

NEVER FORGET

BUCKY LEROY

LIST OF CHARACTERS

Horacio Agbayani, prosecuting attorney

Younger Horacio Agbayani, at ten years old

Anne Carlisle, prosecuting attorney

Mike Scully, defense attorney

Washington Sinclair, defendant

Devlin Gainsborough, witness

Bucky LeRoy, victim

Benny Lorenzo, police chief

Johnny Dante

Two passersby

Two older boys

Two police officers

Judge

Bailiff

Dr. Hammett, political scientist

Dr. Gershwin, sociologist

Jenny Walsh, social worker

Twelve jurors (including jury spokesman)

ACT I

Scene I: Bucky LeRoy is playing a jazz tune on the sidewalk outside Washington Sinclair's office. A couple of passersby walk past him and one of them flips a coin into Bucky's hat, which is lying upside-down on the sidewalk.

Bucky: (Stops playing for a moment) Thank you, ma'am, much appreciated. (Resumes playing)

[Exit the two passersby and enter Washington Sinclair, who walks to his office door and reaches into his overcoat pocket for his key.]

Sinclair: Shoot! I forgot my key! (Tugs on door, but it doesn't budge) I should have stayed in bed. (Pulls a cell phone out of his pocket and dials a number, then puts the phone to his ear) Hello? Maria? Look, I forgot my key this morning and nobody else has gotten in to the office yet. I need you to bring me my office key. What do you mean you don't know what my office key looks like? Just bring all the keys you can find. *No*, I don't know where I left it. Look all over the house if you have to. What do you mean there's no point in looking all over the house for something that you wouldn't even recognize if you saw it? Just—just think of something; I don't know. I know you don't have a car—just walk here. Well you're my maid, that's what you're paid to do. (Closes the phone) Good help is so hard to find these days; she's always full of excuses. (Looks at his watch) If she isn't here in fifteen minutes, she's fired.

[Enter Devlin Gainsborough.]

Gainsborough: Good morning, Wash.

Sinclair: I wish it were, Devlin. I'm locked out of my office right now.

Gainsborough: That's too bad, Wash. Say, are you doing anything tonight?

Sinclair: Not really. We should go to dinner.

Gainsborough: We should indeed.

Sinclair: What'll it be? Beauregard's place?

Gainsborough: No, not that place. They have such horrible service there.

Sinclair: Hmm... (Lets his gaze drift over to Bucky LeRoy)

Gainsborough: Those waiters have the most menial jobs, and they can't even do *those* right. Pathetic, I say. Don't you agree?

Sinclair: Oh, sure...

Gainsborough: Say, Washington, are you listening?

Sinclair: Sorry, Devlin. I was distracted. It's that horrible noise over there. I really can't stand it.

Gainsborough: Oh, you mean that man playing jazz over there? (Points at Bucky)

Sinclair: That's the one.

Gainsborough: I know what you mean—Good God, how could any human produce such an *awful* discord? It must be intended for the lowest common denominator of hooligans and vagrants.

Sinclair: And all sorts of other degenerates. It should be illegal to play that music here on the streets, where *I* have to listen to it.

Gainsborough: Indeed. All the same, I don't think that man has any other means of generating funds.

Sinclair: What?

Gainsborough: Money. I don't think he has any other way to make money.

Sinclair: Maybe not, but I don't see why *I* should have to suffer for it.

Gainsborough: Perhaps we should cover our ears. That might reduce the noise level a bit.

Sinclair: Good idea. (Both men cover their ears) Devlin, I don't think this is working.

Gainsborough: What?

Sinclair: Devlin, I don't think this is working!!

Gainsborough: What?

Sinclair: (Tears one of Gainsborough's hands away from his ear) Devlin, I don't think this is working.

Gainsborough: Well, why didn't you say so?

Sinclair: (Sighs) What are we going to do about this annoying situation? Say, Devlin, do you still have those special earmuffs that you wear when you take afternoon naps and you don't want anyone to bother you?

Gainsborough: They're not on me at the moment.

Sinclair: Why not?

Gainsborough: Well, I don't carry them around with me everywhere. They're expensive—they were specially designed for me in Geneva. That's in France.

Sinclair: No, no, Devlin, I think you're wrong.

Gainsborough: About what?

Sinclair: About Geneva. I don't think it's in France.

Gainsborough: Then where is it?

Sinclair: I don't know. The only other country I can think of off the top of my head is Tennessee.

Gainsborough: Never heard of it.

Sinclair: But we're sidetracking. What are we going to do about that noise?

Gainsborough: Perhaps we could just ask him to play somewhere else.

Sinclair: You know—I never would have thought about that. You're a genius, Devlin.

(Sinclair timidly approaches Bucky, but stops halfway and walks back to Gainsborough)

Sinclair: No, no, Devlin, I think I'd rather not.

Gainsborough: Why not?

Sinclair: Well, why don't you?

Gainsborough: I...I just wouldn't feel comfortable, that's all.

Sinclair: Nor would I.

(While still playing, Bucky uses his foot to slide his hat towards Sinclair and Gainsborough)

Gainsborough: You know, I think he's trying to tell us something, Wash. Maybe...maybe he wants us to give him some money...

Sinclair: Dear Lord, don't tell me you're starting to understand his language, Devlin. (Shakes Gainsborough's shoulders) Come back to the light, I beg you!

Gainsborough: Sorry, Washington.

Sinclair: Quite all right. We all have inexplicable fits of madness—except for me. Oh, and by the way, you'll be pleased to know that I've discovered a solution to my predicament. (Pulls a pistol out of his overcoat)

Gainsborough: Is that a real gun, Wash?

