

12ES "Twelve Angry Men" Juror's Handbook (Victoria Law Foundation)

Read p.16 – 26 and answer the following questions in your own words.

1. Does the jury decide the sentence (punishment), after the accused is found guilty?

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2. Do the members of the jury have to be experts in law? Why not?

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3. List the seven important requirements of a juror:

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4. List 4 of the duties of the jury foreman/forewoman:

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5. Who has the responsibility of giving instructions to the jury?

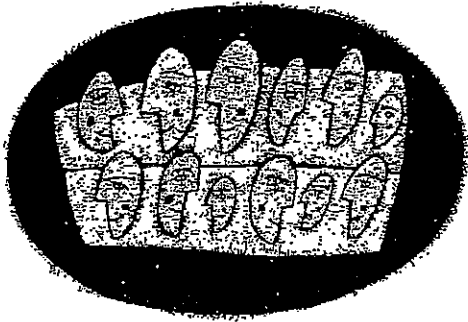
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6. Complete the following sentences:

- Members of the jury must NOT form an opinion hearing all the evidence.
- It is important to listen carefully to all the given.
- Jurors must be fair and when considering the evidence given by a witness.
- Jurors are not permitted to visit the of the alleged crime unless this is organised by the judge.
- Jurors have to ignore anything they have or about the case in the media.

- Jurors are not permitted to the case with anyone except their fellow jurors in the jury room.
- If you knew one of the witnesses in the trial, you would not be permitted to remain a member of the jury because you would not be
- Members of the jury are not permitted to be photographed or interviewed by, and their names are not allowed to be
- The jurors must apply the law, as stated by the, to the facts of the case.
- At the beginning of a criminal trial, the will tell the jury what offence the accused is charged with. He will then begin presenting evidence to support the prosecution's case.
- After a witness is by the prosecutor, he may then be cross-examined by the barrister to test the accuracy of the evidence that he/she gave.
- While the witnesses are being questioned, the jury must listen carefully to all the evidence and examine any which are shown to them.
- After the prosecution has finished, the can call witnesses.
- Evidence may be (spoken by witnesses) or (e.g., photos, documents, weapons).
- The jury's verdict must be based *solely* on presented during the trial.
- At the end of the trial, the judge the case and gives to the jury. Then the jury to the jury room to consider their
- In the jury room, discussions are by the foreman/forewoman.
- During their deliberations, jurors must keep an mind, listen carefully to the other jurors and express their own views honestly.
- Jurors should respect the views of other jurors and should not attempt to other members of the jury.
- No member of the jury should feel to change their mind, just because they have a different view to everyone else on the jury.
- A jury should take as long as they need to, in order to reach a verdict.
- The members of the jury vote, in the jury room, by raising their hands, by a written or a voice

Juror's Handbook



The Jury



WHAT A JURY HAS TO DECIDE

In a criminal trial

It is a basic presumption in our legal system that an accused person is innocent until proven guilty. A criminal charge is only a formal accusation. The accused does not have to *prove* his or her innocence. It is up to the prosecution to prove that the accused is guilty 'beyond reasonable doubt'. This means that if the jury has a *reasonable* doubt about whether the person is guilty, then the verdict must be 'not guilty'.

If the jury decides the person is guilty, the judge will decide what the sentence, or punishment, should be. The jury is not involved in sentencing.

In a civil trial

A civil trial is different from a criminal trial. It is a dispute between two or more people which they have been unable to sort out themselves. In a civil trial the onus or standard of proof is 'on the balance of probabilities'.

The jury has to decide who should win the trial and the amount of any compensation to be awarded. In some trials the defendant has already admitted liability and the jury only has to decide how much compensation should be paid to the plaintiff.



CONDUCT OF THE JURY

Being a juror does not require any special skills, expertise or education. One of the values of the jury system is that it brings together people from different backgrounds so that a variety of attitudes, values and experience is brought to bear in reaching a verdict. It is important that each juror contributes to the discussion before reaching a verdict.

Key qualities for a juror:

- Listen carefully to the evidence.
- Bring an open mind, without prejudice or bias.
- Be fair and impartial.
- Be objective.
- Use your common sense.
- Listen to *all* the evidence before you make up your mind.
- Do not talk about the case except to other jury members in the privacy of the jury room.

Choosing a foreman/forewoman

Before the trial begins the jurors choose someone to be the jury foreman/forewoman. *Any* juror can be chosen.

The foreman/forewoman's role is to:

- speak or ask questions on behalf of the jury during the trial,
- chair jury discussions and make sure that each juror has an opportunity to express his or her point of view,
- keep the deliberations focussed on the evidence and the law,
- arrange with the tipstaff to take a break if any juror requests one,
- ask the court to deal with any question raised by any juror,
- ask the court to adjourn if the jury wishes to finish its deliberations for the day,
- give the jury's verdict at the end of the trial.

The opinion of the foreman/forewoman has no greater weight than that of any other juror.

If for any reason a foreman/forewoman is not able or willing to continue in the role, the jury can choose someone else to take his or her place after telling the judge of the situation.

Judge's instructions

The judge will give the jury full instructions about its role and duties before and during the trial. The judge's instructions must be followed.

* Assessing the evidence

You are required to decide all questions of fact arising in the case. It is therefore important that you do not form or express an opinion until you have heard *all* the evidence.

