(JASPER LANDIS, in a suit, enters and approaches CAIN.)

LANDIS

You don't look so dangerous now that I see you up close. You're just another scared colored man who's run afoul of the law.

CAIN

Defending one's home is against the law?

LANDIS

Boy, do you have any idea who I am?

CAIN

You're the district attorney. I've seen your picture in the newspaper. I can read.

LANDIS

(Slapping CAIN.)

I will not tolerate disrespect from a quasi-intelligent Negro who thinks he's special because he went to some fancy colored vocational school.

CAIN

Sir, I am a graduate of Howard University College of Medicine and recently studied at *La Sorbonne* in Par—

LANDIS

(Quickly putting his face near CAIN's.)

I don't care if you studied at Barnum and Bailey, Cain. You're in manacles for a reason. You're a cold-blooded killer, and nothing is going to make this easier for you.

(Turns to GRUBER.)

Gruber, a word with you.

(GRUBER rises and follows LANDIS out of CAIN's earshot.)

LANDIS

What is he saying?

GRUBER

He admits he pulled the trigger, sir, but claims self-defense. He didn't shoot until a rock broke a window and glass showered his brother's face. He says somebody outside shot first.

LANDIS

(Studying him for a moment.)

The chief tells me he sent you there to keep an eye on things.

GRUBER

He got word the NPA—the Neighborhood Preservation Association—was planning to gather in front of a house on Mapother tonight because a colored family moved in yesterday. He sent me to observe.

LANDIS

How could you let it get to this point?

GRUBER

Do you how many people were out there?

(Lowering his voice.)

Hundreds, and I'm one man, in plainclothes. I went to a call box and told the precinct captain we might have a riot on our hands. He sent twenty cops, but by the time they got there, there might have been three hundred people. Shouting, throwing rocks, maybe shooting . . .

LANDIS

All right. It's not your fault. But we still have a problem.

GRUBER

Look, sir, I'm not keen on the idea of a dinge shooting a white man and walking away from it, but this was no back alley crime. This case is different. This man is different.

LANDIS

How? That he's more arrogant than your run-of-the-mill darkie?

GRUBER

He's a doctor. His wife's a teacher. His brother's a dentist—or was. Looks like he's gonna lose that eye. The mob attacked their house. *Their* house. I told him it was a firecracker but somebody outside might've shot first. For Christ's sake, they had a baby inside—

LANDIS

Are you suggesting I file no charges? A white man shot dead in front of a couple hundred—

GRUBER

Mr. Landis, he already confessed.

LANDIS

—in front of maybe *three* hundred witnesses, and a colored man holding the gun. If I don't do something—something big—they'll ride me out of town on a rail before the next election.

GRUBER

He expects the electric chair. All he wants is for his family to be safe.

LANDIS

They moved in yesterday? The house barely has any furniture. A table and chairs, a couple of old beds. Who moves in without furniture unless it's for some criminal purpose?

GRUBER

Maybe it hasn't come yet. Maybe he spent everything on the house and can't afford furniture.

LANDIS

It doesn't matter. This is going to trial, and I expect your report to back me.

GRUBER

Then please consider manslaughter, sir. He doesn't deserve to die for this.

LANDIS

No, I'm going to charge them with murder. All of them . . . except the tar baby.

(Blackout.)

Scene 3

(Lights rise on the same small table but the room is empty. There is the sound of heavy doors unlocking. ALICE and LIZBETH enter. LIZBETH ranges about, nervous and afraid, while ALICE is more stationary. From time to time during this scene both women cough, ALICE more than LIZBETH.)

LIZBETH

Why are we here, Alice? What are they going to do to us here?

ALICE

I don't know.

LIZBETH

Maybe they're going to let us go. Papa said that if he'd—

ALICE

(Sharply.)

No!

(More calmly.)

No, they're not going to let us go. A man died, and somebody has to be locked up for that, but no matter what happens, we can't let your father sacrifice himself for us. Do you understand?

LIZBETH

Yes, ma'am.

ALICE

We must find a way to endure this as a family. For all our sakes.

LIZBETH

Then are they going to beat us? Make us talk about what happened? Or maybe—

ALICE

(Seizing her as she passes.)

Lizbeth! Stop!

(Holds her at arm's length and looks into her eyes.)

When I was your teacher, what did I always say?

LIZBETH

Alice, this isn't school. This can't be fixed with words of encouragement.

ALICE

(Firmly.)

Lizbeth, what did I always tell you? All my students.

LIZBETH

(Lowering her head a bit.)

Carry yourself as a lady for no one but yourself.

ALICE

No matter what, remember that you are a lady, and a Cain. So far all we've been is locked up. We haven't been beaten yet . . . or brutalized. Don't let your imagination take us to unseemly places we haven't gone.

LIZBETH

But I'm afraid, Alice. Some of the women in our cell . . .

ALICE

I'm afraid too, but not of those women. Most of them live miserable lives, but Rose is the only one I suspect would hurt somebody. Stay away from all of them but especially her.

LIZBETH

I understand.

ALICE

I'm more afraid for your father and Marcellus . . . and most of all for Ella.

(Doors squeak. CAIN enters.)

CAIN

I've been worried sick about you for two weeks, both of you! Thank God you're all right!

ALICE

LIZBETH

(Both rushing to embrace him.)

Ossie!

Papa!

(The long, quiet embrace ends.)

LIZBETH

Papa, why are we here? Did they tell you?

ALICE

(Touching his face as he shrugs an answer.)

Ossie, what have they done to you?

CAIN

Just bruises, Alice. Nothing I can't live with.

ALICE

They beat you. They beat you because you're a Negro.

CAIN

It wasn't the police, honey. It was Big Sam.

ALICE

Who's Big Sam?

CAIN

A colored man they put in our cell a few days ago. They brought him in drunk. When he sobered up and found out I was a doctor, he said I thought I was better than he was. Then he hit me for no reason. Twice, the rusty-legged fool!

ALICE

Oh, Ossie!

CAIN

But I hit him back.

(Looking at his fists.)

I hit him back good, maybe nine or ten times, and I knew where to hit him too. He went down hard, and I'd have kept on hitting him if the other men hadn't pulled me off him. No account Negro screaming in my face because I finished schooling he didn't have the brains to start.

(Both women step back, as if unsure who CAIN has become.)

CAIN

After days in that cell, with no way to wash, no tooth powder, having to . . . to relieve myself in front of others . . . After all that, it almost felt good to hurt somebody.

ALICE

Ossian, the man I love is a healer. You can't let them change you, make you a lesser man.

CAIN

They already have changed me. I won't be a lesser man for anybody.

(For a moment no one speaks.)

LIZBETH

Papa, was Uncle Marcellus there with you?

CAIN

No. They told me he was in a hospital ward with guards by his bed.

(Hesitates.)

The doctors had to take his eye out.

(ALICE and LIZBETH react, moving away. CAIN follows.)

CAIN

Alice, have they told you anything about Ella?

ALICE

The matron said she's in a foundling home until all this is settled.

CAIN

Good. At least we're all alive. Where there's life there's possibility.

(Pauses.)

You'll get her back. I promise.

ALICE

Don't make such a promise if—

(She begins coughing hard and motions him back.)

The cell we're in has quite a draft. We share a single bunk, for warmth.

CAIN

A draft? In August?

ALICE

It is damp beyond reason.

LIZBETH

And there are these women who don't look healthy at all.

ALICE

They're not the kind of women Lizbeth should associate with, ever.

LIZBETH

I don't say anything to them except hello.

ALICE

Just keep it that way, polite and nothing more.

(Looks at CAIN.)

Ossie, what are we going to do? The matron said it could take months to get a lawyer. We can't be away from Ella that long.

CAIN

Inspector Gruber tried to tell me we couldn't have a lawyer. I had to quote the United States Constitution to him, Article VI of the Bill of Rights. I told him that as a citizen I was entitled to counsel.

ALICE

(After a moment.)

Did he enjoy the civics lesson?

CAIN

Alice?

ALICE

I know it must have felt wonderful to show that white man how smart you are, Ossie, to show him you're not only smarter than he thought you were but smarter than he is. You've always been righteously proud, and I've never been anything but proud of you . . .

(Begins to cry.)

. . . but we need more than your pride to put Ella back in my arms. We need a lawyer.

(CAIN reaches for her but she moves away.)

CAIN

I met with a lawyer two days ago. A colored man named Robinson. He'll take the case, but it's going to cost us a lot of money. We'll probably have to sell the house.

ALICE

Sell the house? We just bought it.

CAIN

Alice, I know you love the place but—

ALICE

We spent almost everything we had on it and whatever was left we spent ordering furniture. Furniture we didn't even get to sit on. What about the garden I wanted to plant next spring? And the sun room next to the kitchen . . . and the wallpaper we planned for the baby's room?

(This time when he reaches, she comes, sobs into his shoulder.)

CAIN

We don't have any choice. I've tried to confess but they say there has to be a trial.

ALICE

Where are we supposed to live if . . . if we get through this?

CAIN

I can't think about that right now. The only way to get you and the children and Marcellus out of this mess is to let Robinson take our case. If he can get them to accept my confession and let you all go . . .

ALICE

What makes you think they'll listen to a colored lawyer any more than a colored doctor?

(Tries to pull away but he holds her.)

Don't you see? They won't let us go! They mean to kill us, all of us. I know that now.

(She lets him hold her. LIZBETH embraces them both.)

(There is the sound of heavy doors unlocking and opening.)

CAIN

He said the money would take time. But maybe there's a buyer and he's here to start our case.

(Presently, MARCELLUS, now wearing an eye patch, enters, and they all rush to embrace him. As the next few lines are given, CHARLES DURHAM, carrying a briefcase, steps in behind MARCELLUS but no one notices him at first.)

LIZBETH

Uncle Marcellus!

CAIN

Brother! I am so thankful to see you!

MARCELLUS

No more than I am to see all of you. They just moved me from the hospital to the jail.

ALICE

(Hesitant, indicating his eye patch.)

Are you . . . are you in pain?

MARCELLUS

(Touching his forehead above his eye patch.)

I'm better now but at first it was like a toothache in my whole head. It still throbs terribly when I try to sleep, as if closing my remaining eye puts a strain on where the other one was.

CAIN

It will take time, but the pain will lessen. You're alive. That's all that matters. Just being with all of you gives me hope.

(DURHAM clears his throat, and they all turn to look at him.)

DURHAM

Dr. Cain, I'm afraid you're going to need more than hope.

CAIN

(Stepping in front of his family.)

Who are you, sir?

DURHAM

Unless you object, I'm your attorney.

(Stepping forward to extend his hand.)

Charles Durham.

(CAIN hesitates, then takes DURHAM's hand.)

CAIN

Did Mr. Robinson send you?

DURHAM

I don't know a Mr. Robinson, at least not in this town. I was engaged by Dr. Cain here—the other Dr. Cain—to represent you all.

(The family turns to MARCELLUS.)

MARCELLUS

One of the cleaning ladies in the hospital was colored. Gladys. She talked to me one night while the guard dozed off in his chair. She got a message to the local NAACP. They sent to Chicago for Mr. Durham.

CAIN

Chicago. Aren't you the man who defended those two college students who killed a child—and that biology teacher in Tennessee?

DURHAM

I am.

CAIN

Mr. Robinson said I'd have to sell the house to pay him. I expect you're going to cost a little bit more than he does.

DURHAM

Did he offer to arrange the sale while you're here in jail?

CAIN

Why, yes!

DURHAM

(Shaking his head wearily.)

You shouldn't have to lose your house when you got thrown in jail for defending it.

CAIN

How am I to pay you?

MARCELLUS

The NAACP is paying, Ossie.

CAIN

The NAACP? Why? I've declined their offers of membership since long before we went to France.