Sinclair: (Squints down the barrel) I think so.

Gainsborough: Look, Washington, you can't just shoot a man. It's illegal. It's even more illegal if there are witnesses.

Sinclair: (Sighs) You're right, Devlin. Wait a minute—but I can shoot myself, can't I?

Gainsborough: Look, Washington, I know you're going through a difficult time right now, what with the hideous music and all, but you've got to pull yourself together, man...

Sinclair: No, Devlin, don't worry, I'm not going to kill myself. I'm only going to shoot myself in the hand.

Gainsborough: (After a brief pause) Um...why?

Sinclair: Because, if I simply aim the pistol as thus...(Points the gun at Bucky's head and then places the palm of his hand in front of the barrel)...the bullet will pass right *through* my hand...

Gainsborough: Oh dear.

Sinclair: And then proceed to lodge itself in that irritating man's cranium.

Gainsborough: But won't it hurt?

Sinclair: If I aim properly, he won't feel a thing. He'll die instantly.

Gainsborough: No, your hand!

Sinclair: Oh...maybe. But that's not the point. The point is, my hand is part of my body, and I have a right to do whatever I want with my own body.

Gainsborough: Of course, but maybe we should think about this for a moment.

Sinclair: (Waves his hand in Gainsborough's face) But this is *my* body, isn't it? I have a right to privacy over *my* body, don't I? It's in the Constitution. Look it up.

Gainsborough: Well, I suppose you're right.

(Gainsborough covers his ears, and Sinclair aims the gun at Bucky's head while placing his hand in front of the barrel)

Close Curtains.

(There is a loud bang, the music stops, and Bucky is heard falling to the ground. The two passersby scream)

Sinclair: My hand, my hand, sweet mother of phalanges, my hand!!!

Scene II: Washington Sinclair, Police Chief Lorenzo, and Prosecuting Attorney Anne Carlisle are sitting at a table in an interrogation room. Sinclair is handcuffed and has a bandage wrapped around his hand. A clock is heard ticking in the background.

Lorenzo: (Looks at his watch and sighs) Do you like baseball, Anne?

Carlisle: Not really.

Lorenzo: What about you, Mr. Sinclair?

Carlisle: Benny, you're not really supposed to ask him questions after he's invoked his Miranda rights. We have to wait for his attorney to show up.

Lorenzo: I know, but baseball isn't...

Carlisle: Benny...

Lorenzo: I'm just...

Carlisle: Benny!

Lorenzo: All right! (Looks up at the ceiling and sighs) I'm so boored!

Sinclair: (After a brief pause) Do either of you have any chap stick?

Lorenzo: Hah! He talked! Did you hear that, Anne? He talked! Miranda rights my left...

[Enter Defense Attorney Mike Scully with a briefcase]

Scully: Ahem.

Carlisle: It's nice to see you, counselor. *Finally*.

Scully: I wish I could say the same about you, counselor. Mr. Sinclair, you haven't said anything yet, have you?

Lorenzo: Oh, he was totally spilling his guts out. I was all like, "You have the right to remain silent" and he was all like, "Yeah, I did it; I totally shot that guy..."

Sinclair: I believe that's a paraphrase, Mr. Scully.

Lorenzo: And his so-called friend, what's his face—Devlin Gainsborough?—he was all like, "It was him, it was all him, don't take me, take him!"

Scully: Chief Lorenzo, I would like to be alone with my client right now.

Lorenzo: Sure thing.

[Enter two police officers who escort Sinclair offstage. Scully follows them out.]

Carlisle: I don't like this, Benny. It just doesn't seem right.

Lorenzo: Are you kidding, Anne? This case is golden. It doesn't get any easier than this—the genius already confessed. And trust me; nobody's gonna mistake him for a Mafia fall-guy.

Carlisle: Washington Sinclair doesn't worry me; it's his attorney that might make me lose sleep.

Lorenzo: You know his attorney?

Carlisle: Yeah...that guy's name is Mike Scully. He knows every law down to the letter, and he can find a loophole in anything. Scully can twist other people's words to mean whatever he wants without changing a single syllable.

Lorenzo: Is that so?

Carlisle: Yeah, that's so. He told me a story once about when he was just a kid. When he was nine, he caught his big brother cheating at cards, so he called the cops and told them to arrest him. He didn't know any better, but the responding officers were not amused. When the cops came, they told him this—and he said he memorized these words exactly—"Never call 9-1-1 when your brother is cheating at cards again." He took this advice to heart. A year later, he looked through his window and saw two burglars break into his neighbor's house. But he didn't call the cops. Do you know why?

Lorenzo: No, why?

Carlisle: Because he and his brother were playing cards at the time, and his brother was cheating again. Mike didn't think he was allowed to call the cops while his brother was cheating at cards.

Lorenzo: How did a kid like that ever make it through law school?

Carlisle: Because he's really much smarter than either you or me—as far as books are concerned. Let's hope we don't go up against him in a trial.

Lorenzo: Trust me, this isn't going to trial, Anne. No way. They are definitely going to plea bargain.

[Enter Sinclair and Scully with the two police officers.]

Scully: My client would like to plead "Not guilty."

Carlisle: What? Are you crazy? Your client already confessed!

Scully: I know.

Carlisle: Wait a minute...the confession wasn't coerced, was it? Benny, you know you can't let your brothers use the defendants as punching bags anymore...

Lorenzo: Hey, don't look at me...

Scully: Relax, counselor. The confession was being legitimately obtained.

Carlisle: Then why is your client being such an idiot?