Trials can take place months or sometimes years after the events in question and so some witnesses will remember more than others. Some witnesses may appear calm, while others may appear difficult or nervous. Try to remain fair and objective when considering the evidence given by a witness. It is important to listen carefully to all evidence. Let the judge know if you have not heard or understood something, or if you need a break.

You must not act as an 'amateur detective' performing your own independent investigation. You must not visit the scene of the alleged crime or any events mentioned in the case, conduct any experiments, or consult any books or other sources (including other people) for additional information. If the judge thinks the jury should visit a place connected with the trial, he or she will arrange for this to happen.

Sometimes you will have read or heard something about the case through newspapers, radio or television – but you must decide the case *solely* on what you see or hear in the courtroom, not from anything you read or hear in the media.

It is particularly important that you do not allow anything you might have seen in films or on television about court cases to play any role in your decision-making.

Note taking

Note taking will usually be allowed and you will be provided with writing materials. It is important, however, to concentrate on listening to the evidence. Do not rely on notes taken by another juror – these may conflict with your memory of the evidence or may not be an accurate summary.

Talking to other people

You must *not* discuss the case with anyone except your fellow jurors in the privacy of the jury room. Even after the trial has finished there are strict limits on what you can discuss.

The requirement not to talk about the case applies equally to court staff with whom you may come in contact. Please assist them by not talking to them about the case either during the trial or after it is finished. This includes the tipstaff and judge's associate in the court in which you are acting as a juror.

It is preferable not to bring friends or relatives to court to watch as you may be drawn into a discussion of the case when you leave court.

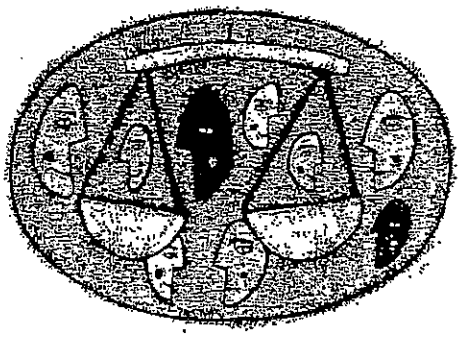
You must remain impartial

If anything occurs during the trial that makes you think it is improper for you to continue, tell the judge immediately by giving a note to the tipstaff. An example would be hearing something confidential about the trial, being contacted by someone, or becoming aware that you know one of the witnesses. Under no circumstances should a juror discuss any approach to him or her or any other irregularity with anyone (including other jurors) except the tipstaff, the associate or the judge.

*

* *Privacy*

The privacy of the jury members is protected at all times. They are not allowed to be filmed, photographed or interviewed by the press and their names are not allowed to be published. Nor is any information about them given to the accused, the parties involved in a civil case or their lawyers.



The Trial



ATTENDANCE IS COMPULSORY

Unforeseen absences

You *must* attend on time every day during the trial. If you become ill or something happens that delays you or prevents you from attending, contact the Juries Commissioner's office (or the court Registrar if you are a country juror) as soon as possible so that the judge can be informed – or follow any other directions given to you by the judge, such as contacting the tipstaff.

If something more serious happens that may prevent you continuing on the jury, you must inform the judge as soon as possible. This can be done by writing a note to the judge and giving it to the tipstaff to pass on. The judge will decide what needs to be done.

Being contacted in emergencies

In a *genuine* emergency your family or friends are permitted to contact you by leaving a message at the Juries Commissioner's office or if you are in the country, with the court Registrar. The message will be given to you as soon as possible.

Days when the court is not sitting

If you are not required on any day during the trial, you can go to work. Be careful not to discuss anything about the case with people at work.



WHAT HAPPENS IN THE TRIAL

Judge's directions

A fair trial depends on the combined efforts of jurors as the deciders of the facts and the judge as the final authority on the law. The jury must apply the law (as stated by the judge) to the facts as it finds them to be.

If the judge gives you any instruction that seems to conflict with anything contained in this booklet, you must accept what the judge tells you as being correct and be guided only by the judge.

Opening statements

At the start of a criminal trial the Crown prosecutor will make an opening statement telling the jury what the alleged offence is and what the evidence is expected to show. The accused person's lawyer may also make an opening statement.

These statements are *not* part of the evidence (see Evidence, p.22). Their purpose is to give you the framework of the case, the points of conflict and the issues to be decided.

Prosecution case

After the opening statements, the presentation of evidence to the jury begins.

* When a witness is called to the witness box by the prosecution and sworn to tell the truth, he or she is questioned or 'examined' by the Crown prosecutor. Then he or she may be questioned or 'cross-examined' by the defence barrister. The aim of cross-examination is to test the accuracy of the evidence or emphasise certain parts of it. Sometimes the prosecutor 're-examines' the witness to clarify something that has come up in cross-examination.

This process of questioning witnesses may be lengthy, but it is important to listen attentively to all of the evidence and to examine any documents, photographs etc which are put before the jury.

Defence case

* When the prosecution has finished, the defence can call witnesses or present other evidence if they choose to. In a criminal trial the accused is presumed innocent. It is up to the prosecution to prove guilt.

The same process of examination, cross-examination and re-examination will occur with any witnesses called by the defence.

Evidence

* The evidence consists of:

- oral evidence given by witnesses, and
- physical objects such as photographs, documents, firearms, exhibits etc.

The jury's verdict must be based *solely* on the evidence presented during the trial. Because evidence is so important, there are strict rules about what evidence can be given in court and the sorts of questions that can be asked. The lawyers on either side may object to the questions asked of witnesses or to other evidence. The judge then makes a ruling on whether the evidence is admissible, based on the law.