MARCELLUS

I'm a member, but it doesn't matter. They say this case is about freedom, the freedom to protect your own home, no matter what color you are.

DURHAM

When I leave here, the first thing I'll do is find your Mr. Robinson and put a halt to any sale he's trying to arrange. We'll need that house for evidence.

CAIN

I don't understand.

DURHAM

I'll have my investigator examine your house, take photographs of damage that will prove you were under attack.

CAIN

No, I don't understand why you're doing this. They can't pay you enough to defend us all.

DURHAM

Dr. Cain, as you no doubt see, I am an old man. And successful. Truth be told, I've made all the money I need. Sure, I'll take payment, but if for some reason the NAACP can't pay, I'll still serve as counsel for all of you. When I got word of your case, I knew the cause was just.

CAIN

What about that business in Chicago? Those two cold-blooded killers from rich families. Was that a just cause?

DURHAM

Yes. The state of Illinois wanted to execute them. I don't believe in the death penalty.

CAIN

Two wrongs don't make a right?

DURHAM

Something like that. And even rich monsters are entitled to a defense. It's in the Constitution.

ALICE

They got life, didn't they?

DURHAM

Life plus ninety-nine years, which is ninety-nine more than I was seeking . . . Mrs. Cain.
(Shakes her hand and then shakes LIZBETH's.)

And you must be Elizabeth.

LIZBETH

Just Lizbeth.

DURHAM

Hello, Lizbeth.

(Releases LIZBETH's hand and turns back to CAIN.)

So, now *this* state wants to execute *you*, Dr. Cain, and maybe your whole family. If I didn't believe in the death penalty for a pair of unfeeling killers, I surely don't believe in it for a man defending his home from a mob.

MARCELLUS

Ossie, you can be stubborn and prideful sometimes, but Mr. Durham here is our best chance. Let him help.

CAIN

I can't do life in prison, sir. I'd rather die. And Alice and Lizbeth—

DURHAM

A man's home is his castle. That's a firm principle in English common law and the American law that followed it. You shouldn't have to go to prison for keeping your castle safe.

CAIN

Defender of the damned.

ALICE

Ossie!

CAIN

I'm not swearing, honey.

DURHAM

No, ma'am, he's right. That's what the papers call me sometimes.

CAIN

I'm just recognizing this situation for what it is.

ALICE

What's that?

CAIN

We are the damned.

DURHAM

Welcome to the club. I'm a charter member, and I'll try to get you through your initiation with your skin intact.

CAIN

With all due respect, Mr. Durham, you chose to join this club. You can walk away at any time. We were members at birth, precisely because of our skin, and our initiation never ends.

DURHAM

(Nodding as he places his briefcase on the table.)

Then I apologize for my flippancy, Dr. Cain, my poor attempt at humor. The sons of the men who damned your fathers now plan to kill you. Let's start figuring out how we're going to stop them.

(Blackout.)

Scene 4

(Lights rise on a desk and chairs in JASPER LANDIS's office. LANDIS is seated, looking through brown file folders. Across from him is HANNAH BRAINERD.)

LANDIS

So, Mrs. Brainerd, you were standing in front of the house with your husband and suddenly the Negroes started shooting.

HANNAH

Yes, sir.

LANDIS

For no reason.

HANNAH

None I could figure out.

LANDIS

Did you or your husband shout anything at the house? Or throw anything at it?

HANNAH

No, sir. There was some kids out there playing, running around, making noise and such. Boys mostly. Maybe they threw something.

LANDIS

Tell me again why you walked over from your house on Goethe Street [**pronounced GO-THEE**]. Three blocks is a long stroll.

HANNAH

It was a hot night. We went for a walk. The night before we turned left at the corner of our street. That night we turned right.

(Looks down, dabs her eyes with a handkerchief.)

I wish we'd turned left again.

LANDIS

Good.

HANNAH

Does this help you?

LANDIS

(Standing and offering his hand when she stands.)

Yes. I will do my best to make sure the men who killed your husband are punished.

HANNAH

Thank you.

(She exits. After a moment, there is a knock. EMORY BUELL enters, dressed in an ill-fitting suit.)

LANDIS

(Standing to shake BUELL's hand.)

Mr. Buell, I'm glad you could come in.

BUELL

(His accent is vaguely Southern.)

Anythin' I can do to help, Mr. Landis.

LANDIS

(Hesitating, then gesturing BUELL into a seat.)

As you no doubt know, I'm interviewing those who were gathered on Mapother Street the night the colored men opened fire. I understand you were there, beside the man who died.

BUELL

Yes, sir. I saw him fall.

LANDIS

Why were you there?

BUELL

You may already know, sir, that I'm active in the Neighborhood Preservation Association.

LANDIS

And the NPA was there because . . .

BUELL

It is no secret that where Negroes go, crime and neighborhood decay soon follow.

LANDIS

Did the NPA gather with the intention of attacking the Negroes?

BUELL

No, sir, not at all. We hoped that by bein' there we would suggest they might be happier in another neighborhood. There was no reason to act . . . uncivilized.

LANDIS

Then is it possible a few members of the NPA were just walking through the neighborhood? It was a hot night, and maybe you just happened to pass the Negroes' home.

BUELL

Yes, that is possible.

LANDIS

Is it also possible some members of your group did not know Negroes had moved in and seeing them through the windows stopped because of . . . natural curiosity?

BUELL

Yes . . .

LANDIS

Then a gathering of fifteen or twenty people may have formed quite innocently, with no intent to harm the Negroes.

BUELL

Fifteen or twenty. Yes. No one wanted to hurt them. We just wanted . . . We thought they'd be happier elsewhere.

LANDIS

In a manner of speaking, you had their best interests at heart.

BUELL

I 'spect you could look at it that way.

LANDIS

But then they started shooting.

BUELL

Yes, they did.

LANDIS

And they hit Lou Brainerd, killing him. Is that what happened?

BUELL

Happened just like that.

LANDIS

And if I call you as a witness you will testify to all this?

BUELL

Yes, sir.

LANDIS

Their attorney will attempt to make this case all about race.

BUELL

Just what I'd 'spect a colored lawyer to do.

LANDIS

Cain's attorney is a white man.

BUELL

But I thought . . . I mean, I heard somethin' about a colored lawyer.

LANDIS

That was before the NAACP got involved. They hired a white man, a very clever white man named Charles Durham.

BUELL

I think I heard of him.

LANDIS

If I put you on the stand, he'll have an opportunity to question you. You can't say some of the things you said to me to Charles Durham. He'll make this case about race instead of murder.

BUELL

What kind of a white man turns on his own this way?

LANDIS

Here in the north there are whites who have great sympathy for Negroes.

BUELL

And this Durham fella is one of them.

LANDIS

(After considering how to answer.)

Actually, he's more like that than most. A lot of whites have sympathy for coloreds and don't wish them any harm, but they're not willing to live next door to them either. Durham is one of the few who would give Negroes all the rights and privileges enjoyed by whites.

BUELL

That's unnatural!

LANDIS

Mr. Buell, what part of the South are you from?

BUELL

(Proudly.)

North Carolina born and bred, a little town called Beaudine Run.

LANDIS
(Jotting notes.)

How long have you lived here?

BUELL

In this burg? Five years or so. Why?

LANDIS

I want to put you on the stand—after all, you were standing next to the victim and can take jurors back to that night—but your accent will be like a lightning rod to Durham. He will accuse you of harboring racial attitudes that justify the shooting.

BUELL

No matter what he says, I can tell what happened. I was standin' there talkin' to some people when shots came outta the house. Then everybody got down fast—everybody except for Lou Brainerd, who just dropped like a rock.

LANDIS

Then what happened?

BUELL

A woman started screamin'. I crawled on over to Lou and felt his neck and realized he was dead.

LANDIS

How many shots came from the house?

BUELL

Two or three, I guess. Coulda swore I heard one whistle right past my ear.

LANDIS

Don't guess. Be sure.

BUELL

But it all happened so fast.

LANDIS

How many shots?

BUELL

(After a pause.)

Three.

LANDIS

And one shot was very close to you. It missed you and hit Lou Brainerd.

BUELL

Yes.

LANDIS

Can you tell where in the house the shots came from?

BUELL

No, sir, but they sure as hell came from that house.

LANDIS

Tell it like that, without the hell. You must say nothing about your feelings about Negroes or how happy they'd be in another neighborhood or the NPA. Do you understand?

BUELL

Yes, sir.

LANDIS

It was a hot night and you took a walk and ended up on Mapother. There you talked to people. Some of you might have been surprised to learn Negroes had purchased the two-story house at 133, and a handful of boys throwing stones at each other may have hit the house. But you didn't come to threaten anyone or drive the Negroes out. The instant you forget that, this trial becomes a race case, and Lou Brainerd gets no justice.

BUELL

Can't have that now, can we?

(GRUBER enters, offers more folders to LANDIS.)

GRUBER

Mr. Landis, sorry to intrude.

LANDIS

Gruber, can't you see I'm busy?

GRUBER

These are more witness statements. I thought you'd like them right away.

(Lowers his voice as LANDIS takes the folders.)

And I thought you'd like to know you have a visitor outside waiting to talk to you.

LANDIS

Last time I looked I had lots of visitors waiting to talk to me, filling up benches on both sides of the corridor.

GRUBER

This one isn't a witness trying to testify.

LANDIS

Then who is it?

GRUBER

Charles Durham.

LANDIS

(Quiet for a moment, then standing slowly.)

How long has he been there?

GRUBER

I can't say. He was out there talking with people when I came upstairs.

LANDIS

Talking with people? With my witnesses?

GRUBER

Some of them, even Mrs. Brainerd.

LANDIS

Get him in here now!

(Looks at BUELL.)

Take Mr. Buell out first and tell him . . . tell him we're doing everything we can about the men who robbed his house.

GRUBER

Sir?

LANDIS

Are you deaf, inspector?

GRUBER

No, sir.

LANDIS

Then do as I say. And, Buell, don't say a word to Durham.

BUELL

I got nothin' to say to nigger lovers, sir.

LANDIS

Send Mr. Buell down the hall quickly and send Mr. Durham in.

(GRUBER and BUELL exit. After a beat DURHAM enters, extending his right hand as he holds a briefcase in his left.)

DURHAM

Mr. Landis, I'm Charles Durham

LANDIS

Happy to meet you, Mr. Durham. Have a seat.

(DURHAM glances at the desk top as they sit.)

DURHAM

I've been in town about thirty-six hours, but I expect you already know I'm representing the Cain family.

LANDIS

I do, sir.

DURHAM

And I guess you're wondering why I've come all the way up to your office when the trial is still several weeks off.

LANDIS

To talk to my witnesses perhaps?

DURHAM

Oh, the people out in the hall? I had no idea—

LANDIS

Mr. Durham, spare me your country lawyer act. I know you're more sophisticated than that.

DURHAM

I am a country lawyer.

LANDIS

Who tries big cases in big cities, your recent vacation in Tennessee notwithstanding.

DURHAM

By country, Mr. Landis, I mean the United States. I practice law in the United States of America to make sure this country lives up to its ideals.

(Pauses to wait for a response that does not come.)

But we can debate such things later, in court. Right now I'm here for a different purpose.

LANDIS

What purpose?

DURHAM

A humanitarian appeal for bail.

LANDIS

Bail is set or denied by the court. You know that.

DURHAM

But the prosecutor's recommendation can carry great weight. You know *that*.

LANDIS

I requested denial because I thought the defendants posed a risk to the community.

DURHAM

As much as I prefer to debate the merits of your case in front of a jury, quite frankly I am surprised you charged the entire family with murder. I have yet to examine the weapon, but I look forward to seeing a gun with a grip and trigger guard big enough for four hands and four trigger fingers at the same time.