Sinclair: Really, counselor, there's no need for language like that. We've got more up our sleeves than you realize...

Scully: That's enough, Mr. Sinclair. Not one more word.

Sinclair: Sorry.

Scully: (Glares at Sinclair) Shut up!

Carlisle: Are we talking about the same case, counselor? Your client, Mr. Washington Sinclair, is accused of murder in the first degree. He was *seen* shooting Bucky LeRoy in the head on a busy street.

Scully: I know.

Carlisle: Then why even bother going to trial? Your client has two choices: he can cooperate and accept a plea bargain, or he can go away for a very long time.

Scully: Or he can win the case.

Carlisle: And how do you expect to do that?

Scully: (Smirks) Don't worry, Miss Carlisle. I won't disappoint you. I never do. I believe my client is finished here.

[Exit the two police officers with Sinclair and Scully.]

Lorenzo: Don't worry, Anne. This guy's going down.

[Exit Lorenzo.]

Carlisle: (Stares up at the ceiling) I wonder what I got myself into— maybe Benny can get me one of his punching bags.

Close Curtains.

Scene III: Johnny Dante is leaning against a wall on the street where Bucky was shot, and peeling an apple with a pocketknife.

[Enter Horacio Agbayani in his wheelchair. He proceeds to roll past Dante without noticing him.]

Dante: (Without looking up from his apple) Mr. Agbayani!

Agbayani: (Stops wheelchair and faces Dante) Johnny! Johnny Dante! I haven't seen you for a while!

Dante: (Shrugs) Well, hobos usually don't frequent the same bars that you hotshot lawyers do. What can I say? We have better taste.

Agbayani: It's good to see you, Johnny. What are you doing here?

Dante: The same thing a rootless hobo always does—scrounge around for food. Oh, and I wanted to talk to you too, Horacio.

Agbayani: About what?

Dante: About Bucky LeRoy. He was murdered near here yesterday.

Agbayani: I know. My friend Anne is prosecuting the case.

Dante: And I want you to help her. If it makes any difference to you, Bucky was a friend of mine. I want justice.

Agbayani: You've got friends all over the place, don't you?

Dante: It tends to work out that way. I've been to a lot of places. But I never met anybody quite like Bucky. You know, I suppose I should envy him, in a way. Not that he died, but that he died happy.

Agbayani: He lived on the streets before he died, Johnny.

Dante: You weren't exactly born with a silver spoon in your mouth either, Horacio. Do you remember when you were a kid?

Agbayani: Yeah, but I wasn't happy, Johnny. Those were the worst years of my life.

Dante: Oh, I think you've seen a worse year.

Agbayani: That's not the point. I was miserable when I was a kid.

Dante: That's because you didn't have music.

Agbayani: Are you sure it's not because I didn't have money?

Dante: (Smiles) Bucky was possessed by the ecstasies of jazz when he died. I can't think of a better way to go. Or to live, more importantly.

Agbayani: I thought you didn't like jazz.

Dante: All right, let me be more specific—I can't think of another way for Bucky to go. Me I'd rather be listening to Guns 'n' Roses when I kick the bucket. But that's beside the point. The point is, I want you to help your friend Anne prosecute the case.

Agbayani: Why me?

Dante: Because...because what I really want is for myself to be the one to prosecute the case—I want to be the one to speak on behalf of my friend and contend with the confusticating mind of that fork-tongued Mike Scully. But I can't—I am but a vagrant. Nobody ever listens to me, and I...nobody has ever listened to me, and I'm so sick of it. I'm tired of being the man eating locusts and honey in the desert, trying to help people who won't even pay attention to me. I'm tired of being the voice in the wilderness, the voice that nobody cares about. But people will listen to you, Horacio. You've got status.

Agbayani: So you want to experience this trial vicariously through me.

Dante: (Kneels beside Agbayani) I want you to be the voice of those who cannot speak for themselves. I want you to speak on Bucky's behalf, and on mine. This jury may not listen to me, but you will, because you're my friend. And the jury will listen to *you*. I will be your Dekanawida, child, and you must be my Hiawatha. Together, we shall lay down the law.

Agbayani: What if we lose?

Dante: We might. But think about it this way. If you let Anne try this herself, and she loses, not a day will go by when you don't wonder if things would have turned out differently had you offered to help her. You will never forgive yourself.

Agbayani: I guess I don't have much of a choice, do I?

Dante: You always have a choice. But you may not notice it so much because you tend to make the right decisions anyway.

Agbayani: All right, I'll do it. If Anne will let me. She might not want any co-counsel on this case.
(Pulls out his cell phone and dials a number)

Dante: Are you calling her right now?

Agbayani: Yes.

Dante: Tell her I said "Hi."

Agbayani: You don't even know her.

Dante: So? Hey, I'll bet you five dollars that she says she hoping for some help.

Agbayani: Why would you make a bet like that?

Dante: Just a hunch.

Agbayani: Do you even have five dollars?

Dante: Maybe.

Agbayani: (Puts the phone to his ear) Hello? Anne? This is Horacio. Horacio Agbayani. I was wondering if you would like some co-counsel on your next case. The one against Mike Scully. Why? That's hard to explain. I just want to help, that's all. (Dante leans close to Agbayani's phone and grins) Good, I'll be at the courthouse. See you soon. (Closes the cell phone)

Dante: I win.

Agbayani: (Reaches into his pocket for five dollars and extends the money to Dante) Yeah, you win. How did you know she was going to say that? Did she send you here?

Dante: As I said, just a hunch. (Takes the money from Agbayani) Now it's sandwich time.

Agbayani: Some hunch. If you wanted a sandwich, you could have just asked.