Sometimes jurors are asked to leave the court while these legal points are discussed by the judge and the lawyers. This may seem time-consuming, but it is important that the rights of all parties are protected and that questions of law are properly decided by the judge as they arise. The jury should not feel resentful at

being excluded. The judge will ensure that the jury is properly informed of everything it needs to know about the law or facts in order to reach a verdict.

Final addresses

After all the evidence has been given, both sides will have the opportunity to present their final submission to the jury. As with the opening statement, this is not part of the evidence. You should listen to these submissions and consider them thoughtfully, but you must form your own opinion of the facts.

Judge's charge to the jury

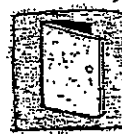
* After the final address from each side, the judge summarises the case and gives instructions to the jury. It is vitally important that each juror listens to all these instructions and understands them because the judge will define the issues to be decided in the case and set out the relevant law.

Civil trial

The order of events in a civil trial is similar to that in a criminal trial (see pp.21-23).

The plaintiff goes first and starts by explaining what the case is about and how it will be presented. Witnesses for the plaintiff are questioned and cross-examined. Then the defendant's witnesses are questioned and cross-examined.

At the end of the evidence, each side gives a summary of their case to the jury and the judge will give the jury instructions.



JURY RETIRES TO CONSIDER VERDICT

After all the evidence has been given and summed up in court, the judge will ask the jury to retire to the jury room to consider their verdict. During this time you must not talk to anyone about the case except other jury members. All discussions must take place in the privacy of the jury room and when all jurors are present.

Hours

Once a jury retires to consider their verdict, jurors will have to stay together at lunchtime – lunch will be provided.

Towards the end of the trial the judge will give you more details about arrangements during the jury deliberation period.

In most cases the judge will permit the jurors to go home each night. If allowed to go home, each juror will be required to swear (or affirm) that he or she will not discuss with any non-juror anything relating to the evidence in the trial or to the deliberations of the jury.

If the jury wants to finish its deliberations early on any day the judge will deal with such a request.

Sometimes you may be required to stay later than 4.15 pm or even stay overnight until a decision is reached. You will normally be told the day before if you are required to stay overnight so that you can bring an overnight bag the next day. Otherwise the Juries Commissioner will make arrangements for you. You will be provided with meals and accommodation. Messages can be passed on to family and friends.

If the verdict is given late at night, the court will arrange transport home if necessary.



Jury decision-making

Provided you always follow the judge's instructions about the law, you are free to deliberate in any way you wish. The discussion in the jury room is chaired by the foreman/forewoman. He or she should ensure that discussions are carried out in a free, unhurried and orderly way, focussing on the issues to be decided and letting each juror have a chance to participate in discussion.

During the deliberations jurors should keep an open mind, listen carefully to everyone and be prepared to tell others on the jury what they think and why.

Be prepared to change your mind when there is good reason for doing so. At the same time try not to be overly influenced by other people's ideas and recollections. Even if someone has taken notes, this does not necessarily mean that his or her notes are more accurate than what you remember of the evidence.

If the jury requires assistance as to what any evidence was, the judge can provide such assistance. Do not hesitate to ask.

When the jury is arriving at a verdict, every juror's opinion counts. It is important to respect the opinions of other jurors and value the different viewpoints that each juror brings to the case. This will help the jury to reach a fair verdict. Let your fellow jurors have a chance to say what they think and why. Do not intimidate anyone else. Equally, do not be afraid to speak up and express your views.

How long will it take?



The jury must reach a unanimous verdict unless the judge tells them otherwise. Do not rush your decision. The court will give you as much time as you need. The people involved in the case deserve your complete attention and your thoughtful deliberations.

It is important to consider all the evidence carefully. All jurors should feel comfortable with the verdict. No juror should feel pressured to change their mind, just because everyone else has reached a different conclusion or because it is taking a long time to decide.

Remember, your decision will have a significant effect on the lives of other people.

Taking breaks

If you are tired and need to take a break, and perhaps a walk, let the foreman/forewoman know.

If you need to send a message to your family or friends that you are still on jury service, the tipstaff can organise this for you.

Getting started

There are no set rules about how to conduct your deliberations. However, it is useful at the beginning to decide how you want to proceed and to decide on general guidelines.

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* The following suggestions may assist:

- Have each person discuss their initial feelings and what they think about the case.
- At certain points in the discussion go around the table, one by one, and talk about the case. This will help get opinions from people who are less likely to speak up.
- Have jurors speak up at any time when they have something to say -- provided they do not interrupt other jurors.
- Try to get everyone to talk by saying something like: 'Does anyone else have anything to add?'
- Ask someone to take notes during your deliberations so that you do not forget the important points.
- Write down key points so everyone can see them.

Discussing the evidence and the law

The deliberations of the jury are secret and there is no set procedure which jurors are bound to follow in reaching their decision. If, however, you would like guidance as to the procedure which you might adopt, you should ask the trial judge.

Getting assistance from the court

If at any time a member of the jury has a question or needs clarification about anything, the jury can ask the judge for assistance.

Each member of the jury must understand the judge's instructions on the law in order to do the job properly. A jury can get assistance from the judge if any juror does not understand something in the judge's instructions, such as a legal principle or a definition.