LANDIS

They share responsibility for the crime.

DURHAM

Even though Dr. Cain has confessed? Even though his brother had an eye full of glass and was upstairs with Dr. Cain's daughter when the fatal shot was fired?

LANDIS

Mr. Durham, I will not drop charges against the other three.

DURHAM

(Smiling.)

I'm not asking you to drop the charges. I'm not even seeking bail for everyone, just for the women. Incarceration has placed a special hardship on Mrs. Cain and her stepdaughter. Mrs. Cain was holding her baby when the shot was fired. It is for that baby that I make this plea.

LANDIS

The baby is in a home and being adequately cared for.

DURHAM

Yes, but not *lovingly* cared for. Little Ella needs her mother, not some drably dressed matron in a ward full of foundlings. She is not a foundling. She has parents and a sister who love her.

LANDIS

(After a moment of thought.)

Would they return to the house? With neighborhood passions so roused, I could not guarantee their safety there.

DURHAM

The residents of Mapother Street can sleep easily. We have made other arrangements.

LANDIS

(A beat or two.)

All right, Mr. Durham. I will withdraw my request for denial of bail for Alice and Elizabeth Cain.

DURHAM

Lizabeth.

LANDIS

I beg your pardon?

DURHAM

Dr. Cain's late first wife was named Elizabeth. Their daughter is Lizabeth. She's a student at the teacher's college and—.

LANDIS

All right. Lizzy . . . beth.

(Makes a note in a file.)

Is there anything else?

DURHAM

Yes, I'd like to see the house. To go through it with one of my associates and get a feel for what happened there.

LANDIS

I can have Inspector Gruber accompany you.

DURHAM

Would that be the same Inspector Gruber who arrested my clients?

(Pauses.)

If I'm not mistaken, one of the men leaving your office just before I came in called the other one Gruber.

(Nods.)

Yes, I'd like to talk to *him*.

LANDIS

Gruber may be too busy, in which case I can have someone else accompany you.

DURHAM

Or perhaps we can save your office the trouble of finding an escort and go in alone. I promise not to steal the furniture.

(Smiles.)

(Blackout.)

Scene 5

(Lights rise on a courtroom: a judge's bench, witness stand, and two counsel tables. LANDIS is at one table, DURHAM and the CAINs at the other. Both tables have a few brown file folders. In court scenes, the CAINs react to testimony. Lawyers stand when addressing the court and sit after speaking or when a ruling is rendered. Recorded courtroom noises may be used as needed. GRUBER is on the stand. LANDIS stands at his table.)

LANDIS

Inspector Gruber, while you were still outside and seeking his surrender, did Mr. Cain, the principal defendant, threaten to kill more people?

GRUBER

Yes, sir. He said would kill twenty more men or maybe a hundred.

LANDIS

Did you believe him?

GRUBER

He'd already killed one man, so yes, I—

DURHAM

Objection. We are here to establish whether the defendant is guilty. The witness cannot say with certainty he then knew it was Dr. Cain who shot the victim unless he saw him do so.

JUDGE

Sustained. The witness's last remark will be stricken from the record. Continue, Mr. Landis.

LANDIS

Inspector, at the time you were preparing to enter the house, did you *believe* the man to whom you were speaking had killed the victim?

GRUBER

Yes, sir.

LANDIS

Did you believe the man inside the house posed a danger to the community and to himself?

GRUBER

Yes, I did.

LANDIS

What did you do?

GRUBER

I directed two groups of officers to enter the house, one from the front, the other from the rear. Also, I told a third group to . . . to make sure the bystanders didn't come too close.

LANDIS

And your plan was a success.

GRUBER

Yes, sir. We disarmed and subdued the suspects before they had a chance to resist.

LANDIS

Later, when you interrogated Mr. Ossian Cain, did he confess to shooting Louis Brainerd?

GRUBER

Yes, sir.

LANDIS

Did he offer any explanation as to *why* he shot Mr. Brainerd?

GRUBER

He said he thought his house was under attack.

LANDIS

Why would he think that?

GRUBER

There were boys outside playing, throwing stones. Some of those stones may have hit the defendant's house.

LANDIS

In your opinion, inspector, did the response outweigh the presumed provocation?

GRUBER

Sir?

LANDIS

Was the defendant's reaction to a few stones hitting his house too severe?

GRUBER

Oh, yes, sir.

LANDIS

Your witness, if you care to ask this one your usual question.

(Sits.)

DURHAM

I ought to object to that, but I think I'll save my customary question for later.

(Rising and drawing near the stand.)

Sir, you testified my client said he'd kill twenty more men or maybe a hundred. Is that right?

GRUBER

Yes.

DURHAM

Were those his exact words?

GRUBER

As near as I can recollect.

DURHAM

Did his words strike you as odd in any way?

GRUBER

I . . . I don't understand the question.

DURHAM

Language is a funny thing, especially when we use the word *or*. We might say one *or* two, as in one or two minutes passed. We might say two *or* three, four *or* five, five *or* ten in all kinds of sentences. Two or three days later, for example, a letter came.

LANDIS

Your Honor, I doubt the court is in need of a grammar lesson.

DURHAM

Your Honor, I wish only to clarify the witness's testimony.

JUDGE

Please do so quickly, sir.

DURHAM

Of course. Several witnesses have testified there were fifteen or twenty people walking on Mapother Street that night. That kind of one *or* the other statement gives us a range where we can park doubts and impreciseness. But twenty or a hundred? That's an unusual verbalization of uncertainty. Any idea why Dr. Cain said it, inspector?

LANDIS

Objection. Calls for speculation. The witness can't know Mr. Cain's state of mind.

JUDGE

I'll allow it so Mr. Durham can make his point.

GRUBER

I have no idea why he said it.

DURHAM

Did Dr. Cain tell you he had seen a lynching once and that he would kill twenty or a hundred men to keep his children from being lynched?

GRUBER

He . . . he may have said something to that effect.

DURHAM

Then perhaps he said it under duress. In any case, you said your men disarmed the suspects.

GRUBER

Yes.

DURHAM

How many weapons did you confiscate?

GRUBER

Six—no, seven. Knives and a revolver.

DURHAM

Where did you find the knives?

GRUBER

In the . . . in the kitchen.

DURHAM

Knives kept in the kitchen! What an absolute threat to society!

LANDIS

Your Honor.

JUDGE

Resist the urge to make editorial comment, Mr. Durham.

DURHAM

Sorry, Your Honor. When the witness said they confiscated knives, I expected him to tell us the Cain family were all brandishing those knives at police, like savages.

(Turning back to GRUBER as courtroom chatter rises.)

But all they had was a single revolver.

GRUBER

Yes.

DURHAM

So when you disarmed *them*, *they* were all holding the gun?

GRUBER

Well, no. Doc—Mr. Cain, Ossian Cain, was holding it.

DURHAM

Then when you disarmed Marcellus Cain, what was he holding?

GRUBER

I can't recall.

DURHAM

(Producing and holding up the bloody towel.)

Could he have been holding the towel his brother had used to cover his injured eye?

GRUBER

Yes, he could.

DURHAM

Can you recall what Lizbeth Cain was holding?

GRUBER

No.

DURHAM

Maybe it was her uncle's arm. We know it wasn't a knife or a gun. And what was Alice Cain holding when she was . . . disarmed?

GRUBER

I think she had a baby.

DURHAM

A baby? What caliber was it, .25 or .32? Or was Mrs. Cain threatening your health and safety with a diaper full of moist buckshot? Oh, wait, then you would have arrested the baby too.

LANDIS

Objection! Counsel is attempting to make a joke of this witness!

DURHAM

Clearly this witness makes a joke of himself by claiming to disarm *them* of a single gun. I suggest the prosecution reacquaint its witness with the perjury laws of this state before I register a formal complaint with the appropriate bodies.

GRUBER

I meant to say we disarmed *him*. Dr. Cain. He was the one holding the gun.

DURHAM

Very well. You have also testified that shooting a gun at the crowd was an unwarranted response to the situation.

GRUBER

That's right.

DURHAM

Then in your opinion, Mr. Gruber, when people gathered outside a man's house break his windows and injure a member of his family, all the while making threatening statements, what would constitute an appropriate response to the actions of an apparent lynch mob?

LANDIS

Objection! Assumes facts not in evidence. No one has given testimony about threatening statements. Nor have we established how the windows were broken. And to call fifteen or twenty people a mob, let alone a lynch mob—

DURHAM

Withdrawn, though one fact not in evidence—

(Points to MARCELLUS, who briefly stands.)

—is as plain as the eye patch on Marcellus Cain's face.

(Whirls on GRUBER amid courtroom chatter.)

Inspector, how did Dr. Cain the younger lose his eye?

GRUBER

I wasn't there. I can't say.

DURHAM

What's your best guess?

LANDIS

Objection! Calls for speculation. For all we know Mr. Cain broke the upstairs window.

JUDGE

Sustained.

DURHAM

Then during my defense, I'll just have to call young Dr. Cain to explain how he broke an upstairs window and got shards of glass to defy gravity and fly backward into his face and onto the floor.

(Holds up a hand as LANDIS rises to object.)

Withdrawn. Inspector, I'll ask my customary question now. Who was with you that night?

GRUBER

No one at first. Then other police officers came.

DURHAM

How many?

GRUBER

Maybe ten or twelve.

DURHAM

That's odd. Records at the nearest precinct indicate the precinct captain on duty that night sent twenty men.

GRUBER

There may have been that many.

DURHAM

Why did they come?

GRUBER

(Hesitating.)

Because I used a call box to ask for additional men.

DURHAM

Why did you need additional men for fifteen or twenty people taking an evening stroll?

GRUBER

I guess . . . I mean, I thought I was just doing my . . .

DURHAM

Never mind, inspector. I withdraw the question. This witness is excused.

(GRUBER leaves the stand, visibly grateful for release.)

JUDGE

This is as good a time as any to recess for lunch. Court will resume at 1:30 p.m.

(Bangs gavel.)

(Occupants of both tables rise as the JUDGE leaves the bench. LANDIS exits but DURHAM and the CAINS remain behind. DURHAM packs his briefcase as CAIN speaks.)

CAIN

Mr. Durham, as I am unfamiliar with the practice of law, I am hardly in a position to criticize. Frankly, however, you have seemed somewhat lackluster in your pursuit of our defense.

ALICE

Ossian! There's no call to be rude!

CAIN

Until this last witness, I couldn't even say for certain we had an attorney. With all due respect, sir, you have sat there doing crossword puzzles and scribbling while one person after another has taken the stand and lied. And twice Mr. Landis has called me a quasi-intelligent Negro . . .

(He trails off, his shoulders sagging in defeat.)

Can't we just make an end to this? You got Alice and Lizbeth bail. Maybe now he will be willing to take me, execute me, and leave my family in peace.

LIZBETH

(Embracing him, tearfully.)

No, Papa, no! I can't—

CAIN

(Pressing a finger to her lips.)

Hush, child! Hush.

DURHAM

Is he always this impatient?

MARCELLUS

Yes, always, even when we were children. He could never set aside a problem until *he* understood it and solved it.

DURHAM

An admirable quality in a man of science, but I'm afraid law lacks the precision to which you are both accustomed. The law cannot be multiplied or divided to reach the same product every time. It must be tended thoughtfully and diligently if it is to remain the one human creation capable of making all men equal.

ALICE

Ossie, sometimes you have to let go and have faith other people can do what must be done.
(Begins to cough. CAIN pats her back until she stops.)

DURHAM

Dr. Cain, I'm sorry if my methods are not immediately clear to you, but I do take comfort in your confusion. If you don't understand what I'm doing, I hope Mr. Landis, who is not your intellectual equal, is just as much in the dark. But he does have the advantage of knowing the law, so I must be very careful with him. Trust me, sir, just a little longer.