Dante: But it's so much more fun when you have no choice.

[Exit Dante.]

Close Curtains

ACT II

Scene I: The trial is beginning. The Judge is sitting behind his desk. Anne Carlisle is sitting at one table; Sinclair's pistol is lying on the table in a plastic bag. Mike Scully and Washington Sinclair are sitting at another table. Behind them sit Devlin Gainsborough, Dr. Hammett the political scientist, Dr. Gershwin the sociologist, Jenny Walsh the social worker, and the twelve jurors. The Bailiff is standing against a wall.

[Enter Horacio Agbayani and Johnny Dante; Dante pushes Agbayani's wheelchair towards Carlisle's table.]

Dante: Good luck, Hiawatha.

Agbayani: I hope I don't need it.

[Exit Dante]

Carlisle: Who was that guy?

Agbayani: That is the man who convinced me to be your co-counsel.

Carlisle: He looks like a hobo!

Agbayani: He is a hobo. But I usually take his advice—he saved my life once.

Carlisle: (After a brief pause) Are you going to elaborate on that, counselor?

Agbayani: Not right now.

Carlisle: Will you at least tell me why he called you Hiawatha?

Agbayani: It's the legend of the Iroquois Constitution.

Carlisle: I'm afraid I don't know much about that—I've spent too much time already studying the United States Constitution.

Agbayani: Hiawatha was a Mohawk warrior who met a Huron prophet named Dekanawida. Dekanawida had a speech impediment, and the only man who could understand him was Hiawatha. So Hiawatha became Dekanawida's interpreter, and Dekanawida dictated to him a set of laws that would become the Iroquois Constitution.

Carlisle: Where is this guy from?

Agbayani: Everywhere.

Bailiff: (Steps out onto the floor) All rise and face the flag for the Pledge of Allegiance. (Everyone in the courtroom except for Agbayani rises and recites the Pledge of Allegiance, then resumes sitting)

Judge: What are the charges?

Carlisle: (Rises to her feet) The State of Illinois charges Washington Sinclair with one count of murder in the first degree.

Judge: How does the defendant plead?

Scully: (Rises to his feet) Not guilty, your Honor.

Judge: You may call the first witness, Miss Carlisle.

Carlisle: The prosecution would like to call Devlin Gainsborough to the stand.

(Gainsborough rises and walks to the witness stand, where the Bailiff holds out a Bible for him. Gainsborough places his left hand on the Bible and raises his right hand.)

Bailiff: Do you swear to tell the truth, the whole truth, and nothing but the truth?

Gainsborough: Can I say, "No?"

Bailiff: No.

Gainsborough: But you just did!

Judge: Mr. Gainsborough!

Gainsborough: All right, all right! I swear.

Carlisle: (Steps onto the floor) Mr. Gainsborough, where were you at 8 AM on October the twenty-second?

Gainsborough: I was chatting with my friend Washington Sinclair outside his office.

Carlisle: You mean the defendant, Washington Percy Sinclair?

Gainsborough: Yes.

Carlisle: And did you see him shoot and kill Bucky LeRoy, who was playing jazz on the street outside Sinclair's office?

Gainsborough: Um...yes.

Carlisle: I have no further questions. (Walks back to prosecution table)

Judge: Counselor Scully, would you like to question the witness?

Scully: Yes I would, your Honor. (Approaches the witness stand) Mr. Gainsborough, did your friend provide a rationale for killing Mr. LeRoy?

Gainsborough: Yes—he wanted the music to stop. It was awful.

Scully: And how did he go about killing Mr. LeRoy?

Gainsborough: He shot himself in the hand, and the bullet went through his hand and into that man's head.

(Sinclair raises his bandaged hand for everyone to see)

Scully: And why did he cause a bullet to penetrate his own flesh?

Gainsborough: Because he has a right to privacy over his own body. The government can't tell him not to shoot himself.

Scully: And do you know why?

Gainsborough: It's unconstitutional. The Fourth Amendment guarantees us all a reasonable expectation of privacy, and it's absurd for the government to stick its nose into Washington's own flesh and blood, telling him what he can and cannot do with his own hand.

Carlisle: Objection! Mr. Gainsborough is a lay witness, not an expert witness. He is authorized only to give solid facts, not his own interpretation of the law.

Judge: Overruled—come on, anybody can go read the Fourth Amendment and see what it says. It doesn't take a rocket scientist. Please continue, counselor Scully.

Scully: So, Mr. Gainsborough, it is unconstitutional for the government to punish Sinclair for shooting himself in the hand?

Gainsborough: I think so.

Scully: Then it must be unconstitutional for Sinclair to be punished now, because he is here, after all, for shooting himself in the hand.

Gainsborough: That's right.

Scully: I have no further questions, your Honor.

Agbayani: But I do, your Honor.

Judge: Very well, Mr. Agbayani.

Agbayani: (Rolls himself to the witness stand) Mr. Gainsborough? Do you mind if I call you Devlin?

Gainsborough: Yes.

Agbayani: Oookay. Mr. Gainsborough, does the right to privacy over one's own body guarantee the right to privacy over someone else's body?

Gainsborough: Um...is this a trick question?

Agbayani: No. Just answer, yes or no.

Gainsborough: No.

Agbayani: So it stands to reason that Sinclair has a right to privacy over his own hand, but not over Bucky LeRoy's head?

Gainsborough: Yes.

Agbayani: So—in your *opinion*, Mr. Gainsborough, is it unconstitutional for your friend to be tried for shooting Bucky in the head?

Gainsborough: Um...