If there is any confusion about the law or some of the evidence any juror can ask:

- for clarification, e.g. whether some word or principle could be further defined or explained,
- to examine exhibits,
- to be reminded of evidence, e.g. that the whole or part of the testimony of a witness be provided.

This is done by sending a written request to the judge through the tipstaff. Make sure you don't discuss anything about the case with the tipstaff.

The court will need to reassemble to deal with your request. Put your question or request in writing and make two copies. Keep one to read out in court. The foreman/forewoman should ask the tipstaff to give the other copy to the judge.

The verdict

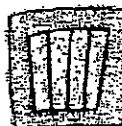
You should spend a reasonable amount of time considering the evidence and the law and listening to each other's opinions, so that you feel more confident and satisfied with your eventual verdict.

You might vote by raising your hands, by a written ballot, or by a voice ballot. Eventually, a final vote in the jury room will have to be taken, with each of you expressing your verdict openly to the other jurors.

The jury foreman/forewoman should let the tipstaff know that the jury has reached a verdict (but not what the verdict is). The judge will then call everyone, including the jury, back into the courtroom.

Jury giving verdict

The judge's associate will ask the foreman/forewoman if the jury have agreed on a verdict and will ask what the verdict is. The foreman/forewoman gives the verdict. The judge will then discharge the jury.



SENTENCING

In a criminal trial, if the jury finds an accused person guilty, it is then up to the judge to decide what the sentence should be. This can include a fine, a suspended sentence, a good behaviour bond, a community-based order, or imprisonment.

Sentencing usually does not happen straightaway. The case is usually adjourned to another day -- to give the lawyers time to prepare, and then to give the judge time to consider the appropriate sentence. Jury members can ask the Juries Commissioner or court Registrar about how to find out what the sentence is.

12ES "Twelve Angry Men" Vocabulary Exercise (Use words from the attached handout.)

1. The d..... in the trial was accused of murder.
2. When the jury gave their v..... of "Guilty", the judge s..... the a..... to twenty years in prison.
3. The lawyer for the d..... argued that the defendant had a strong a..... for the night of the murder. He was overseas, so he could not have committed the crime.
4. If the jury believes that there is r..... d..... about the defendant's guilt, then they must find him "Not Guilty."
5. In all criminal trials, the defendant is entitled to the p..... of i..... This means he/she is regarded as innocent, until proven guilty.
6. The defendant does not have to prove his innocence. It is the responsibility of the p..... to prove that the defendant is guilty.
7. The f..... of the jury has the responsibility of leading his fellow members of the jury in their d....., until they reach a verdict.
8. Both the defence and the prosecution will bring e..... to support the innocence or the guilt of the accused.
9. Both the prosecution and the defence will call w..... to support the guilt or innocence of the accused.
10. Neither of the witnesses was able to identify the a..... murderer when asked to pick him out from a line-up of young men.
11. Members of the jury should listen to all the evidence presented in court in an i.....manner. They should not have any bias for or against the accused person.
12. The twelve members of the jury must come to a u..... decision. If they can not reach complete agreement about the verdict, it is called a "h..... j.....".
13. The prosecutor placed "E..... 1", which he claimed was the murder weapon, in front of the judge.
14. Before they give their t..... to the court, the witnesses must place their right hand on the Bible and take an o....., promising to tell the truth.
15. You will not be allowed to sit on a jury if you are p..... against people of the defendant's race, religion or gender.
16. A b..... is a very prejudiced or racist person.
17. After the c..... against the defendant were read out to the court, the defendant pleaded "Not Guilty."
18. The defence lawyer found it difficult to defend his client because the accused had a clear m..... for killing his wife: he was to inherit all her money.

19. Just because he was in the area on the night of the murder does not mean the defendant is guilty. That is merely c..... e....., and it is not sufficient to prove his guilt.
20. There could be many p..... reasons why the accused was in the area on the night of the murder.
21. After the prosecutor finished questioning the witness, the defence began their c.....-e..... of the witness.
22. Australia does not use the d..... p..... to punish murderers, but many countries do.
23. The police organised a r..... of the crime at the site where it happened so that they could understand what took place.
24. The juror who disagreed with the others attempted to r..... their opinions in a calm and logical manner.
25. The juror who disagreed with the others challenged the v..... of their responses to the witness statements

LEGAL TERMS (and other useful vocabulary)

verdict (n.)

criminal case (n.)

guilty (adj)

not guilty (adj.)

innocent (adj.)

trial (n.)

defence/the defence (n.)

accused of (passive v.)

the accused (n.)

defendant (n.)

reasonable doubt

jury (n.)

juror (n.)

foreman of the jury (n.)

presumption of innocence (n.)

evidence (n.)

objective (adj)

witness (n.) (v.)

alleged (passive verb OR adj.)

impartial (adj)

prosecutor (n.)

unanimous (adj.)

exhibits (n.)

sentence (n.) (v.)

alibi (n.)

testimony (n.)

deliberations (n.)

ambiguity (n.)

prejudice (n.)

stereotype (n.)

bigot (n.)

first degree murder

charges (n.)

motive (n.)

circumstantial evidence

plausible (adj.)

oath (n.)

hung jury

credible (adj.)

cross-examination (n.)

death penalty (n.)

refute (v.)

valid (adj.)

validity (n.)

re-enact (v.)

re-enactment (n.)

acquit (v)

acquittal (n)

(12)



Make sure you pay careful attention to the STAGE DIRECTIONS as well as the DIALOGUE when answering these questions.