ALICE

They're waiting for you both, Ossie, by the door. Go now, and have faith. I love you.

(Blackout. ALICE begins coughing again.)

Scene 6

(Lights rise. HANNAH BRAINERD is on the stand, dabbing her eyes. LANDIS stands at his table.)

HANNAH

And when the Negroes stopped shooting, we all started to get back up, everybody but Lou. He was just laying there on his side. I screamed at him to get up. Then a man . . . touched him and said he was dead.

LANDIS

Mrs. Brainerd, I am sorry to have put you through those terrible minutes again.

HANNAH

I wish we'd turned left that night and gone the other way on our walk. If we did . . .
(Buries her face in her hands as the courtroom buzzes.)

LANDIS

No further questions. Your witness.

(DURHAM rises slowly, respectfully, giving HANNAH a moment to collect herself.)

DURHAM

Mrs. Brainerd, I am very sorry for your loss and just as sorry I must take you through it again.

HANNAH

I don't mind telling what happened if it gets my Lou the justice he deserves.

DURHAM

Of course. We all want justice.

(Pauses.)

First, I'd like to clear up a detail I may have missed. You have said you live three blocks from Mapother Street. Would you state your address again?

HANNAH

We . . . I mean, I live at 95 Goethe [**pronounced GO-THEE**] Street.

DURHAM

Goethe [**pronounced GO-THEE**]. Would you please spell that?

HANNAH

G-O-E-T-H-E. The first e is silent.

DURHAM

Thank you. Twice in your testimony you said the Negroes were shooting.

Yes. HANNAH

How did you know? DURHAM

Sir? HANNAH

How did you know *Negroes* were shooting? Did you see them? DURHAM

Uh . . . no. HANNAH

Then how did you know the shooters were Negroes? DURHAM

I guess because everybody knew Negroes had moved into that house. HANNAH

So the fact that the new owners were colored was discussed that night? DURHAM

Yes. HANNAH

Was it discussed before that night? DURHAM

Objection. Relevance. LANDIS

Sustained. JUDGE

Please tell us again how many people were outside the Cain home on Mapother Street that night. DURHAM

Objection. Asked and answered. The defense seems to be repeating my questions, Your Honor. Wasn't counsel listening when they were asked the first time? LANDIS

JUDGE

Mr. Durham, we needn't clutter these proceedings with repetition.

DURHAM

(Picking up a folder and examining its contents.)

According to my notes, Mrs. Brainerd said there were fifteen or twenty people on the street that night.

(Flips through the folder.)

The prosecution has called a dozen witnesses who've all testified there were fifteen or twenty people on the street. All have used the exact same words, fifteen or twenty. It doesn't matter which end of the street the witness was standing on. No matter the perspective or the time of the evening, they all say the same thing.

LANDIS

Surely counsel doesn't wish to imply the witnesses did not testify in good faith.

DURHAM

Oh, I'm sure they did. But my clients estimated at least two hundred from their windows.

LANDIS

It's in the defendants' interest to exaggerate the number of people outside.

DURHAM

In the prosecution's to underestimate, I should think.

LANDIS

Does defense counsel accuse the prosecution of lying, of suborning perjury?

DURHAM

I accuse no one of anything. I wish only to look at facts. The day I met the prosecutor at his office, exactly forty-two witnesses were seated on benches in the hall, waiting to see him.

LANDIS

Your Honor, many people wait outside my office. Mr. Durham can't know whether they were there to give witness statements for this case or to address other business.

DURHAM

Not unless they tell me. They told me when I asked.

LANDIS

(Waiting for courtroom chatter to settle.)

Sometimes people l—exaggerate to become part of something they see as important.

DURHAM

Really? How many of the prosecution's witnesses would fall into *that* category?

LANDIS

Your Honor, I have attempted to call only the most reliable witnesses.

DURHAM

Or the most believable.

LANDIS

I resent your implication, counselor.

DURHAM

I have implied nothing. The prosecution would be a damn fool to put a barely credible witness on the stand. And we all know Mr. Landis is no fool. As I said, forty-two witnesses that day, and I came just before lunch time, so I have to wonder how many had already been seen.

(Waits for a response that LANDIS doesn't offer.)

Twelve witnesses with the same words: fifteen or twenty bystanders and boys throwing rocks.

LANDIS

Stones.

DURHAM

Yes, they all said stones or pebbles. Like this, which we found inside the house?

(Begins to hand LANDIS a rock but drops it. It's loud.)

How clumsy of me! Sorry.

(Picks it up and hands it to LANDIS.)

Now, I have asked the witnesses who accompanied them that night. Each named at least one person—spouse, neighbor, friend—but most named two or three, a few four or five. By my count, and I have been listing names, we're already at thirty-nine, not including boys throwing stones or policemen. So, Your Honor, with direct testimony placing the number somewhere north of sixty, I'd like to ask this witness again, how many people were on the street that night?

JUDGE

You are directed to answer, Mrs. Brainerd.

HANNAH

I . . . I guess I don't know exactly how many.

DURHAM

Too many to count?

LANDIS

Objection.

JUDGE

Overruled. The witness will answer.

HANNAH

I guess too many to count.

DURHAM

Previously, you testified that you were looking away when the shooting started.

HANNAH

Yes, I was talking to Mrs. Fletcher

DURHAM

How many shots did you hear?

HANNAH

Three maybe? Two for sure, but the first one was different. It might've been a car backfiring.

DURHAM

You all got down, you said, and your husband didn't get back up.

HANNAH

(Not dabbing her eyes and with a note of defiance.)

Yes.

DURHAM

So you did not see your husband shot?

HANNAH

No, sir.

DURHAM

Is it possible someone other than the Negroes shot him? Is it possible he was shot by someone in the crowd you yourself have said had too many people to count?

LANDIS

Objection. The testimony of our firearms expert has already established that the bullet which killed Mr. Brainerd came from Mr. Cain's gun.

DURHAM

Likely came from Dr. Cain's gun—which, according to your expert, *likely* had been fired only twice. But I withdraw the question. The witness is released.

(Blackout. Lights rise. EMORY BUELL is on the stand.)

BUELL

It was a real hot night. Too hot to sit in my room and read so I decided to go for a walk.

LANDIS

Who went with you on this walk?

BUELL

Ben Peterson. His room's 'cross the hall from mine in the boarding house.

LANDIS

Did you eventually run into other friends and neighbors?

BUELL

Yes. Harold Sturm, Dave Fletcher, a few more . . . and Lou Brainerd.

LANDIS

Where did you run into these gentlemen?

BUELL

Over on Mapother Street.

LANDIS

Near the Cain house?

BUELL

Right in front of it.

LANDIS

Had you heard that Negroes were living there?

BUELL

In all honesty, sir, yes, I did. You know how word gets 'round a neighborhood.

LANDIS

Do you think that's why so many people were walking on Mapother?

BUELL

Maybe. People get curious, you know? We weren't used to seein' colored folk in the area.

LANDIS

How many people do you think there were walking on Mapother?

BUELL

I don't rightly know. I didn't count 'em, and people were constantly movin'.

LANDIS

Did you go over to Mapother with the express purpose of bothering the Negroes?

BUELL

Oh, gosh no! I'm from North Carolina, true 'nough, and I seen some bad things done down the way, but I got nothin' 'gainst colored folk. Long as they act right.

LANDIS

So you didn't engage in name-calling or rock-throwing?

BUELL

No, sir.

LANDIS

Did you see boys playing, maybe throwing stones?

BUELL

Can't say I did. There mighta been kids but I didn't pay 'em no mind.

LANDIS

Where were you when the shooting started?

BUELL

Right out front on the sidewalk. We all hit the ground pretty quick.

LANDIS

Were you able to tell where in the house the shots came from?

BUELL

No, sir, but they definitely came from that house.

LANDIS

How many shots did you hear?

BUELL

Three. I'm sure of it.

LANDIS

And one shot was very close to you, wasn't it? It missed you and hit Lou Brainerd.

BUELL

Whistled right past my ear, it did, and Lou just dropped like a sack of rocks. I crawled over to him and felt his neck but he was gone.

LANDIS

Your witness, Mr. Durham.

(Sits.)

(DURHAM rises slowly, watching BUELL, studying him.
BUELL returns the scrutiny as DURHAM approaches.)

DURHAM

I am glad finally to meet you, Mr. Buell.

BUELL

(Confused, then uneasy and wary.)

You're glad to meet me?

DURHAM

Yes, sir. I've looked forward to talking to you since I first saw your name on the witness list.

(Smelling a trap, LANDIS sits forward, intent and worried.)

BUELL

I don't understand.

DURHAM

Well, I saw you the day I visited Mr. Landis's office. You were coming out with the inspector who mentioned your name and that your house had been robbed. You said, "Thank you, Mr. Gruber." But you dropped your r's enough to tell me you weren't from around here. Later, on Mr. Landis's desk I read the name Emory Buell upside down on a folder tab. When I learned you rented a room and there was no robbery, I thought, "Now that's an interesting fella."

LANDIS

Is Mr. Durham going to question Mr. Buell or invite him to a party for interesting people?

JUDGE

Please ask a question, counselor.

DURHAM

Mr. Buell, you're from North Carolina. How long have you lived up here in the frozen North?

BUELL

About five years.

DURHAM

And how long did you know the victim, Lou Brainerd?

BUELL

Maybe a year. I don't know for sure.

DURHAM

Did you know his wife?

BUELL

Of course. I mean, not real good, but I met her.

DURHAM

That's odd. She said, "A man touched him and said he was dead," not *Mr. Buell* touched him. Why do you suppose she said that?

BUELL

I wouldn't know.

DURHAM

What is the Invisible Empire?

BUELL

I beg your pardon?

LANDIS

Your Honor, what does this question have to do with the case being tried?

DURHAM

It goes to the witness's credibility, Your Honor. I beg the court's indulgence for a few minutes while I lay a foundation.

JUDGE

All right, sir, but know that I will stop you if I believe you're wandering too far afield.

DURHAM

Understood.

(Pauses a moment to look at BUELL.)

My question was, what is the Invisible Empire? And I remind you that you are under oath.

BUELL

It's another name for . . . the Ku Klux Klan.

DURHAM

(Waiting for courtroom chatter to subside.)

And what kind of organization is the Ku Klux Klan?

BUELL

As far as I know, it's a social organization dedicated to . . . preservin' Southern heritage. By and large, the Klan is in the South. I don't know what—

DURHAM

Just answer my questions, Mr. Buell. Has the Ku Klux Klan murdered people in its efforts to "preserve Southern heritage"?

BUELL

Like I said, I seen some bad things done down the way.

DURHAM

Are you familiar with Klan activity here in the North?

BUELL

I heard there were chapters in some cities up here, upholdin' the prohibition of alcohol.

DURHAM

Chapters sprang up in many Northern cities after the film *Birth of a Nation* was so successful.

LANDIS

Your Honor . . .

JUDGE

Mr. Durham, you'd better connect this to the case at hand very quickly.

DURHAM

Your Honor, are you familiar with events last year that involved the Klan in this very city?

JUDGE

I am, sir. I must say I was shocked at the revelations.

DURHAM

Glad to hear it. Last year your mayor posted on the doors of City Hall, for all the world to see, a membership roster of the local KKK. Almost 2,000 names, many prominent. Some men left the area. A few committed suicide. Everyone thought that pretty much ended the Klan around here.

JUDGE

Your point, Mr. Durham.

DURHAM

(Produces a small pamphlet from his jacket pocket.)

I have a copy of that list right here, and I want to point something out to Mr. Buell. This is a city with large immigrant populations, is it not, Your Honor? People have come from places like Germany and Italy and Poland and settled here and had families.

