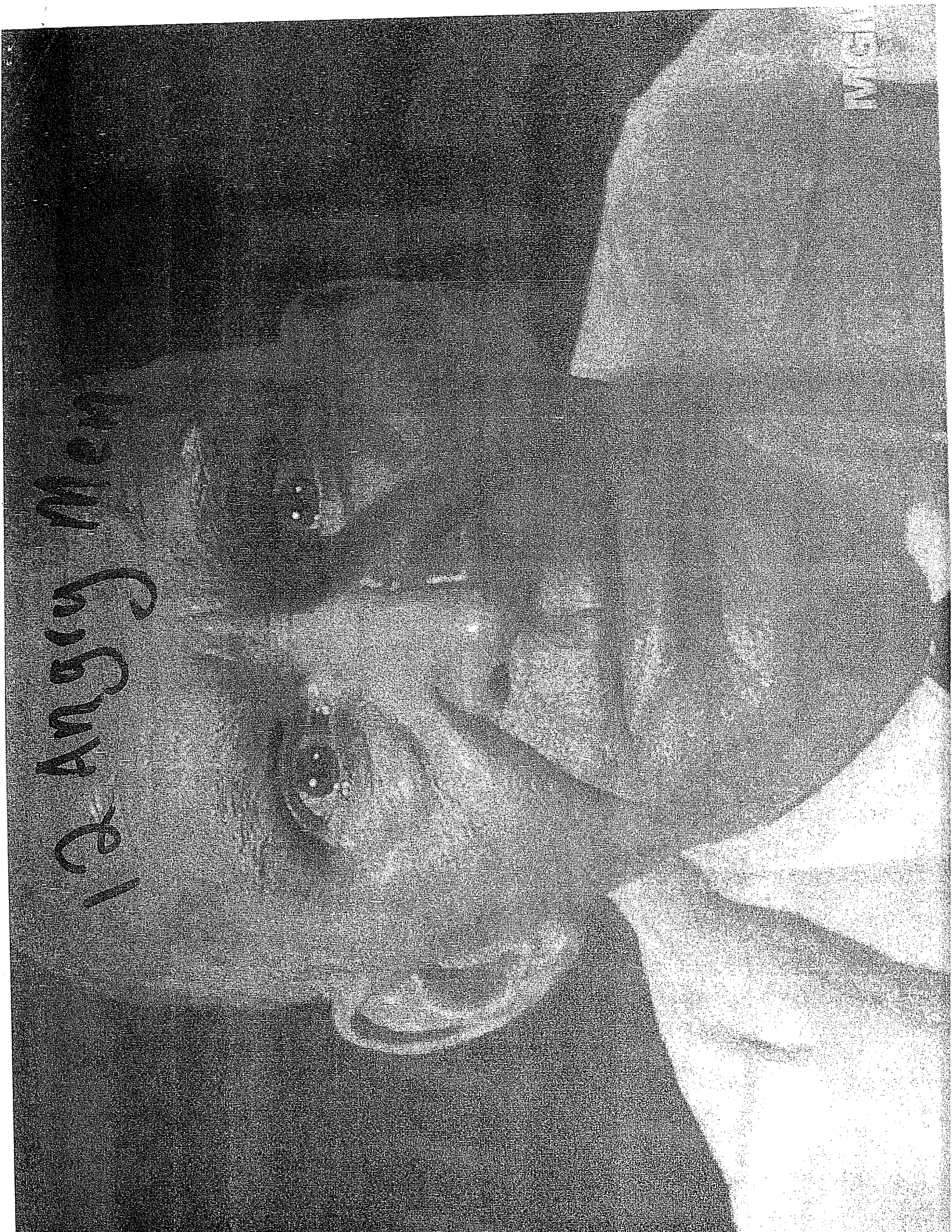


12 Angry Men





# Discussion/Debate Essay Rubric

Name: \_\_\_\_\_

ESSAY: Content	Essay was "rich" with examples, discussion and quotes in ALL main paragraphs.	Essay contained examples, discussions, and quotes	Essay may have been missing some examples, discussions or quotes.	Few if any examples, discussions or quotes were provided.	Incomplete
ESSAY: Intro. / Conc.	Introduction and conclusion helped summarize topic and maintain /capture reader's attention	Introduction and conclusion written and providing a clear intro and conclusion to topic.	Very basic intro and conclusion written just barely beginning and ending the essay, but with little interest	Either a missing introduction or conclusion.	Incomplete
ESSAY: Grammar/Clarity Of Writing.	Writing was smooth, flowing and inviting to read.	Errors in grammar slow reading.	Errors in grammar stop reading frequently.	Errors in grammar make essay almost unreadable.	Incomplete
ESSAY: Bias	Both sides of the issue were clearly supported with little or no noticeable bias.	Both sides of the issue are presented with some bias noted.	Both sides of the issue are presented with obvious bias	Only one side of the issue is discussed in every paragraph. Complete bias.	Incomplete
ESSAY: Format and length	Essay was <u>well over</u> two typed pages and neatly typed following given conventions.	Essay was over 2 pages long and attempts were made at neat formatting.	Essay was over 2 pages long and struggling with formatting.	Essay was between 1 and 2 pages long.	Essay was less than 1 page long.
ESSAY: Citations	At least 4 citations provided in APA at end of essay	At least 4 citations provided, but not in APA style at end of essay.	At least 3 citations provided at end of essay.	At least 2 citations provided at the end of the essay.	Incomplete
ESSAY TOTAL:					