ACT 1

1. Describe the room in which the jurors consider their verdict.

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2. What instructions does the judge give the jurors?

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3. What is the defendant charged with?

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4. How do the jurors act/ how do they seem to feel when they enter the room?

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.....

5. How is the first vote taken? Are all the jurors confident about their vote? What is the result? (p.6 - 7)

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.....

6. Does Juror 8 believe that the boy is innocent? Why does he vote "Not Guilty"?

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7. What type of background (family, economic, social) does the boy come from?

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8. What testimony was given in court by the old man who lived in the same building?

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9. What was the defendant's alibi for the time of the killing?

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10. What testimony was given by the woman who lived over the street? (p.10)

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.....

11. What was the boy's alleged motive for killing his father?

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12. Why is Juror 3 so hostile to young boys?

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13. Why does Juror react angrily to Juror 10's comments about children born in slums? (p.12)

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14. What is Juror 8's view of the defence lawyer?

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.....

15. What is the alleged murder weapon? According to the boy, what happened to it?

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16. How does Juror 8 support his claim that someone else could have stabbed the father with a similar knife?

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ACT 2

24. How is the weather changing? Why is this significant?

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25. What is the result of the next ballot (p.40) ?

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26. What does Juror 10 want to do? Why?

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.....

27. How does Juror 8 demonstrate that the boy's inability to remember the movie he saw does not cast doubt on his alibi?

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28. How does Juror 5 create doubt about whether the boy could have actually stabbed his father in the chest? (p.49)

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29. Why does Juror 11 change his vote to "Not Guilty"?

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30. How does Juror 9 cast doubt upon the validity of the woman's testimony?

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.....

31. Why does Juror 10 change his vote to "Not Guilty"?

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32. Who is the final juror to vote "Not Guilty"?

.....

17. How is the next vote taken? Why?

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18. Why did Juror 9 change his vote to "Not Guilty"? (p.20)

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19. What questions does Juror 8 raise about

- A motive for the murder.....
.....
- The old man's evidence.....
.....
- The woman's evidence.....
.....
- The phrase "I'll kill you".....
.....

20. What does Juror 9 suggest about the reliability of the old man's evidence? (p.27)

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21. What is Juror 8's opinion of the defence lawyer?

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22. Why does Juror 8 (an architect) ask for a diagram of the old man's apartment?

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23. What does the re-enactment show?

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12 ESL "Twelve Angry Men" CHARACTERS

Which character do the following statements apply to?

1. He warns the jurors of the "heavy responsibility" they face in deciding the guilt or innocence of the defendant.
2. A successful, wealthy businessman; unemotional; emphasises the importance of reason and logic; sceptical of the defendant's alibi (claimed he was at the movies on the night of the murder).
3. He questions whether the defendant, who was a lot shorter than his father, would have been able to stab his father with a downward motion of the knife.
4. Only interested in ending the discussions as quickly as possible so he can get to a baseball game; prejudiced against immigrants; wants to declare a hung jury; changes his vote to "not guilty" even though that is not what he really believes.
5. An intolerant bully; believes the defendant's guilt is obvious and any discussion is a waste of time; the main antagonist (opponent) of Juror 8; his desire to punish the defendant is closely connected with his anger towards his own son, with whom he has a very poor relationship.
6. A quiet, thoughtful but assertive man; determined that justice will be done; stresses the important concept of "reasonable doubt"; believes that the defendant's case deserves careful consideration because the boy's life is at risk; demonstrates that the knife used as the murder weapon could have been easily obtained by anyone in the neighbourhood.
7. Initially lacks the confidence to speak; grew up in a slum neighbourhood; resents Juror 4 and 10's prejudiced comments about kids from slum backgrounds; uses his experience of witnessing gang fights to explain how a switchblade knife would be used.
8. An elderly man; understands why the old man (the witness) might have claimed that he heard the boy threaten his father; very observant – points out that the female eye witness was not wearing her glasses during the trial.
9. A European immigrant who escaped from persecution in his home country; greatly values the fact that he is now living in a democracy; appreciates the opportunity to participate in the legal system; takes his responsibility seriously; speaks in a rather formal style because English is not his first language.
10. Not particularly interested in the case; keeps talking about his job in an advertising agency.
11. A bigot. His extreme prejudices against people from slum backgrounds and people from different ethnic groups eventually lead to his rejection by the other members of the jury.

12. A house painter; likes to listen more than talk; stands up for Juror 9 (the old man) when Juror 3 speaks rudely to him; asks Juror 8 how he would feel if they acquitted the defendant but later found out he was guilty.
13. Tries to run the discussions in an orderly way; impressed by the authority he has been given but gets upset when the procedure he set up is questioned by some jurors.

12ESL "Twelve Angry Men" Useful Youtube clips about Eye Witness Testimony

- False Memory and Eye Witness Testimony (shwooddotcom, June 25 2007, 9 min)
- Eye Witness Testimony Pt 1 (CBS News Online) 13 min
- How Accurate is Visual Memory (CBS News Online, 1.52 min)
- When Eyes Deceive – Eye Witness Testimony (4 min 35sec)
- Are you a good eye witness? (WUPW)
- The Eye Witness Test: How do you stack up? (6 min 21 sec)
- Why Eye Witnesses Can Fail (3 min 53 sec)
- Memory not necessarily a true account (Elizabeth Loftus)

What does the play show us about group behaviour?