JUDGE

That is true.

DURHAM

Yet, on this list I see no names that seem Italian or Polish—or Jewish. I see English names, Scot, German, others, but no Italian or Polish. What do you make of that, Mr. Buell?

BUELL

I don't know.

DURHAM

In addition to terrorizing Negroes, other non-whites, and Jews, the Klan has no use for Catholics, does it? Many Poles and Italians are Catholic, are they not?

LANDIS

Objection. Relevance. Your Honor, with all due respect, I think this has gone on long enough.

DURHAM

The point is that the Klan's attempt to gain a foothold in this city by vilifying Catholics failed, so it turned to its original object of hatred, the Negro, to revive its sick movement up north.

LANDIS

Your Honor, this is outrageous! The defense is making assertions that have no basis in the evidence presented so far. This is clearly an attempt to shift the focus from the murder charge to a charge of racial bigotry.

DURHAM

Your Honor, I realize what I'm saying assumes facts not in evidence, so I'd like to place such things in evidence right now.

JUDGE

You're on eggshells, Mr. Durham, but as a Catholic who was demonized by these miserable excuses for Americans, I will give you a bit more room to wander, but only a bit.

DURHAM

Yes, sir. Thank you. First, I'd like to submit into evidence this booklet of names.

(Places pamphlet on the bench as LANDIS joins him.)

BUELL

Well, *my* name ain't on that list.

DURHAM

No, it's on *this* one.

(DURHAM produces more papers amid chatter.)

Your Honor, this is a membership roster from a klavern—that's Klan cavern—in Beaudine Run, North Carolina, Mr. Buell's home town, along with a sworn deposition from Edward Montessor, an investigator who spent time in Beaudine Run. Here's the name Emory Buell, with a note that he left Beaudine Run a year and a half ago—"on klavern business," it says.

(Moves to the witness stand as LANDIS takes his seat.)

BUELL

That don't prove nothin'!

DURHAM

On the contrary. At the very least it proves you're guilty of lying. And it raises serious questions. I've defined klavern, Mr. Buell. What is a kleagle?

BUELL

You know so much you tell me.

JUDGE

Mr. Buell, I will have you jailed for contempt unless you answer.

BUELL

It's a Klan leadership title. It means Klan Eagle.

DURHAM

A kleagle is a pretty important fella, isn't he?

BUELL

Yes.

DURHAM

That sheet says you're a kleagle.

BUELL

What of it?

DURHAM

What is the Neighborhood Preservation Association, the NPA?

BUELL

It's just what it sounds like. And yes, I'm a member.

DURHAM

Oh, you're so much more than that. According to these—

(Produces more papers, meets LANDIS at the bench.)

—you're the founder and you passed out this call to keep Mapother Street pure. And this marginal note: "NPA, Niggers Pushed out of America." Is that your handwriting, sir?

BUELL

Yes.

DURHAM

Well more than fifteen or twenty people were there that night, but most probably didn't realize they were being used by the KKK to resurrect itself. Otherwise innocent folk, motivated by a simple-minded bigotry, thought they were making their neighborhood safer. Did you even know Lou Brainerd? Or was he just another sucker who signed on to your sickness?

BUELL

That don't matter. That . . . *Nigra* murdered a white man and now he's gotta pay.

DURHAM

Why don't you call him a nigger and get it over with? It's what you really want to do, isn't it?

LANDIS

Objection!

JUDGE

Sustained. Counsel's last remarks will be stricken from the record.

(LANDIS goes to his table and sits, uncertain what else to do.)

DURHAM

Which brings me to why Mr. Buell came north in the first place. Your Honor will remember Max Obermiller, the police officer who infiltrated the local klavern and stole the membership roll, which the mayor posted to drive the Klan out of town—just over a year and a half ago. His car was driven off the road a few weeks after the list appeared and he was shot dead. Witnesses saw three men with kerchiefs covering their faces. The officer wounded one, Mordecai Striker, whose name was on the Klan list, and killed another, one Thomas Dixon of Tilton, North Carolina, a stone's throw from Beaudine Run.

(Pauses as others look at BUELL and react.)

JUDGE

Mr. Durham, connect this now to the case at hand or I will have this entire line of questioning stricken.

DURHAM

Yes, sir. The third man managed to escape. Officer Obermiller's body had five slugs from two different guns—three .32s and two very rare 5mm bullets. Since Dixon was clutching a .32 and Striker was unarmed, we assume the third man carried the 5mm pistol.

(He produces something small and a piece of paper.)

Your Honor, the final piece I'd like to enter into evidence, along with another sworn affidavit, is a 5mm bullet Mr. Montessor dug out of the upstairs front window casement of the Cain home, where Marcellus Cain was standing when shattered glass entered his eye. Now *I* can't prove Mr. Buell fired this bullet at the house or took part in the murder of a police officer. But if the bullets from Officer Obermiller are still in evidence storage and somebody executes a search warrant for Mr. Buell's room, I'd be willing to bet your firearms expert could make a hell of a case.

(Blackout as courtroom chatter reaches a crescendo.)

End of Act One

Act Two

Scene 1

(Lights rise on CAIN, standing near the defense table. Seated around the table are ALICE, LIZBETH, and MARCELLUS, who is laughing. CAIN moves downstage, visibly less excited than his brother. From time to time through this scene, ALICE is wracked by coughs.)

MARCELLUS

(Standing, looking downstage at CAIN.)

I told you, Ossian. I told you. Mr. Durham was the lawyer for us. I knew it! What he did to that man was one of the sweetest things I've ever seen. That fool didn't know whether he was coming or going.

LIZBETH

If they can prove he killed that policeman, maybe he'll be the one to go to the electric chair.

MARCELLUS

If he does, maybe Mr. Durham can fix it so I get to watch. Maybe the last thing that moron sees will be me winking at him.

(He touches his eye patch; abruptly, his mood changes.)

Stupid peckerwood! He couldn't just let us be. No, he had to bring that nonsense up north with him. Now look at me! How am I supposed to make a living? Who's going to trust a one-eyed dentist?

ALICE

(Rising and going to him.)

Marcellus, it will be all right.

(Coughs.)

Mr. Durham is a good man. I have faith, in him and in God.

CAIN

(Erupting.)

Where is God in all this! Why doesn't He stop this madness? This evil? Why hasn't He stopped it for these many thousands of years? How many good and faithful children of God have suffered and died amid His silence?

ALICE

(Going to CAIN, placing a hand on his chest, his heart.)

God is here, Ossie. Right here. This where God lives and this is where He makes us better people. This is where we find salvation.

(CAIN pulls away from her.)

ALICE

This is my fault. This is all my fault.

LIZBETH

(Rising and going to her.)

You haven't done anything. Papa's just troubled by all this. Worried. But *you* haven't done this to us . . .

ALICE

I was the one who wanted that house. *That* house.

CAIN

(Turning toward her.)

Alice, no.

ALICE

Because of me we paid more than the house was worth and we marched right into misfortune.

LIZBETH

Papa, tell her it's not her fault.

ALICE

(Looking at LIZBETH and coughing.)

If *I* hadn't insisted . . . If *I* hadn't loved the way the sunlight came through the windows in the room next to the kitchen . . . If I hadn't imagined Ella sleeping in that cute little room where I wanted to put the rose wallpaper . . .

CAIN

(Embracing her, patting her back as she coughs blood into a handkerchief. She glances at it. He doesn't see it.)

No, honey, no! It's not your fault. It's mine. I was the one foolish enough, arrogant enough, to think they wouldn't mind having a doctor among them. I would have helped them, treated their children, eased their dying.

(Pauses, then adds bitterly.)

But now I know nothing will ever please them. So we will see this through together. All of us. And you were right about Mr. Durham, Marcellus. He is exactly the man we need.

(Leads ALICE to a seat as she hides the handkerchief.)

MARCELLUS

He should be back any moment. Then we'll see if he's worked some of his famous courtroom magic.

CAIN

Rest a moment, Alice. Try to breathe easily. Rest, and let your strength come back.

(Leads LIZBETH downstage, away from ALICE.)

Lizbeth, Alice has said nothing today of Ella. Is she all right?

(MARCELLUS sits and places a hand on ALICE's forearm.)

LIZBETH

She doesn't want to worry you, Papa, but the baby has been sick, coughing as Alice is coughing.

CAIN

Dear God . . . Is there some problem at Reverend Callan's?

LIZBETH

No, sir. The room is fine, and his wife takes excellent care of Ella while we are here in court. Alice is with her all through the night.

CAIN

Tonight I want you to care for Ella, tonight and all through the weekend. Let Alice rest. Be sure they both get plenty of water and sunshine. But *you* take care of the baby.

LIZBETH

I've tried but—

CAIN

Do as I say. And tell her I said so. I will talk with her before you leave today.

(The sound of a heavy door opening. DURHAM enters and sets his briefcase on the table. MARCELLUS stands. CAIN and LIZBETH gather round.)

MARCELLUS

(Pumping DURHAM's hand.)

Mr. Durham, you are a remarkable man. I don't know how you found out what you did, but the way you used it in court . . .

LIZBETH

Is that man really going to be arrested for murdering a policeman?

DURHAM

The matter's being investigated even as we speak.

CAIN

Amazing. Sir, I must apologize . . . for my lack of faith.

DURHAM

No need, sir. It's really Ed Montessoro, the best investigator I've ever worked with. He can buy or charm his way into any information I need. He's ready to testify. You'll have a chance to meet him . . . if I get to put on a defense.

CAIN

If?

DURHAM

I have good news and bad news.

(Pauses for a question; none comes.)

All right. First, Marcellus, you're free to go, and both you ladies. Mr. Landis is dropping the charges.

(All three react with momentary relief.)

DURHAM

The judge told him his case against you was weak, circumstantial, and fueled by prejudice.

MARCELLUS

The *judge* said this?

DURHAM

Yes, Judge Royce seems a fair and decent man. He suggested that if two women and a one-eyed man were convicted in his courtroom for being in the house when a gun was fired, he might just vacate the verdict.

ALICE

Can he do that?

DURHAM

He's the judge, Mrs. Cain. He can do what he wants, within reason.

MARCELLUS

(Looks at CAIN, who looks away, knowing the answer.)

What's the bad news?

DURHAM

(To CAIN.)

As for you, Dr. Cain, Landis is willing to accept a guilty plea in exchange for life in prison without parole, and the judge has agreed.

(For a moment no one speaks as they exchange looks.)

CAIN

And if I decline their generosity?

DURHAM

The trial will continue, with twelve white faces sitting in judgment and the electric chair at the end of the line.

CAIN

Mr. Durham, I'm fifty-three years old . . .

ALICE

Oh, Ossian . . .

CAIN

I can't spend the rest of my life fighting people like Big Sam.

ALICE

No. Please!

CAIN

(To ALICE.)

Am I to watch Ella grow up on visiting days? To give Lizbeth to her husband with a letter?

(Pauses.)

Am I to fall asleep each night to the memory of your touch?

(He touches her face, tenderly.)

(ALICE steps into his arms and for a time no one speaks.)

DURHAM

(Clearing his throat.)

I can request a special placement from the judge, somewhere you won't be with the most hardened criminals. I think he will be amenable to the idea. A place you'll have books and writing paper and sunshine. And I can ask that you be put in the prison infirmary.

CAIN

To work for free, like a slave. To patch up men like Buell after brawls in the prison yard. Men who'd just as soon see me dead. No, sir. I want Ella to know that I lived for something . . . and I died for something.

DURHAM

Then I'll tell the judge we'll be ready to resume trial Monday morning.

CAIN

Thank you.

(ALICE and CAIN hold each other tight.)

(Blackout.)

Scene 2

(Lights rise on the courtroom. DURHAM stands at his table, alone. CAIN is on the stand. He is subdued, perhaps troubled.)