Scully: Objection, your Honor. A lay witness is not qualified to give his opinion on the stand.

Judge: Objection sustained. The jury is to disregard the prosecution's last question. Do you have any more questions for Mr. Gainsborough, counselor Agbayani?

Agbayani: No, your Honor.

Judge: The prosecution may call its next witness, then.

Carlisle: We have no further witnesses, your Honor. But we have some evidence that we would like to show to the jury.

Judge: Proceed.

Carlisle: (Stands up and shows Sinclair's pistol to the jury) Ballistics has determined that this is the handgun that was used to kill Bucky LeRoy. It is registered to one Washington Percy Sinclair, and it has *his* fingerprints on it.

Judge: Is that all?

Carlisle: That is all, your Honor. The prosecution rests its case.

Judge: Would the defense like to make a motion to repress the evidence?

Scully: No, your Honor.

Judge: Very well. The defense may now bring forth its evidence and witnesses.

Carlisle: (Aside to Agbayani) That's odd. Scully isn't even trying to argue that Sinclair didn't shoot Bucky. I didn't see this coming. It's hard to...

Agbayani: (Nods) I know. It's hard to prepare for something you didn't anticipate.

Close Curtains

Scene II: Flashback to twenty years ago. The younger Horacio Agbayani, now ten years old, is walking down a dark city street past a pair of older boys.

Older boy #1: Hey, you, the Filipino! Yeah, I'm talkin' to you!

Agbayani: (Looks up at the older boys) What do you want, dirtface?

Older boy # 1: Listen to the mouth on this one, Charlie. He's just beggin' for his head to get shoved through a window.

Older boy # 2: Hey, kid, I heard that your old man is from the Philippines. What is he, some kind of jungle man? Was he raised by monkeys or somethin'?

Agbayani: I'd rather be raised by monkeys than by your crackhead mother, Charlie.

(Older boy # 2 makes as if to attack Agbayani, but Older boy # 1 holds him back)

Older boy # 1: Watch your mouth, kid. I wouldn't be so cocky if I were you. I heard that your dad used to live on a huge mountain of garbage outside Manila. He had to scavenge in the trash everyday just to find food. The next time he digs around in the garbage, it'll be to find your mutilated little corpse, got that?

Agbayani: Bring it on. I'm not afraid of you.

(Older boy # 1 swings at Agbayani but misses, and Agbayani punches him in the jaw and knocks him down. Older boy # 2 tackles Agbayani and they roll around on the street)

[Enter Johnny Dante. He pulls Agbayani and Older boy # 2 apart]

Dante: Git out of here, Charlie, before I tell your mother what you've been doing. Scram! You too, kid. (Points at Older boy # 1)

[Exit Older boys # 1 & 2]

Dante: What's your name, kid?

Agbayani: Horacio Agbayani. What's yours?

Dante: I have a lot of names, but most call me Johnny Dante. That's what I prefer to be called, anyway. I've heard of your father—Santiago Agbayani, is it? Which nation is he from?

Agbayani: He was from the Philippines.

Dante: No—what's his real nation?

Agbayani: He's an Ilocano.

Dante: Ah, there are many famous Ilocanos. Have you heard of Pedro Bucaneg, the blind poet? He did great work, he sure did. (Agbayani nods) And what about you? Are you from the Philippines too?

Agbayani: (Shakes his head) No. I was born here in the States.

Dante: I wish I knew where I was born. But that's another story. Do you do well in school, Horacio?

Agbayani: I think so.

Dante: Good. When you're graduating from high school, you might get yourself a few scholarships. But you've got to stick to it long enough. Can you do that? (Agbayani nods) Good. I know some people who can help you get some scholarships when the time comes—I've got friends all over the place. Then you can get yourself into a nice university and make your dad real proud.

Agbayani: I want to be a lawyer.

Dante: That's quite an ambition, kid. I like that.

Agbayani: Do you really think I can do that? I...my dad's just a janitor...

Dante: *Just* a janitor? There's nothing low about being a janitor, kid. Having a high-paying job doesn't make you better than anyone else. It's how you do your job that makes you what you are. There are two roads that you can go down: the road of honor and the road of dishonor. Both have been walked on by janitors and lawyers alike. And I should know, because I've met my share of both. You may not believe this, but I was a statesman once. I wasn't always the vagabond you see before you today. The people I knew when I was a statesman are no better than the people I've met here on the streets.

Agbayani: If you say you can help me, then why don't you help yourself?

Dante: I can help myself.

Agbayani: Then why don't you?

Dante: I am. What I want isn't money, kid.

Agbayani: Then what do you want?

Dante: Justice.

Agbayani: Why are you offering to help me, when there are so many other kids you could help? It doesn't seem fair that I should get a break when there are so many others who don't.

Dante: I'm not cheating anybody, kid. Nobody else will be worse off for my having helped you; I'm not denying them anything they've rightfully earned. I'm just giving you a gift, and my gifts are mine to give to whomever I want. Do you really want to know why I singled you out?

Agbayani: Why?

Dante: Because I think you will go out of your way to help others when you can afford to do so yourself. There are two kinds of people in this world, and it comes out when they rise through the ranks of society. There are those hardworking, self-made men who work from rags to riches and then do everything they can to prevent others from doing the same. They become as snobby as the birth aristocracy and strive hard to keep the poor down under their feet. Then there are those people who understand that they were very fortunate—even though they worked hard, they know that they had help of some kind that they had not earned, and they are committed to help others in return. You see, we all receive gifts that we don't deserve. The air that we breathe, the sun over our heads—you are luckier than you realize, Horacio.

Agbayani: All right—I'll do what I can.