The characters in *Twelve Angry Men* are twelve nameless individuals who had never met each other before the trial began and appear to have little in common. Because they have been selected to form the jury in a murder trial, they are forced to become members of a group and spend time locked up together in a confined environment. Due to their varying backgrounds, each of the men has different reactions to this experience and tension is created by their different responses. Conflict arises because they can not agree about the guilt of the accused. Eventually, a unanimous verdict of "Not Guilty" is handed down because one of the jurors refuses to give in to the pre-conceived ideas of the other jurors and he succeeds in persuading them to support his view. The play shows that the determination of one individual to resist the pressures of the group and stand up for what he believes in finally leads the group to make a just decision.

Reginald Rose deliberately chose not to give names to his characters because their anonymity represents the fact that they are ordinary people who have to perform their civic duty as citizens of a democracy. However, this does not mean they are identical in their views or their behaviour. Each man is both an individual and a representative of a particular sector of 1950's American society. Juror 5 is intimidated by the responsibility of deciding a man's fate, and approaches the initial ballot with nervousness and a lack of confidence. Others, such as Jurors 3, 7 and 10, arrogantly believe that it is an open-and-shut case. Some are distracted by other aspects of their life, such as their job, and initially show little interest in the deliberations. Another resents the time that the court case is taking away from "more important" matters such as sport. One man takes pride in the opportunity he has been given to participate in the legal system of a democratic nation. Most have little or no understanding of the legal process they are involved in, but Juror 8 understands the importance of concepts such as "burden of proof" and "reasonable doubt." His main concern is that justice be done.

As the play progresses, these differing attitudes lead to antagonism between certain jurors, particularly Jurors 3 and 8 whose views reflect diametrically opposed political and social values. For some jurors, the arguments lead them to consider the evidence with a more open mind. For others, it simply leads to even more deeply entrenched prejudices. Some of them are isolated from the group by their ethnic identity (Juror 11) or social background (Juror 5) or age (Juror 9).

Each of them, at some point, tries to persuade other member of the jury to agree with them, by using reason and logic, or by using emotional appeals. There are shifting alliances within the group as individual jurors either accept or reject particular arguments. The ballots are taken in secret, because it would be intimidating for an individual to openly express a vote that was opposed to the majority view.

When assessing the evidence, each juror brings his own personal experiences and prejudices to the interpretation of the testimony. Juror 5 uses his experience of gang fights in the slums the question the way the defendant allegedly stabbed his father with a switchblade. The elderly Juror 9 shows empathy for the old man who claimed to have heard the defendant threatening his father. Juror 3 is influenced by his bitter memories of conflict with his son.

Some jurors give in to pressure more easily than others, because they are persuaded by the reason and logic of arguments in favour of a "not guilty" verdict. Once the vote becomes 6 – 6, individuals are more willing to change, and Act 2, after the storm breaks, moves quite quickly. But Juror 3 holds out for a "Guilty" verdict until the bitter end, because he is emotionally blinded by his anger towards his son. He is finally rejected by all other members of the jury when they are repelled by the extreme bigotry of his lengthy speech. He is left alone standing on one side of the room as a visual representation of his isolation from the other jurors.

Even though the jury is composed of flawed individuals, as a group they do manage to uphold the democratic process by returning a verdict of "Not Guilty". By finally agreeing that there is reasonable doubt about the guilt of the accused, the jury fulfils the goals of the legal system and the principle that it is better to set a guilty man free than to punish an innocent one. The calm but assertive manner of a strong and rational leader is of crucial importance to the behaviour of the group. By a process of discussion and questioning, led by the courageous and determined Juror 8, the group achieves a level of wisdom and insight that separate individuals would not have been able to attain. Whether such an outcome would, in fact, occur in the real world is questionable. But Rose creates a powerful drama which illuminates the goals that our legal system should strive for.

About 860 words

12ES Twelve Angry Men Sample Essay

"You can't send someone off to die on evidence like that."

How important is evidence in *Twelve Angry Men*?

The first words spoken in this play are those of the judge, unseen by the audience, reminding the members of the jury to deliberate "honestly and thoughtfully." Their verdict should be based on careful, impartial consideration of the evidence, including both witness testimony and physical evidence. However, it is clear that most members of the jury had formed their views during the trial and were not interested in participating in discussions in order to come to a fair and just verdict. Juror 8 has to force the other men to review the evidence thoughtfully, until eventually they admit that the unreliability of the evidence means that there is "reasonable doubt" about the guilt of the accused. Finally, the defendant is acquitted on the basis of this evidence, despite the initial prejudices against him that are expressed by many jurors.

The court-appointed defence attorney presents only one piece of evidence in his defence of the accused. He claims that the boy has an alibi for the time of the murder – he was at the movies. This alibi has obvious weaknesses, especially when the accused can not remember any details of the films he allegedly saw. Although the audience does not see or hear the case presented by the defence, Juror 8 points out that the boy's counsel did not ask appropriate questions and did not appear to try very hard to gain an acquittal. Perhaps his failure to provide better evidence for the defence was due to the fact that he had actually pre-judged his own client and did not believe in his innocence.

The prosecution has three main pieces of evidence – the murder weapon, the old-man's account of the argument he heard, and the woman's "eye-witness" account of what she saw through her window. Initially, all members of the jury except Juror 8 find this evidence to be irrefutable. Juror 3 summarises the evidence by saying "I mean, there are facts for you. You can't refute facts." They have no doubt that the accused is guilty and are willing to send him to probable execution on the basis of this evidence.