DURHAM
Comment vous appelez-vous?

LANDIS
Your Honor?

CAIN
Je m'appelle Ossian Cain.

LANDIS
Objection, Your Honor!

DURHAM
Quel âge avez-vous?

JUDGE
Mr. Durham . . .

CAIN
J'ai cinquante-trois ans.

JUDGE
Mr. Durham, if you ask another question in any language but English, I will hold you in contempt.

DURHAM
Of course, Your Honor.

JUDGE
I presume you engaged in this stunt for a good reason.

DURHAM
Yes, sir. Permit me to explain.

LANDIS
I object to this, Your Honor. Counsel is supposed to be questioning his witness, not testifying himself. We don't need an explanation for a breach of procedure.

JUDGE
Objection overruled, Mr. Landis. I have a feeling you can thank yourself for my ruling.

LANDIS

I don't understand.

JUDGE

Mr. Durham, please explain.

DURHAM

From the beginning, Mr. Landis has sought to diminish my client's attainments. I won't speculate why he chooses to do this, but never once has he referred to Ossian Cain as doctor. Twice in this courtroom and in three separate newspaper interviews, he has called my client a "quasi-intelligent Negro." Once he even said Dr. Cain was a vocational school graduate.

LANDIS

Your Honor, this is a cheap trick. He could have objected to my statements at any time.

(To DURHAM.)

You chose not to, just so you could make a point later.

DURHAM

What point would that be, Mr. Landis?

LANDIS

Your Honor . . .

DURHAM

Jurors may wish to give Dr. Cain the chair but I want them to know whom they're condemning.

JUDGE

It is apparent, Mr. Landis, that Mr. Durham wishes to correct the record. I see no reason to deny him the opportunity.

DURHAM

Thank you, Your Honor.

(Pauses for LANDIS to sit.)

Dr. Cain, where and when were you born?

CAIN

Near Charleston, South Carolina, fifty-three years ago.

DURHAM

What did your father do to earn a living?

CAIN

My father was an ex-slave who became a sharecropper and over time saved enough to send my brother and me to school.

DURHAM

Make a better life for your children—the American dream. Where did you attend college?

CAIN

I earned my undergraduate and medical degrees from Howard University in Washington, D.C.

DURHAM

Where did your brother go to school?

CAIN

He too went to Howard and is a graduate of their dental school.

DURHAM

How long have you been a medical doctor?

CAIN

Thirty years. I finished the College of Medicine at twenty-three.

DURHAM

Where have you practiced?

CAIN

First in Washington, then in New York City—mainly in Harlem.

DURHAM

What kind of practice have you maintained?

CAIN

General practice, chiefly internal medicine, but in the past four years I've begun to focus on treating cancers.

DURHAM

Dr. Cain, you have said you are fifty-three. Your wife, Alice, is considerably younger?

CAIN

Yes, by almost twenty years.

DURHAM

But you have a daughter nineteen. Were you married before?

CAIN

My first wife, Elizabeth, passed away in 1918.

DURHAM

I am sorry to hear that. How did she die?

CAIN

She was a nurse. During . . .

(Hesitates, looks down, then away, before turning back to DURHAM.)

It was during the Spanish Flu epidemic. We were working in New York at the time. People were dying so fast that October their caskets were stacked outside the cemetery gates. Despite our precautions, we both got the flu. It took her and left me.

DURHAM

So she died—and you nearly died—trying to care for the sick among your fellow men?

CAIN

(Quietly.)

Yes.

DURHAM

Did you and your first wife have any other children besides Lizbeth?

CAIN

Yes, a son named James.

DURHAM

And where is James now?

CAIN

Dead.

DURHAM

How did *he* die?

CAIN

His colored infantry unit was gassed during the war. He died two weeks after his mother, a few days before the Armistice.

DURHAM

So your son died in service to this country.

CAIN

Yes, and as a physician who understands the gas he inhaled, I know he died in great pain.

DURHAM

Where is your son buried?

CAIN

In France.

DURHAM

Have you visited his grave?

CAIN

Yes.

LANDIS

Your Honor, in the interest of moving things along, the prosecution will stipulate that Mist— Doctor Cain is educated and has suffered personal losses.

JUDGE

Are you objecting?

LANDIS

I hate to interrupt an admittedly sad tale, but I do question the relevance.

DURHAM

The relevance is that in our system of law every man is entitled to his day in court, to have his say. This is Dr. Cain's day, and I beg the court's indulgence so that he may be heard.

JUDGE

Continue, Mr. Durham.

DURHAM

Thank you. Dr. Cain, how did you meet your current wife?

CAIN

Alice was a teacher in my daughter's school, back in Harlem. I met her there five years ago, when she was still new.

DURHAM

A teacher? Impressive. And you now have another daughter, Ella, seven months old.

CAIN

(Voice almost breaking.)

Yes.

DURHAM

Where was Ella born?

CAIN

In Paris, France.

DURHAM

A few minutes ago you answered my questions in French. Did you learn French at Howard?

CAIN

Yes.

DURHAM

Do you speak it fluently?

CAIN

Oui, I do.

DURHAM

Please explain how your daughter came to be born in Paris.

CAIN

About a year after Alice and I married, I was offered a post-doctoral study opportunity that began at the Sorbonne.

DURHAM

The Sorbonne is part of the University of Paris.

CAIN

Yes. For two years I was at the Sorbonne, the Ringstrasse Clinic in Vienna, and then the Radium Institute in Paris to do advanced research into various cancer treatments.

DURHAM

During which time you learned your wife was in the family way.

CAIN

At my age I was a bit nervous at the prospect of a newborn.

(Pauses. Offers a bittersweet smile at the memory.)

But Alice was excited beyond belief. And radiant. I love the light in her eyes when she smiles.

DURHAM

Describe the circumstances of Ella's birth.

CAIN

When the time came, we tried to enter the American hospital in Paris. Once they saw us, hospital administrators wouldn't let us past the front door.

DURHAM

Why not? An American hospital, funded by Americans for Americans.

CAIN

They were concerned white Americans would object to a colored woman in the next bed.

DURHAM

So you, American citizens, were turned away, and Ella was born in a French hospital.

CAIN

She was delivered by Dr. Clemenceau, a friend and colleague.

DURHAM

Your Honor, at this time I'd like Dr. Cain to read into the record a letter of support from one of his overseas colleagues. I know this is irregular but we've already heard many character references from Dr. Cain's patients and colleagues. Cross examination has established that none was present on the night in question. We will stipulate to this letter writer's absence.

JUDGE

Any objection to another character reference, Mr. Landis?

LANDIS

Perhaps it can be read by an impartial party, to avoid prejudicial . . . emphasis.

DURHAM

(Opening an envelope and handing LANDIS the letter.)

I have no objection to *your* reading it into the record, Mr. Landis.

LANDIS

But this is in French.

DURHAM

Like most letters from France, though this writer's first tongue is Polish. Feel free to translate.

(LANDIS thrusts the letter back into DURHAM's hand.)

JUDGE

Dr. Cain may read the letter now. Its place in the record hinges on independent certification.

CAIN

(Accepting the letter from DURHAM, reading slowly.)

My dear friend Ossian . . . Even here in Paris we have heard of your troubles back in America. Andres, Georges, Michel, and I are all . . . concerned and shocked. That you should be . . . so rudely accosted by a mob is . . . barbaric. Liberty is the right of all people. I hope Alice, Lizbeth, and the baby are as well as can be expected through this . . . ordeal. While I do not know the . . . circumstances of the crime of which you are accused, I do know one thing. You are a good man . . . No one deserves to be punished for accidents of birth like skin color or sex. If I can help you in any way, do not hesitate to let me know. Sincerely, Marie.

DURHAM

(Taking the letter back and placing it on the bench.)

Your Honor will note the postage and postal markings and the matching paper and envelope that establish this letter did come from France. Dr. Cain, please explain who Marie is.

CAIN

Madame Marie Curie, one of the scientists with whom I worked at the Radium Institute.

DURHAM

The same Marie Curie who holds two Nobel Prizes, one in physics and one in chemistry?

CAIN

Yes. We share an interest in radium as a means of attacking cancer. I first met her at a lecture she gave in New York in 1921. It was she who encouraged me to come study in Europe.

DURHAM

When your time in Europe was concluded, why did you come to this city instead of returning to New York?

CAIN

The colored hospital here offered me a directorship, a chance for a new start.

DURHAM

Why did you purchase the house on Mapother?

CAIN

Alice. From the beginning she was taken with the place. As I said, I love the light in her eyes.

DURHAM

So you moved in and your first night passed without incident. What happened the second night?

CAIN

A mob formed outside, at least two hundred people, maybe more, all white. They threw rocks at the house and broke several windows and shouted things, like “We don’t want niggers around here” and “Go back to Africa.”

DURHAM

Go *back* to Africa. Dr. Cain, you are a well-traveled man. Have you ever been to Africa?

CAIN

No, sir.

DURHAM

Then you couldn't very well go back, could you? But what did *they* know?

(Taking a folder to the bench as LANDIS approaches.)

Your Honor, I would like to enter into evidence twenty interior and exterior photographs of the Cain home. Notice that eight windows in front and on the western side are broken. Notice how little broken glass is on the ground outside and how much is on the floors inside, both upstairs and down. Clearly, the windows were broken from the outside. Notice the many rocks—not stones—scattered about the floors, rocks that had to be carried to the scene.

LANDIS

We have no way of knowing who broke those windows or who threw those rocks.

DURHAM

Rocks at last! Well, it certainly wasn't the Cain family who threw them because they were arrested *inside* their house and were still in jail when these photographs were taken.

(Returns to CAIN as LANDIS sits.)

What else was said?

CAIN

Somebody shouted something about putting us up in a tree. I heard somebody mention rope.

DURHAM

What did you take that to mean?

CAIN

They intended to lynch us.

DURHAM

Did you feel threatened by these statements?

CAIN

Very much so.

DURHAM

Several of those who were there that night testified that they came to Mapother Street by way of another street that intersects it. What is the name of that street?

CAIN

Goethe Street. **[correct pronunciation.]** G-O-E-T-H-E.

DURHAM

Not Goethe? **[GO-THEE.]**

CAIN

No, sir. Goethe, after the German playwright and philosopher best known for *Faust*.

DURHAM

Faust. I seem to remember a line: *Is this the face that launched a thousand ships?*

CAIN

Actually, that's from *Doctor Faustus* by Christopher Marlowe, a Shakespeare contemporary. Goethe's play about the scholar who sold his soul to the devil came two centuries later.

LANDIS

Objection. Relevance. This case has nothing to do with plays or deals with the devil.

DURHAM

Relevance? A mob consisting of people unable to pronounce the name of the street on which they live tries to drive from the neighborhood the only man educated enough to teach them the correct pronunciation. I should think the relevance is apparent in the irony. And the deal with the devil is the same one we white people have made for centuries: We're worth more than those others. We're smarter. More civilized. Closer to God. Is there any better mask for evil than a smiling kinship with God?

JUDGE

Objection overruled.

DURHAM

In your own words, Dr. Cain, please tell us what led up to the shooting.

CAIN

Rocks had been hitting the house for a long time. We had turned off all the lights. I thought if we waited long enough, they'd get tired and go home.

(Hesitates as if reluctant to continue.)

Lizabeth was upstairs with my brother, who'd agreed to rent a room from us as he tried to set up a dental practice. I heard a gunshot, and glass shattered and Lizabeth screamed, "Uncle Marcellus has glass in his eye!" That's when I crawled to the front window. I stuck my gun out without looking and pulled the trigger. Twice.

DURHAM

What happened next?

CAIN

I went upstairs and took my brother to the bathroom and wrapped his face in a towel.