## Act I

1. Describe the time and setting of the play.
2. Juror #7 seems to be in a hurry to get out. Where is he planning to go?
3. How old is the young man who is on trial? What is he accused of doing?
4. What is the background of this young man as reviewed by Juror #8?
5. Which juror initially votes "Not guilty"?
6. Juror #8 reminds Juror #2 of the rights of the accused under the 5th Amendment. What are those rights?
7. Juror #4 points out the boy's alibi. Where was the boy supposedly when the murder took place, and why does #4 find the alibi flimsy?
8. Juror #10, the nose-blowing bigot, refers to the witness. Who supposedly saw the killing, and under what circumstances?
9. How does Juror #8 make #10 angry in reference to the above question?
10. When Juror #3 points out "the kid's record," what personal grievance does he air?
11. Why does Juror #5 get upset when #10 shows prejudice against people from slum areas?
12. According to Juror #4, the boy left home at about eight after getting into a fight with his father. What did he buy, and what did he claim happened to his purchase?
13. How does Juror #8 surprise the other jurors?
14. What does Juror #8 propose in regard to a second ballot? Will he participate?
15. Which Juror do you think will change his vote next?

## Act II

1. Which juror hot-headedly and incorrectly accuses #5 of changing his vote?
2. Who did INDEED change his vote, and why?
3. Juror #7 says, "Look, supposing you answer me this. If the kid didn't kill him, who

did?" What is #8's response?

4. According to #3, the old man who lived on the second floor underneath the victim's apartment had heard the boy scream, "I'm gonna kill you," at about ten till midnight. What did he claim to hear about a second later, and what did he see fifteen seconds later?
5. The el train through which the woman claims to have seen the killing had five cars. Through which windows does she claim to have seen the killing?
6. What do Jurors # 12 and 3 do to make #8 upset?
7. Why does Juror #8 doubt that the old man really heard what he claimed?
8. What explanation does #9 give as to why the old man might have lied? Why would he in particular observe this?
9. Why does Juror #8 dismiss the phrase "I'm gonna kill you"?
10. What is ironic about Juror #10's being corrected by Juror #11?
11. Who speaks out and changes his vote next?
12. #8 says the old man who claims to have seen the accused run out had two strokes in the past three years and walked with a pair of canes. Requesting a diagram of the apartment, what does he go on to prove about the fifteen seconds the old man says passed until he saw the boy run out?
13. As the act ends, what does #8 ironically point out to #3 when the latter yells, "Let me go! I'll kill him!"
14. Why has #3 become so angry at #8?

### Act III

1. What is the result of the open ballot demanded by #3?
2. Juror #2 is bothered by the stabbing angle. Why?
3. Who offers to demonstrate that the stabbing could have happened, and what tense moment occurs?
4. What insight is Juror #5 able to offer because of his slum background?
5. How does Juror #11 chastise #7 when the latter offers to change his vote?
6. Who are the three remaining dissenters?

7. How do the jurors react when #10 unleashes his bigotry?
8. What does Juror #4 claim is the real damning evidence against the boy?
9. How does Juror #6 offer an insight when #4 removes his glasses?
10. Who is the last juror to change his vote? What in his background might explain his stubbornness to do this?





## 12 Angry Men Essay Choices

Two choices exist for this essay. Either way, the essay is a 2-page minimum essay, containing quotes from the play or text in EVERY paragraph with the exception of the introduction and conclusion.

### ESSAY 1

What changed the jurors' minds? Use "Habits of Mind." You may also, if you choose, use other terminology outside of "Habits of Mind." Here is a list of some terms you may also want to use in your analysis: racism, ageism, classism, stereotyping, conformity, in-group/out-group, nature/nurture, aggression, identification, theatrics...