It becomes clear, however, that each of these pieces of evidence is of questionable validity. Juror 8 presents another knife, identical to the alleged murder weapon, to demonstrate that another person could have owned such a weapon. He also sets up a re-enactment of the crime scene, to demonstrate that the old man could not have moved quickly enough to see or hear what happened. Juror 9 supports this when he suggests that the old man's testimony might have been motivated by a desire for attention. Juror 9 also points out that the woman who claimed to have seen the murder take place probably wore

glasses, so if she had been in bed at that time, her eye-sight would not have been good enough to make accurate observations. He also demonstrates that the boy's inability to remember details of the film he saw on the night of the murder is no indication of guilt, because Juror 4 also is unable to remember accurately the name or the actors of a film he saw recently. Even the boy's alleged words "I'm going to kill you!" do not demonstrate a convincing motive for murder, because Juror 3 uses the same words when provoked by Juror 8. When Juror 8 calmly replies "You don't really mean you'll kill me, do you?" the audience is forced to recognize how precarious justice can be.

For most of the jurors, their own personal prejudices and emotional responses are more powerful and influential than the evidence presented to them, until Juror 8 forces them to admit that their own biases have clouded their judgement. Eventually, an honest and open appraisal of the evidence does lead to acquittal of the accused. *Twelve Angry Men* shows that evidence can not speak for itself; it must be evaluated correctly by jurors who understand the concept of reasonable doubt and value the search for truth.

640 words

12ES Twelve Angry Men Sample Essay

“How does *Twelve Angry Men* show that prejudice can obscure the truth.”

In a democratic country such as the United States, where this play is set, trial by jury is considered the fairest way to decide the guilt or innocence of a defendant. The Sixth Amendment to the US Constitution requires juries to be impartial, which means that the jury must represent a fair cross-section of the community and that individual jurors must be unbiased. The Constitution also gives the defendant the right to be represented by an attorney of his choice, or be given a state-appointed defence attorney if he can not afford to pay for his defence. These measures are intended to ensure that in criminal cases, the risk of convicting an innocent person is minimised. However, as this play shows, juries can never be perfect because they consist of ordinary, imperfect humans who have various weaknesses, including prejudice and bias. These prejudices can make it difficult to determine the truth of the accused person's guilt or innocence. However, *Twelve Angry Men* is more concerned with justice than with truth. At the end of the play, the audience does not know the truth about what happened on the night of the murder. But the jury system, as a means of obtaining justice, has been defended.

The twelve jurors in this trial do not represent a fair cross-section of the community. They are all white males of at least middle age, and several of them display racial prejudice. The 1950's were a period of post-war migration and racial segregation in the US. Although it is not stated directly, Rose implies that the defendant comes from a minority ethnic group, perhaps black or Hispanic. Several of the jurors reveal their prejudices against him on this basis. Juror 10 makes the angry generalisation “You can't believe a word they say. I mean, they're born liars.” He had determined the boy's guilt before careful consideration of the evidence or the witness testimony, because in his mind, the accused fitted the accepted stereotype. It is ironic that when Juror 10 says “He's a common ignorant slob. He don't even speak good English”, his incorrect grammar reveals his own lack of education.

Some jurors also express prejudice against the defendant on the basis of his socio-economic status, because he lived in the slums and came from a dysfunctional family. His father was a drunk who had spent some time in prison. For some of the jurors, this background makes it far more likely that the boy had criminal tendencies and could have killed his father. Juror 4 claims that “He was born in a slum. Slums are breeding grounds for criminals.....potential menaces to society.” Juror 10 agrees that “The kids who crawl outa those places are real trash.”

Juror 3 is also unable to be objective because of his personal difficulties with his own son. He is sure of the defendant's guilt because “It's the kids, the way they are nowadays. Angry! Hostile!” It becomes clear, as the play progresses, that he is transferring his resentment of his son to the accused boy. When he says “To his own father....It was his father. That goddamn rotten kid. I know him. What they're like...How they kill you every day”, Juror 8

forcefully reminds him that it is not his own son who is on trial. "It's not your boy. He's somebody else."

It is likely that the defence attorney also did not have an open mind towards the boy he had the responsibility of defending. Juror 8 comments on the inadequacies of the way the defence case was presented, and the failure to ask certain important questions. "I started to feel that the defence counsel wasn't doing his job. He let too many things go." Although the audience does not see or hear the defence attorney, Rose implies that this court-appointed lawyer did not really care about finding the truth, perhaps because he had pre-judged the defendant.

Some witnesses also lack objectivity when giving their testimony to the court. The search for truth is not upper-most in their minds when they relate what they saw or heard. They have different - perhaps unconscious - motivations for standing up in court. Juror 9, who is elderly himself, suggests that the old man may not have been lying when giving his testimony but he may have enjoyed the opportunity "to be recognized, to be listened to, to be quoted just once" and his eye-witness account may not be reliable. The woman who claimed that she witnessed the murder through the window of her apartment did not admit that she has poor eye-sight and normally wore glasses. These witnesses may not have had malicious intentions; they may have sincerely believed that they were speaking the truth. But careful consideration of their testimony, insisted upon by Juror 8, showed that in fact they were biased by various personal factors, and their evidence was unreliable. As Juror 11 comments, "Facts may be coloured by the personalities of the people who present them."