(Pauses to wipe away tears.)

I thought I was shooting high, to scare them all away. I never meant to kill anybody.

DURHAM

Thank you, Dr. Cain. No further questions. Your witness.

(Sits as LANDIS rises.)

LANDIS

Dr. Cain, let me commend you on your many achievements. You certainly are a credit to your race—or you were, until you killed Louis Brainerd. As much as Mr. Durham would like to make this about race, it really is a simple case of murder. The question before the jury is not whether fifteen people or two hundred were outside your house or whether they threw stones. The question is whether you shot an unarmed man to death. Did you shoot Louis Brainerd?

CAIN

I imagine I did.

LANDIS

You *imagine* you did? You admitted to killing him when you were taken to the police station. You admitted not two minutes ago that you pulled the trigger, twice. After you fired your gun, Louis Brainerd died. That is the point of this entire trial, is it not?

CAIN

Before I answer, Your Honor, is it permissible for me to ask the district attorney a question?

JUDGE

Unusual, Dr. Cain, but I'll allow it.

CAIN

Mr. Landis, if my brother and I, my Negro brother and I, just the two of us—not fifteen or twenty or two or three hundred but just the two of us—stood outside *your* house throwing rocks through *your* windows, what would you do? If we did this—just the two of us, my black brother and I—in front of police officers who did nothing to intervene, what would you do? If your wife were put into a cell with consumptive whores and became infected and passed that infection to your infant daughter so that, as of yesterday, both were in hospital, *what would you do?*

LANDIS

The point is not what I or anybody else *would* do. The point is what you *did* do.

CAIN

(Standing and shaking with rage.)

Yes, I shot a man! Not because he was Louis Brainerd but because he was part of a mob that threatened my home. I shot him because I was defending my family, as you would defend yours. But mostly I shot him because of hatred. His hatred, the mob's hatred, and now yours—I embrace the hatred because it gave me the strength to pull that trigger.

JUDGE

Dr. Cain!

CAIN

When will you all understand? Hatred has consequences. You can't hate without being hated. My only regret is that the bullet missed Mr. Buell—or you, Mr. Landis, who probably sentenced my wife and daughter to death.

(Blackout.)

Scene 3

(Lights rise on DURHAM, standing downstage and facing the audience as if they are the jury. Depending upon staging, tech availability, and the director's preference, CAIN, LANDIS, and the JUDGE may or may not be visible.)

DURHAM

Gentlemen of the jury, today we are faced with a relatively simple matter. Mr. Landis will tell you the simplicity is that my client is guilty of murder for shooting a man to death. He will say this case has nothing to do with race. The facts are simple. People gathered outside a house legally purchased by a doctor who happens to have brown skin. Why they were there and what they did to the house, Mr. Landis will say, is irrelevant. What everyone agrees on is this: a short time after 10 p.m. on the night in question, Dr. Ossian Cain fired his revolver out of his front window, and a man died.

(Sighs and shakes his head.)

Yes, this case is simple, but its simplicity *is* founded on race. You are twelve white men, and for you race is not a barrier. I must prove to you that it is for the Cains. So I'm going to ask you a few questions—in effect, to take an examination. Unlike all the questions you've heard in this courtroom, these will require no answers out loud. The answers will be yours and yours alone, locked in your heart of hearts. If, when I am finished, the voice in your head and the face in your mirror say this was murder, then vote to convict Dr. Cain. If, however, your answers lead you down another path, a path of understanding or perhaps even sympathy, then you must vote to acquit. Are you ready, gentleman, for your test?

(Pauses to gaze out at the audience.)

You, sir, and you, and you—from where do your ancestors come? Why did they leave the old country? Better opportunity? To practice their religion without interference? To find greater freedom? I can see answers in your eyes. Good. Now, what brought Ossian Cain's ancestors to these shores? Did they seek freedom, or were they taken captive and brought here in chains to be slaves?

(Pauses.)

How could a country founded on principles of freedom tolerate slavery? For this question I'll provide the answer. It couldn't, and a great war was fought to settle the matter. The Thirteenth and Fourteenth Amendments to our Constitution abolished slavery and established citizenship for *all* people born here, now and forevermore. But some folks have trouble accepting this, so they form fraternal orders like the Ku Klux Klan, devoted to keeping the Negro in his place. What is that place? Does the Negro get first choice of jobs to work or houses to live in? Is he permitted to travel freely in the land of his birth? Is he guaranteed a fair trial? I'm grateful Dr. Cain got his day in court, but last year seventeen Negro men did not. They were strung from trees like ornaments, as were more than fifty the year before—progress, yes, but not for those seventeen. After witnessing a lynching as a child, did Dr. Cain have reason to fear a mob?

(Takes out test tubes and items to hold up as needed.)

Why have we whites treated the Negro thus, inflicting misery upon misery? Well, he's different, isn't he? Inferior. Is it really misery if he's inferior? So, how inferior is he?

DURHAM (continuing)

This bar of Nigger Joe's Tar Soap tells us how funny-looking he is. Darkie Toothpaste and Sambo Axle Grease tell us how black he is. This tin of Nigger Hair Tobacco promises us a good smoke or a good chew because the tobacco shavings are in tight curls, like his hair. These all tell us the Negro is different, but none of them tell what makes him inferior? Well, do not despair, gentlemen. Thanks to a local biology professor, maybe we can answer that question once and for all.

(Holds up two test tubes.)

I have here sections of brain from two separate men. Which of these holds tissue from a white man and which from a Negro? Which one of these men could have been this city's district attorney and which one could have been the face on a can of Nigger Head Oysters. What? No hands? No one is willing to hazard a guess? Can it be that deep down you're unsure what but skin makes the Negro different? That you've just been told he is inferior?

(Puts away the test tubes and packages.)

Gentlemen, when Mr. Landis tells you that this is not a matter of race, I want you to ask yourselves *these* questions: You, sir. If the choice were yours and limited to what I now offer, would you choose to be white and have one eye or Negro and have two? What about you there? Would you prefer having one leg to colored skin? And you, would you prefer to be deaf or dark? All of you, ask yourselves this: Would you prefer a loss of your ability to fulfill your basic duties as a husband, or would you choose virility if it meant living inside black skin? Answer from the heart to the heart.

(Pauses during a rise in courtroom chatter.)

Next, does an American have the right to defend his home and family? Most of you will say yes without hesitation. That leads to my final question: What makes one an American? Being born here? Being educated? Working hard to get ahead? Serving the community? Serving in the armed forces? Being good spouses and parents? The Cain family is all these things: Dr. Cain, his brother, and his late wife—all healers. His current wife, who lies ill because of her imprisonment, a teacher. His late son, a soldier who gave his life for this country. His older daughter, a college student who wants to teach music. Dr. Cain is smart enough to work with a Nobel laureate on possible cures for cancer, a disease that strikes without prejudice, but he is denied the right to live where he pleases by people who can't pronounce the name of their street. He loves his wife and children as much as any good man, works as hard as any good man. That's where the simplicity lies. What must a *good* man do to be accepted as American?

(Blackout.)

Scene 4

(Lights rise on MARCELLUS and LIZBETH, seated in simple waiting room chairs. Their expressions are grave. DURHAM enters, briefcase in hand. MARCELLUS and LIZBETH rise to greet him.)

LIZBETH

(Surprised, shaking DURHAM's hand.)

Mr. Durham, sir.

MARCELLUS

(Shaking DURHAM's hand.)

I thought you had a train to catch.

DURHAM

I do in a couple of hours. Things have piled up back in Chicago.

(Places a hand on LIZBETH's shoulder.)

But I got word of Ella before I left my hotel. I wanted you all to know how sorry I am.

(LIZBETH buries her face in her hands and cries, then sits.)

MARCELLUS

Alice is failing as well. Consumptive pneumonia. Ossie's been at her bedside since he left court yesterday morning. I'm afraid losing them both would be too much of a strain for him.

DURHAM

Please tell him he has my deepest sympathy. Acquittal is a bitter victory in circumstances like these, and there is nothing I can say to make this better.

MARCELLUS

I know he will want to see you before you go. Let me get him.

DURHAM

All right.

(Turns to LIZBETH as MARCELLUS exits.)

This is not your fault, Lizbeth. Remember that.

LIZBETH

But my sister . . . Alice . . . Why wasn't I the one to get sick and die?

DURHAM

(Kneeling in front of her.)

Would that hurt your father any less? No, child. None of this is your fault.

(Disheveled, CAIN enters. DURHAM stands, shakes his hand.)

CAIN

Mr. Durham, I am . . . pleased I have a chance to see you and thank you before you leave.

DURHAM

Dr. Cain, you have more important matters to tend to than spending time with an old warhorse like me. I just wanted you to know what a pleasure it was to get to know you and your family. And I wanted you to know how sorry I am about little Ella. How is Alice?

CAIN

Lizbeth, she asked for you a moment ago. Go sit with her and Marcellus. Please.

LIZBETH

Yes, Papa.

(LIZBETH exits. CAIN and DURHAM sit.)

CAIN

I'm afraid she doesn't have long. She wants to be buried with Ella in her arms, no matter what the law says. A colored undertaker, Mr. Bledsoe, agreed and is keeping Ella until . . . When I promised her weeks ago she would hold the baby again, I never thought . . .
(He begins to cry.)

DURHAM

(Placing a hand on his shoulder.)

If there is anything I can do . . .

CAIN

You've done plenty. Apart from hearing Alice say my name and Lizbeth call me papa, the two sweetest words I ever heard were *not guilty*. You did that. Thank you.
(Pauses and looks off in thought.)

Do you believe in God, Mr. Durham?

DURHAM

I don't know if there's a God. If there is, I'm pretty sure He's not the raging flood-maker and child-killer of the Old Testament. I'd like to think an all-powerful being would be above petty human behaviors.

CAIN

I was brought up to believe in God, to believe He rewards you for doing good things and punishes you for doing bad. I know it can't be as simple as all that, but after He took away Elizabeth and James I thought He gave me another chance with Alice. Like Job. Then Ella came, and I remembered what a minister once told me. When God takes something away, He gives you something in return.

DURHAM

Alice for Elizabeth? Ella for James? There's no such thing as a fair exchange here.

CAIN

But He keeps taking them from me in the same way.

DURHAM

I don't understand.

CAIN

Their *lungs*! Elizabeth, the flu. James, mustard gas. Ella and Alice, consumptive pneumonia. It's almost as if we're being choked, as if we're not supposed to breathe in this country.

(Pauses and shakes his head.)

I've been thinking about this a lot.

DURHAM

I expect you have.

CAIN

And I've been wondering whether this whole business is . . . divine punishment for my pride.

DURHAM

Humility and pride—a tricky balance at best. But you have accomplished much in your life, and righteous pride is only human.

CAIN

Beyond pride. Hubris. I thought I was so good . . .

DURHAM

You *are* good. It's the practices of history that are bad. It's men like Emory Buell and the small-mindedness they embrace. It's man's propensity for violence and his impatience with peace. These things are bad. Sometimes we are just innocent bystanders in the truest sense of the term. But we go on, no matter what, trying to make the next day, the next year, the next generation better.

CAIN

If I hadn't listened to Alice about the house . . .

DURHAM

You wanted to make her happy. There's no crime in that. What happened is not your fault.

(Pauses.)

Nor is it Lizbeth's.

(Suddenly wary, CAIN looks at him and waits two beats.)

CAIN

How long have you known?

DURHAM

That Lizbeth shot Lou Brainerd? Almost from the beginning.

CAIN

You knew I was lying.