#### Suggestions.

1. Peruse the book and make a list of the arguments that were most influential in changing the minds of the jurors. For example, maybe you saw the eyeglasses, the el train, and the replica of the switchblade as most influential.
2. Considering and carefully re-reading these arguments, have a discussion with your reader about how the juror's minds were changed to the "reasonable doubt" side.
  - a. For example, you may talk about the "switch blade" argument. In order for juror #8 to get his point across, he had to take a responsible risk by going to some local pawn shops in a poor neighborhood. Juror #8 says, "....." Follow this with more discussions of others ways in which juror's minds were changed.
  - b. Don't forget, negative things can also have an unintended result. For example, it's possible that the aggression of juror #3 may have driven a juror to the other side. Juror #3's aggression often back-fired.

### ESSAY 2

What do you say the verdict is? Reading the short essay by Michael Asimow, "12 Angry Men: A Revisionist View," discuss, in an essay, whether you think the jurors made a good decision, or whether they let a young killer out on the streets again. Then, tell me your decision and why?

#### Suggestion:

1. Peruse the book and make a list of all the arguments that were most influential in changing the minds of the jurors.
2. Carefully read Asimow's article making note of his counter-arguments.
3. In a balanced essay, consider the main arguments of the case. Look at the case from 2 points-of-view.
  - a. The jury's view at the end of the book—especially juror #8
  - b. Asimow's view.
4. At the end of your essay, come to a clear judgement and point out why the weight of the arguments has pointed you in that ONE direction. Please, DO NOT say it's too hard to figure out.

## 12 ANGRY MEN: A REVISIONIST VIEW

MICHAEL ASIMOW\*

The film *12 Angry Men*<sup>1</sup> has achieved the status of a true classic, particularly in the law and film canon.<sup>2</sup> I am delighted and honored to contribute this brief essay to a symposium devoted to the fiftieth anniversary of its release. I am a big fan of the movie, particularly Sidney Lumet's direction (what an achievement to set an entire film within a stifling jury room—and this in Lumet's first feature film!<sup>3</sup>), Reginald Rose's crackling script, and the inspired ensemble acting.

*12 Angry Men* is considered the iconic jury film<sup>4</sup> and it has done more than any movie, television show, or other cultural work to enshrine the jury as the central and indispensable element of the American criminal justice system.<sup>5</sup> For generations of film watchers, Henry Fonda as Juror #8 has exemplified the heroic anti-conformist juror, a common man standing alone against the other eleven, changing an 11–1 vote for conviction into a unanimous and correct verdict of not guilty.<sup>6</sup> I would like to suggest a contrary reading of the film. In my opinion, the defendant should have been found guilty.

On one level, the movie serves as an argument against the jury system because it is so unlikely to be replicated in any real jury room. If one assumes that the defendant should have been acquitted, how often would such a defendant be fortunate enough to have somebody like Henry Fonda battling for him in the jury room? How often does one holdout juror turn the other eleven around? Well, almost never, according to studies of the jury system.<sup>7</sup> Holding out in these circumstances requires more courage and tenacity than most of us can muster.<sup>8</sup> Indeed, the end of the movie illustrates this well, as the final holdout jurors crumble, not because they are convinced the defendant should be acquitted but because of the social pressure to give in to the emerging consensus.

In the case of an 11–1 split, the usual result is that the one switches sides, not the eleven. Or, if the one is truly determined, there is a hung jury.<sup>9</sup> The chance of the one changing the view of eleven is remote. Thus the film hardly serves as a strong argument that the jury can generate a just result and enforce the high burden of proof imposed on the prosecution

when the rest of the system (prosecutor, defense lawyer, judge) fails to do its job. Quite the contrary.

What does seem real about the film are the racist, ageist, and classist views of some of the jurors. Those are the people who are dispensing justice in the jury room<sup>10</sup> and some of them continue to do so, although most people nowadays have the sense to keep such views to themselves.

On a deeper level, however, I suggest that the jury erred badly. Fonda, of course, never argued that the defendant was innocent, only that the prosecution failed to prove guilt beyond a reasonable doubt.<sup>11</sup> While nobody can say what level of certainty is necessary to surmount the reasonable doubt hurdle, it is probably around 90% and certainly less than 100%.<sup>12</sup> It is in the nature of evidence about a past event that it cannot establish any proposition with absolute certainty.<sup>13</sup> Eyewitnesses can be mistaken or lying. Circumstantial evidence raises an inference, one that could be incorrect. However, despite the objections raised by the jurors to the

prosecution's case, I believe that the mass of circumstantial evidence presented against the defendant was overwhelming and the probability that he