Although the judge instructed the Jurors to consider all the evidence "honestly and thoughtfully", Act I begins with nearly all the jurors thinking the case is "obvious." Only Juror 8 has the courage to stand up against the prejudices of the other Jurors and insist upon the important concept of "reasonable doubt." Although he knows that "truth" may be impossible to find, he uses reason and logic to counter the prejudices of the other jurors. In a capital case where the defendant's life is at stake, he is not willing to come to a verdict of Guilty without thorough, open-minded consideration of all the evidence. For him, releasing a guilty man would be preferable to convicting an innocent man. Although the play ends without a clear determination of "the truth", the audience is forced to face the importance of putting aside one's prejudices in order to prevent a miscarriage of justice.

About 900 words

“The setting of the play enhances the tension among the men.” Do you agree?

As in any drama, conflict and tension are significant elements of *Twelve Angry Men*. Tension is initially created by the audience’s awareness that the jury has just sat through a court case which included detailed description of a violent murder. The jurors now have the responsibility of deciding whether the accused will be sentenced to death or not. Conflict between the jurors increases as it becomes clear that they all have very different responses to the case. The entire play takes place in one small room, in which they are locked, with an adjoining wash-room. The men’s growing frustration and the tension between them is intensified by various elements of this claustrophobic setting and by the socio-cultural background against which the play takes place.

When the curtain rises on a drab empty room, no actors are visible and the audience can hear only the voice of the judge reminding the jurors to consider all the facts of the case “honestly and thoughtfully.” A man’s fate is to be decided in a very ordinary, anonymous room, in the centre of which is a “scarred table”, perhaps marked with the signs of previous conflicts. The actors begin with comments on the intense heat of that summer day. “This is the hottest day of the year,” says Juror 7 and the stage direction “mopping his brow” reinforces this. The lack of air-conditioning and the approaching storm ensure that the heat becomes very oppressive. Both physically and metaphorically, the temperature rises within the room as the play progresses, although not all the men are equally affected by this.

The closed room in which the men are forced to stay until they reach a unanimous verdict comes to represent the closed mind of many jurors. Through the windows on the back wall, New York’s skyline can be seen, and Juror 8 often stares at it. This skyline seems to represent the democratic ideals and achievements of the United States, and is a constant reminder of the importance of the deliberations taking place in this mundane room. The fan in the room is broken and there is no air-conditioning, which perhaps represents the imperfections of the legal system. When the storm finally breaks and it begins to rain in the Second Act, the drop in temperature reflects the beginning of a release of tension within the room. The darkness brought by the rain is relieved when foreman finally realises that turning on the light also activates the ceiling fan, and some fresh air enters the room. Although the right decision has not yet been made, several jurors have changed their minds and it is clear that Juror 8 is gaining support.

The political and social settings underlying the play are also significant, because the jurors’ attitudes and values are clearly shaped by the society in which they live. Joseph McCarthy’s political trials of highly-placed people suspected of communist sympathies were taking place at this time. McCarthy created an atmosphere of hysteria about Communist

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infiltration and conspiracies, and the trials were watched by many millions of television viewers. These trials had resulted in wide-spread concern about the potential misuse of the American legal system. The play's themes of fairness and justice are particularly relevant to the conflicts between the liberal Juror 8 and the more politically conservative jurors such as Juror 3, 4 and 10. Support for the death penalty was also declining in the United States at that time. This is reflected in the tension between Juror 8, who is deeply aware of the grave responsibility of returning a "Guilty" verdict, and other Jurors who do not even want to "waste" time discussing such an open-and-shut case.

Many of the jurors have stereotyped views of anyone from a different ethnic group or from the lower classes of society. They are not afraid to make racist comments and it is worth remembering that at that time, racial segregation was supported by law. The 1950's was a time of large-scale migration from the war-torn countries of Europe and from Latin America, and many of these white males are clearly suspicious of anyone not of Anglo-Saxon heritage. This distrust of foreigners is reflected in Juror 7's comment on Juror 11: "He comes over to this country running for his life and before he can even take a big breath he's telling us how to run the show." Juror 11 is probably a refugee or migrant from a European country which did not enjoy democratic freedoms. He values the opportunity to participate in the democratic process by being a juror. Juror 8 refuses to support such prejudiced views, and he has to defuse the tension which arises among the men because of their differing social and political views.

Some jurors do not regard it as "politically incorrect" to make generalisations about the criminal tendencies of "kids from the slums." But this leads to tension when Juror 5 admits that he grew up in the slums, and he angrily challenges the views of Juror 4. "I used to play in a backyard that was filled with garbage. Maybe it still smells on me."

Throughout their deliberations, Juror 7 is pre-occupied with baseball and his determination not to miss a game for which he has tickets. The references to baseball reinforce the fact that the play is set in the US, and provide a topic of conversation to either link him with or separate him from other jurors. Ironically, sport is based on concepts of fair play, but Juror 7 seems to have little interest in achieving a fair outcome for the defendant. The social and political values clearly expressed in the US Constitution and underlying the jury system are apparently of no relevance to him.

In *Twelve Angry Men*, there is a clear contrast between the ordinariness of the physical setting on stage and the significant and inspirational ideas underlying the legal system in which they are participating. Juror 8 clearly upholds the values and goals of the democratic system, as expressed in the US Constitution. This creates tension and conflict with other jury members who are limited by the prejudices of the society in which they live. The claustrophobic room in which the jury members are confined thus becomes a metaphor for the tensions not only between the men but between different sectors of society.