Close Curtain

Scene III: Return to the courtroom in the present.

Scully: The defense would like to call Dr. Hammett to the stand.

(Dr. Hammett walks to the witness stand and is sworn in by the bailiff)

Scully: Dr. Hammett, what exactly are you a doctor of?

Hammett: Political science.

Scully: So, in your expert opinion as a political science PhD, do you believe that the government has the right to force anyone to listen to music that he or she does not like?

Hammett: No, I do not. I believe that would be comparable to the use of loud music in psychological torture—in a way, the government forcing us to listen to music would be torturing us.

Scully: Are you aware that the defendant's motive for killing Mr. LeRoy was to stop him from playing music?

Hammett: I was aware of that, yes.

Scully: So, you would surmise that the government's prohibition against taking measures to stop the music is tantamount to the government forcing the defendant to listen to that music?

Hammett: That makes sense to me.

Scully: And, in your mind, that amounts to torture?

Hammett: Absolutely.

Scully: So, not only was the defendant's action against Mr. LeRoy perfectly within his rights, but our government's persecution of him for said action is morally repugnant?

Hammett: That is correct. This whole trial should be illegal.

Scully: I have no further questions.

Judge: The prosecution may now examine the witness.

Carlisle: (Approaches the witness stand) Dr. Hammett, is it logical to assume that prohibiting Mr. Sinclair from taking some measures to stop the music is the same as prohibiting Mr. Sinclair from taking *any* measures to stop the music?

Hammett: I suppose not.

Carlisle: So, the government would be perfectly within its rights to prohibit the defendant from killing Mr. LeRoy, so long as it allowed the defendant to find *another way* to stop the music?

Hammett: Maybe...but only if there were another way to stop the music.

Carlisle: Couldn't the defendant simply have gone inside?

Hammett: He was locked out of his office.

Carlisle: Couldn't he have left the vicinity to find a quieter location?

Hammett: He still had to go to work.

Carlisle: Couldn't he have simply asked Mr. LeRoy to stop—or to play somewhere else?

Hammett: Maybe—but we'll never know if Mr. LeRoy would have complied.

Carlisle: I believe the defendant is to blame for that. I have no further questions. (Returns to her seat; aside to Agbayani:) You don't think the jury is buying into the crud that Scully is trying to shove down their throats, do you, Horacio?

Agbayani: You've gotta have some faith in people, Anne. Not even Mike Scully can trick all the people all the time.

Carlisle: But he can trick all the people some of the time. He's done it before.

Close Curtain

Scene IV: Flashback to ten years ago. Agbayani, now twenty years old, is lying in a hospital bed.

[Enter Johnny Dante]

Dante: I've heard the news, kid. But I know you'll pull through. You always do.

Agbayani: (Nods) Paralyzed from the waist down. They say I'm never going to walk again. But I'm lucky to be alive. That crash could have killed me.

Dante: Therein lays the risk of living in the Midwest. The crazy blizzards. You weren't the only one to spin out of control and slide off the road in this weather, kid.

Agbayani: You're lucky you don't have a car, Johnny.

Dante: Neither do you. Not anymore. Now we can hitch rides on freight trains together.

Agbayani: Sure. You'll have to carry my wheelchair. You may not believe this, Johnny, but I had a premonition that something bad was going to happen. I don't know how to explain it. Just a feeling.

Dante: And you decided to go out on the road anyway?

Agbayani: I remembered a story that my dad used to tell me. It's an old Filipino story, about a man named Lam-ang.

Dante: This I have heard.

Agbayani: Ever since his youth, Lam-ang had had these strange premonitions of death. When his father disappeared in the mountains, Lam-ang knew that he had been decapitated and killed by the highlanders, even before he found the head impaled on a stake. And then when he was courting Doña Ines, he was told to dive deep beneath the ocean to find a fish called the Rarang. But before he took the dive, he had a premonition that he would die there.

Dante: And then what happened?

Agbayani: He went down into the ocean anyway, and was killed and eaten by a shark. I thought I should face things like Lam-ang, even if I thought they would turn out badly.

Dante: They haven't turned out that badly—you haven't been eaten by a shark yet. By the way, have your parents come to see you?

Agbayani: Yes. They were bawling their eyes out. I can't stand it.

Dante: That's generally what parents do.

Agbayani: I know, but I don't want them to act like that. I don't want anybody to feel sorry for me. I'm fine. I really am. I don't want anybody's pity.

Dante: That's understandable. You just want everything to get back to normal, and you want everyone else to treat you normally. Just like nothing ever happened.

Agbayani: Exactly. I want everybody to just get over it. My dad acts like he's guilty that he has functioning legs and I don't. He'd probably roll around in a wheelchair with me if they let him. But that's crazy. He doesn't have anything to feel guilty about.

Dante: But this is the way it's got to be, Horacio. If you pitied yourself and wanted others to pity you too, then we would find you odious and cumbersome. But we still have to feel guilty. And we have to want to share your pain, even if you don't want us to. Especially if you don't want us to.

Agbayani: And why is that?

Dante: Because that's what people do when they care about each other. They feel each other's pain. Whatsoever you do to the least of my brothers, that you do unto me, so if my brother is hurt, I am hurt as well. And you, Horacio Agbayani, are far from the least of our brothers.

Agbayani: There are too many people in this world who don't have anybody to share their pain with. Is that fair?

Dante: No. Why don't we do something about it?

ACT III

Scene I: Return to the courtroom in the present.

Judge: The defense may call its next witness.

Scully: We would like to call sociologist Edwin Gershwin to the stand. (Gershwin walks to the witness stand and is sworn in) Dr. Gershwin, what exactly is your preferred area of study?