DURHAM

Everybody was lying but you had the purest motive. Once I read the coroner's report, I knew things couldn't have happened as you said. The bullet went through the victim's neck at an angle that showed it could only have come from upstairs. But Lou Brainerd was no Cracker Jack prize either. Several arrests for petty theft and disorderly conduct. Neighbors say he beat his wife and kicked his dog for the hell of it. He had no kids, thank God. Ed Montessoro says she's already got a new man in the house.

(Pauses but CAIN says nothing.)

It was Marcellus's gun, wasn't it?

CAIN

It was our father's. Marcellus said he wasn't going to wait for them to come in the front door. He went up to get the gun in his suitcase. Lizbeth went with him. After the glass broke and Marcellus dropped everything, she picked up the gun and fired out the window. When I went upstairs, I took it from her and . . . well, lied. I have always tried to protect my family.

DURHAM

There are no absolutes. Lizbeth is a fine young lady who doesn't deserve what would have happened to her, not for a man like Louis Brainerd. I'm a father too. I'd have done the same thing.

CAIN

And the princess doesn't protect the castle. That's the king's job. Instead of talking about the Mark of Cain, the newspapers and preachers would have said, "See? The Negro can't even defend his own home."

DURHAM

But now the Mark of Cain might come to mean we've established colored men have a right to do just that. That will make it easier for the next man. A small victory here, another one there. Change is painfully slow, but it does come.

(Pauses.)

Things will get better for your people. We won't live to see it, but I'm as sure of it as I am of anything.

CAIN

I wish I had your faith.

DURHAM

I guess that's what I believe in, my vision of God. The power of love and our nobler natures to change us, as a species, for the better.

CAIN

(Tapping his chest.)

During the trial Alice told me God lives right here. This is where we become better people and find salvation.

DURHAM

She may be right. Say, I'm going to put the NAACP in my will. It won't be much but maybe it'll inspire somebody else to change or help some other lawyer force a change in court.

CAIN

You really love the law, don't you?

DURHAM

As much as you love medicine.

CAIN

Do you think the law is what keeps us civilized?

DURHAM

No, I think one day the law may make us civilized.

(LIZBETH and MARCELLUS enter, wiping their eyes.)

CAIN

Lizbeth?

MARCELLUS

She's asking for you, Ossie.

LIZBETH

You'd better come now, Papa, if you want to . . . say goodbye.

(Shaking, CAIN looks at DURHAM, then at the others.)

DURHAM

Go! Godspeed.

(CAIN hurries off.)

(Blackout.)

Scene 5

(Lights rise on CAIN, MARCELLUS and LIZBETH, in black armbands as they cross the stage. The downstage bench from the first scene is back on stage in the same place.)

CAIN

What kind of cemetery is this?

MARCELLUS

Mr. Bledsoe says it has a fine colored section.

CAIN

How is a hearse supposed to get in if the front gate is chained?

MARCELLUS

He says they prefer—

CAIN

Damn what he says!

MARCELLUS

Ossie, why don't you go back and wait with the hearse? You have enough worry. I can take care of this.

CAIN

Thank you but no. I am Alice's husband. I will see her through this.

(LIZBETH embraces him, and they stop a moment. Then they part, and CAIN takes a deep breath to steady himself. A man in the garb of a CEMETERY WORKER enters.)

WORKER

Can I help you boys?

CAIN

There are no boys here. We're men.

WORKER

(Shrugging.)

Then can I help you *men*?

MARCELLUS

This is my brother, Dr. Cain, and we're here to bury his wife.

WORKER

Doctor, huh?

CAIN

The front gate is chained and the hearse can't get through.

WORKER

You here with Bledsoe?

MARCELLUS

Yes.

WORKER

Well, he knows better than to try the front gate. The colored entrance is round back. It's open and waiting for you.

CAIN

I told him to go in through the front.

WORKER

Sorry, fella, but colored don't come in the front. Them's the rules.

CAIN

So you want me to take my wife, my dead wife, to the *back* door?

WORKER

Yes.

CAIN

Like the back door of fancy houses and movie palaces and stores and stadiums and train stations.

WORKER

The colored section is right by the back gate. It's easier for everybody.

(CAIN produces the same revolver he held in Act One.)

MARCELLUS

Ossie, no!

(CAIN studies the gun, points it at the man, and cocks it.)

LIZBETH

(Clinging to MARCELLUS.)

Papa!

CAIN

I don't think my wife would like going in through the back door today. For once in her . . .
For once I'm going to take her right in the front.

WORKER

(Holding up his hands.)

Mister, I don't—

CAIN

Doctor!

WORKER

Huh?

MARCELLUS

Ossie, please.

CAIN

You will address me as *doctor*—*Doctor* Ossian Cain.

WORKER

You're . . . you're that colored fella killed a white man and just got off.

CAIN

I doubt I'd get off a second time, but since they've taken from me my most precious blood, I
don't think I care.

(His arm shakes, and he grips the gun with two hands.)

Do you have any idea what the human brain looks like after a bullet rips through it?

WORKER

(Looking away, terrified.)

Please, mist—doctor.

MARCELLUS

It's not his fault, Ossie.

WORKER

That's right, doctor, sir, I don't make the rules.

CAIN

Do you have a key to the lock on that chain?

WORKER

Yes, sir.

CAIN

Then unlock it. Now!

(The CEMETERY WORKER scurries off.)

CAIN

(Easing the hammer down, he lowers the gun, letting it hang at his side.)

Go with him, Marcellus, and make sure he lets the hearse in.

MARCELLUS

Ossie, put the gun away. We don't need police here at the cemetery.

CAIN

Take Lizbeth with you—and look after her.

LIZBETH

Papa, come with us. Help us send Alice home. She wants you to see her off.

CAIN

(Suddenly weary.)

Yes, Alice needs to go home. But I need a minute. I just need to sit and gather my wits.

(Moves to the bench and sits.)

You go on ahead. I'll be there in a minute.

(Reluctantly, MARCELLUS and LIZBETH exit. CAIN stares at the gun for a long moment. Then he looks out at the audience, his grief palpable. Slowly, his face crumples, and he begins to howl from the bottom of his soul, like an animal wounded and near death. After a moment or two he drops his head into his hands. He cries freely, shaking and rubbing his eyes. Finally, he looks at the gun again. He cocks it and puts the muzzle against his chest and closes his eyes. Then he puts it against his temple. Finally, weeping, he puts the barrel in his mouth or under his chin, closes his eyes, and pulls the trigger. Nothing happens.)

ALICE (v.o.)

(Lilting.)

Ossian!

(CANE opens his eyes, lowers the gun, and looks out at the audience, confused. ALICE enters behind him, smiling broadly. She comes down to him, slips her arms around him and nuzzles his neck. He sets the gun on the bench.)

CAIN

Alice?

ALICE

This place is beautiful, Ossian, just beautiful.

(ALICE steps back, and CAIN stands. He half turns and stares at her, uncertain if this is real. Her smile grows even wider. Almost giggling, she takes his hands and pulls him toward her.)

CAIN

How . . . how are you?

ALICE

Wonderful, sweetheart! Oh, Ossian, you should see how the sunlight fills that room by the kitchen. And the yard has space for a garden.

(She begins to lead him upstage.)

Think of the meals we could have in this dining room! This is the house, Ossie. This house is meant to be ours.

CAIN

This house?

ALICE

And the bedrooms upstairs—four of them. *Four*. The biggest one is in the back. That could be ours. Marcellus can take the bedroom in front if he decides to move in with us. The side rooms are smaller but perfect for the girls. One has a desk built right into the wall. That could be Lizbeth's. The wallpaper in the other one is a bit dark but I saw this lovely rose paper in the Walbridge store yesterday. I think for Ella—Ossie, what is it?

CAIN

You. You look . . . radiant.

ALICE

I see so much we can do with this place. It's perfect for our family.

CAIN

All right. Then let's buy it.

(Pauses as she reacts.)

You've never looked more beautiful than you do right now.

ALICE

(Rushing into his arms.)

Oh, Ossie! Thank you. Thank you for everything. You're a wonderful man!

(She steps back and looks at him.)

CAIN

I love the light in your eyes when you smile.

ALICE

I love you, Ossian Cain.

(She steps up to him and kisses him. Then she embraces him and rests her head against his chest. She faces the audience as he looks toward the sky. She smiles.)

I think we're going to be very happy here.

(Blackout.)

Property List:

Three revolvers
 Baby in a blanket
 A bloody towel
 A blood-spotted handkerchief
 Manacles or handcuffs
 An eye patch
 Fountain pens and/or pencils
 Brown file folders
 Pamphlet
 B&W Photographs
 A sizable rock
 Colored stationery
 Tables and chairs
 Briefcases for lawyers
 Two stoppered test tubes or beakers or specimen jars
 A bar of Nigger Joe's Tar Soap (graphic available online)
 A tube of Darkie Toothpaste (graphic available online)
 A small can of Sambo Axle Grease

(graphic available online)
 A small tin of Nigger Hair Tobacco
 (graphic available online)
 Black armbands
 Gavel

Sound Effects:

Gunshots
 Recorded voices
 Inarticulate angry voices
 Baby crying
 Rocks hitting wood
 Rocks hitting metal
 Crashing glass
 Heavy metal door squeaking open and shut
 Recorded courtroom chatter or buzz
 Period music (1924-1926) if desired

Costume Note:

In some northern cities, summer police uniforms of the period were white.

Ossian Sweet (1895–1960) was an African-American gynecologist best remembered for his armed self-defense against a mob of 500-700 trying to force him out of his new home in a white Detroit neighborhood in 1925. Ossian, his wife Gladys, his brothers Otis (a dentist) and Henry (a student), and seven friends in the house were all charged with the murder of Leon Breiner in what came to be called the Sweet Trials. The first trial resulted in a hung jury. The second, of Henry (the one who'd shot Breiner), resulted in acquittal. Charges against the remaining ten were dismissed, establishing in law the right of people of color to defend themselves. But victory was bittersweet. It took the family two years to regain possession of their Garland Avenue home, during which time toddler Iva had died of tuberculosis. Shortly after returning home in 1928, Gladys also died of tuberculosis, as did Henry in 1939. In 1960, in poor physical, mental, and financial health, Ossian Sweet, who indeed had studied with Madame Curie, shot himself to death.

Clarence Darrow (1857–1938) was an American legal legend and leading ACLU member best remembered for defending teenage thrill killers Leopold and Loeb in their 1924 trial for the murder of 14-year-old Bobby Franks, a case fictionalized in the 1956 Meyer Levin novel *Compulsion* and the 1959 film based on it. He defended John Scopes for teaching evolution in Dayton, Tennessee, in the Monkey Trial of 1925, prosecuted by thrice-failed presidential candidate William Jennings Bryan and fictionalized in the 1955 Jerome Lawrence and Robert Edwin Lee stage play *Inherit the Wind* and the classic 1960 film based on it. Orson Welles as Jonathan Wilk in 1959 and Spender Tracy as Henry Drummond in 1960 are the best known "Darrow" performances on film. Darrow's seven-hour summation in the second Sweet Trial is one of history's greatest legal speeches and a civil rights milestone.

The Birth of a Nation (1915) was the first feature film shown inside the White House. Having hosted director D.W. Griffith and novelist Thomas Dixon, whose *The Clansman* was the source of the film, President Woodrow Wilson praised *Birth of a Nation* as "writing history with lightning." The Ku Klux Klan was so strong in the north that the KKK candidate narrowly lost the Detroit mayoral election shortly before the Sweet Trials. In Buffalo in 1924, the KKK desecrated Jewish and Catholic cemeteries. Mayor Francis X. Schwab posted KKK names on the doors of City and County Hall (now Old County Hall). Undercover cop Edward Oberteau, who'd got the membership list, died in a Durham Street gunfight with Klan enforcer Thomas Austin, who also died. Oberteau remains the only Buffalo police officer martyred in a struggle against the Ku Klux Klan.

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