Gershwin: Class divisions in societies around the world.

Scully: And, in your expert opinion, would you say that this trial represents the subjugation of one class of people by another?

Gershwin: Absolutely. Here, we can see firsthand the subjugation of people with guns by people without guns.

Scully: Could you elaborate?

Gershwin: The defendant is being tried for discharging a gun. Only a person with a gun can discharge a gun, so this legislation is obviously aimed at people with guns. It imposes more restrictions on people with guns than people without guns, and this causes an unequal relationship between the two groups. An institutionalized caste system, if you will. And that is just plain un-American. This whole trial is misguided.

Scully: If the defendant is found guilty, what prospects do you see for the future of this nation?

Gershwin: A gradual strengthening of the caste system and an irreversible stratification of American society.

Scully: I have no further questions.

Judge: The prosecution may now examine the witness.

Agbayani: (Rolls to the witness stand) Dr. Gershwin, just because a man possesses a firearm, does that mean he necessarily has to discharge it?

Gershwin: No.

Agbayani: He may choose for himself whether or not to fire it?

Gershwin: Yes.

Agbayani: So, in fact, having a firearm actually gives a man *more* choices than he would have if he did *not* own a firearm—therefore having a firearm is a sign of personal liberty, not of bondage?

Gershwin: You could say that.

Agbayani: Then how is it that people without guns would be oppressing people with guns, if the people with guns actually have more liberty than the people without them?

Gershwin: I...uh, what?

Agbayani: Dr. Gershwin, since the possession of a weapon entails more liberty of choice than not having said weapon, would it not be fair for the government to restrict that liberty? Otherwise, wouldn't we have a caste system in which those with guns oppress those without guns?

Gershwin: That's ridiculous.

Agbayani: Why?

Gershwin: Um...could you repeat that again?

Agbayani: Your Honor, I have no further questions for Dr. Gershwin.

Sinclair: I don't like this, Mike. What if we lose?

Scully: Relax, Mr. Sinclair. The judge is on our side. Haven't you noticed?

Sinclair: Sure, but it's the jury that makes the final decision. What if they buy into what that guy is saying? About necessary limitations and all that?

Scully: Don't worry—the game hasn't even started yet. That was all kid stuff. The real argument is coming up with our next witness. Agbayani and Carlisle won't stand a chance.

Close Curtain

Scene II: Flashback to two years ago. Agbayani is sitting in his office alone, looking dejected.

[Enter Dante]

Dante: So what was the verdict?

Agbayani: Not guilty.

Dante: I thought so. You must be taking this pretty hard. She was your friend, after all. Did the judge know that...

Agbayani: Know what?

Dante: That the victim was a friend of yours? Wasn't it a conflict of interest, or something like that? I warned you not to take this case...

Agbayani: Well rub it in now, why don't you? Blame it all on me!

Dante: You know that's not what I meant. I was afraid you would take it too hard if something...you know, something like this happened.

Agbayani: Well how am I supposed to take it? I can't *believe* those twelve morons let the defendant get away with this. Somebody kills my friend, we have all the evidence in the world to convict him, and the jury lets him walk.

Dante: You're not alone. People get away with murder every day.

Agbayani: And how is that supposed to make me feel any better?

Dante: It isn't.

Agbayani: Then why are you here?

Dante: Not to give you pleasure, my friend, but to help you confront your pain. I had a feeling that you would try to run away from your pain.

Agbayani: You're absolutely right. I'm through with this. Everything. I thought I had some purpose in life, but I failed. It was my job to make sure my friend got justice, wasn't it? I couldn't even do that.

Dante: You haven't failed, Horacio.

Agbayani: What else would you call it? Tell me—what is the point of living if I can't even achieve the purpose for which I was brought into the world? It's all a waste. All that work I did in law school was just a big waste—why else did I do it, if not to achieve justice, at least this one time? All the work that my parents did to raise me was just a big waste; they should have left me on somebody's doorstep. All the air that I have breathed in my life was wasted on me. And I don't want to waste any more of other people's time or effort.

Dante: Don't fall into despair, kid.

Agbayani: Don't tell me not to...

Dante: You haven't wasted my time, kid. You've achieved more than you realize. But it will have all been a waste if you quit now. You're smart, but you've forgotten one thing, one very important thing...

Agbayani: And what is that?

Dante: Hope. Don't throw away your life in desperation. Try again, and again and again and again, because there is hope that you will make a difference, and that you will finally know peace. You have as much potential as anyone I know, and I can see it more clearly now than ever before. You value others more than yourself, and that means everything.

Agbayani: What makes you think I value others more than myself?

Dante: Because when you were paralyzed from the waist down, and you were stripped of something that so many people would not want to live without, it didn't faze you. But when a tragedy befell your friend, it was only then that you fell apart. Your own afflictions do not trouble you as much as when you see the afflictions of others. (Kneels beside Agbayani) Listen to me, child. For once, may someone listen to me. I was at Masada when the Zealots fell into despair and decided to choose death by their own hands, rather than risk the turbulences of life, but they would not listen to me. I was at the Little Big Horn, where so

many of Custer's men decided to take their own lives rather than face the warriors of Sitting Bull in battle, but they would not listen to me either. I told them what I tell you now—that I have passed through the bowels of Tartatus, where my face was scorched by the most searing flames, and I have walked down lonely roads in the darkest hour of the night, destitute and hungry, sinking into the mud and the snow, but I have come back to tell you that there is a light at the end of this pilgrimage. There is a lighthouse that never grows dim, its beacons reflected by a crystal sea, as pristine as the farthest heights of the empyrean. It calls to us, and we have only to persevere to the end of the road. (Gets up to leave, but stops at the door and faces Agbayani) Do you remember the story you told me about Lam-ang, when your legs were paralyzed?

Agbayani: Yes.

Dante: You never finished it. What happened after Lam-ang was killed by the shark?

Agbayani: His bones were found on the seafloor, and he was brought back to life.

Dante: Come back to life, Lam-ang.

[Exit Dante]

Close Curtain

Scene III: Return to the courtroom in the present.

Judge: Does the defense have any more witnesses?

Scully: One more, your Honor. I would like to call Jenny Walsh to the stand. (Jenny Walsh walks to the witness stand and is sworn in) What is your occupation, Mrs. Walsh?

Walsh: I am a social worker. I usually work with the homeless.

Scully: Like Bucky LeRoy?

Walsh: Yes, I knew him personally.

Scully: Could you tell us a little about Bucky's situation before he was shot?

Walsh: He was at a bad place in his life, and there was no hope of anything getting any better. Dirt poor. He didn't even get to eat every day. Nobody would hire him; nobody could, he was unemployable. And he had health problems. A bad heart, but he couldn't afford to see a doctor. His life was miserable.

Scully: Would you want to live such a life, Mrs. Walsh?

Walsh: Never.

Scully: And what did you think when you heard about his demise?

Walsh: I thought: *these people who are trying to prosecute his killer are all a bunch of hypocrites*. They act like they care so much about the value of Bucky's life, but they don't. They didn't try to make Bucky's life any better when they had the chance, and I'm dead certain that they wouldn't even want to live if they had to suffer like Bucky. Hypocrites.

Scully: I have no further questions.

Judge: Would the defense like to examine Mrs. Walsh?

Agbayani: I have one question, your Honor.

Judge: Proceed.

Agbayani: (Rolls to the witness stand) Mrs. Walsh? Was Bucky LeRoy happy?

Walsh: Are you kidding me? How could anybody be happy?

Agbayani: Please just answer the question, Mrs. Walsh. Yes or no. Did he ever say he was happy?

Walsh: (After a long pause) Every day.

Agbayani: I have no further questions. (Rolls back to the prosecution table, while Mrs. Walsh returns to her seat)

Judge: Are there any more witnesses?

Scully: The defense has none, your Honor.

Carlisle: Neither does the prosecution.

Judge: Very well. The prosecution has the floor for the closing summation.

Carlisle: Do you want to do it, or should I, Horacio?

Agbayani: I'll do it, if you don't mind.

Carlisle: Suit yourself.

Agbayani: (Rolls back onto the floor) Ladies and gentlemen of the jury, I would like to make something very clear. Yes, Mrs. Walsh is right—I am a hypocrite. A long time ago, I made a promise to help those less fortunate than myself, to give others the opportunities that have been given to me—and I could have done more to keep that promise. Yes, I know I could have done more to help Mr. LeRoy; while I was spending my money on expensive suits, he was struggling to find food. I am sorry about that now, and I feel as if I had not cared enough about Mr. LeRoy. I should have shared his pain, but I slept in comfort while he slept on concrete; I had the attention of doctors while he couldn't even afford flu medicine. That is not the conduct of someone who claims to care.

So I say again, I am a hypocrite. But that does not mean that the words that are coming out of my mouth are false. What is true when one person says something is still true when another person says it. It doesn't matter who says it. If I were an ax-murderer or a madman, my words would still not be any more

true or false than they are now. So forget about who I am. Look past this suit, look past this wheelchair, ignore everything, and please, just listen to what I am saying now.

What I am saying is this—that we have forgotten something very important. We have forgotten that life is worth living for its own sake. The luxuries and amenities of modern life are not what make that life worthwhile—it is worthwhile in itself. Do you really think that because Mr. LeRoy was denied the pleasures that we all take for granted, he should have been put out of his misery? Is life nothing without those pleasures? I have seen men and women who were stripped of everything—their families, their homes, while even their bodies wasted away before their very eyes—but they still clung to their lives with a tenacity that I have rarely seen. My father’s situation was once not so different from Mr. LeRoy’s. He lived on a mountain of garbage—but if he had surrendered his life then, when it was at its worst, then I would surely not be here today.

And even if Mr. LeRoy had been so inclined to end his life, then it should have been his own decision. Not Mr. Sinclair’s. You say you value every person’s right to do as he or she pleases with his or her own body? Then you should respect Mr. LeRoy’s wishes regarding his own body, rather than respecting Mr. Sinclair’s wishes regarding Mr. LeRoy’s body. While you are so busy defending Washington Sinclair’s rights, do not forget to defend Bucky LeRoy’s rights. Never forget him. I will not. Not again.

Close Curtain

Scene IV: The courtroom

Judge: Has the jury reached a verdict?

Jury spokesman: We have, your Honor. We, the people of the jury, find Washington Sinclair “not guilty” of murder in the first degree.

Judge: Case dismissed.

[Exit everyone except Carlisle and Agbayani. Agbayani has his head in his hands]

Carlisle: Are you all right, Horacio?

Agbayani: I’m fine. Don’t worry about me.

Carlisle: Are you sure?

Agbayani: Yeah. Go ahead. I’ll meet you outside.

[Exit Carlisle. After a few moments, enter Dante]

Dante: Tough luck, kid.

Agbayani: I failed again, Johnny. Where is that lighthouse now?

Dante: It’s still there.

Agbayani: And what do you expect me to do now?

Dante: Try again.

Close Curtain