killed his father is close to 100%. In other words, the prosecution met and far exceeded its burden of proving its case beyond a reasonable doubt.<sup>14</sup> The circumstantial evidence against the defendant was overwhelming and was easily enough to convict by itself, even if one disregards the testimony of the two eyewitnesses. Let's start with the fact that there was no other known suspect. Who killed the father if it wasn't the defendant? To find the defendant not guilty, we would have to assume that someone unknown (with an unknown motive) sneaked into the upstairs apartment soon after the defendant left for the movies and stabbed the father to death. Yet there was no sign of a forced break-in and no indication of robbery or theft. This account is conceivable, of course, but seems highly implausible. On the night of the murder, neighbors across the hall from the father's apartment heard the father and son having a fight around 8:00 p.m. and heard the father hit the defendant twice. The defendant was often physically punished by the father. Just before the murder, the landlord testified that he heard the boy say "I'm going to kill you." This item of circumstantial evidence was thrown into some doubt because the words could have been inaudible. An elevated train was passing at the time the father was stabbed, and the words could have been spoken during the ten seconds or so that the train was passing. The fight between father and son and the physical violence accompanying it provided ample demonstration of motive. In addition, the defendant had numerous previous brushes with the law because of violent behavior—generally a pretty good indication that he was prone to violence.<sup>15</sup>

The father was killed with an unusual knife identical to a knife purchased by the defendant on the night of the killing. He claimed he lost it when it fell through a hole in his pocket. This account is highly implausible. The objections to this evidence raised by Fonda and the other jurors are far from convincing. True, the knife was not unique because Fonda found another just like it at the local pawnshop.<sup>16</sup> So what? It was still an unusual knife and chances that the true killer had one just like it are extremely re-

14. Needless to say, the fact that the most repulsive members of the jury were among the last holdouts does not mean that their evaluation of the evidence was wrong. We naturally tend to accept the views of the reasonable and civilized Henry Fonda and the likable jurors who take his side, and we tend to reject the views of the bigoted or crude jurors. But this is a serious logical error. People with bad manners and detestable prejudices may still make arguments more logically persuasive than those made by people with good manners and an absence of prejudices.

15. The jury should not have heard about the defendant's past crimes, particularly not those committed while a juvenile. See FED. R. EVID. 404.

16. Of course, Fonda's extra-judicial investigation and purchase of the knife was serious juror misconduct. Had it been called to the judge's attention, Fonda would probably have been kicked off of the jury. Since the alternates had been dismissed, this would probably have resulted in a mistrial.

ASIMOW AUTHOR APPROVED EDITS(H)(P) 11/16/2007 4:30 PM  
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mote (it is even less likely that the real killer picked up the knife after the defendant lost it and used it to kill the father).

Furthermore, the defendant could not remember anything about the movie he claimed to have just seen. Fonda attempted to cast doubt on this evidence by questioning another juror about a movie he had seen days before. The juror remembered the name and actors of both films in a double feature, but not perfectly. This "demonstration" hardly diminishes the

strong inference of guilt raised by the fact that the defendant could remember nothing at all about the movie he claimed to have just seen. And nobody saw him at the theater. His alibi, therefore, is highly suspect.

Another juror claimed that an experienced knife fighter would not have stabbed downward with an overhand motion, especially against a taller victim. But a demonstration quickly dispelled that idea. An overhand, downward stabbing motion was perfectly possible. The juror claimed that a switchblade is used for underhanded, upward jabs. Well, perhaps; but perhaps not. What made the juror such an expert on knife fighting? Regardless of how switchblade knives were usually used in knife fights, the knife could have been used either to stab upwards or downwards. The murder did not occur during a knife fight, so the comparison to knife fighting technique was of little utility. The knife could easily have been used to stab downward when the boy impulsively grabbed it from his pocket and struck out against his father. And, of course, if there were an unknown killer instead of the boy, that person also stabbed downward.

In this view, the testimony of the two eyewitnesses is cumulative and entirely unnecessary. If you believe either or both of the eyewitnesses, the probability moves even closer to 100%; if you disbelieve both of them, it does not reduce the probability below the very high level of certainty already produced by the circumstantial evidence. The two eyewitnesses were disinterested and had no motive to lie, but of course, like any eyewitnesses, they could have been mistaken.

One eyewitness claimed she saw the boy kill his father through the windows of a moving elevated train. The jurors refuted this testimony because the witness had little indentations on her nose indicating that she wore glasses. Because she saw the killing while lying in bed, she wouldn't have been wearing her glasses, hence could not have identified the boy as the killer. But perhaps she wore reading glasses or sunglasses, not distance glasses; or perhaps she was far-sighted. Even if she were near-sighted and usually wore distance glasses, her vision might still have been good enough without them to make the identification.

The landlord who lived directly below the victim's apartment testified he rushed to the door of his apartment after he heard the victim's body hit the floor and somebody start down the stairs. He claims he saw the defendant running down the stairs and out the door. Fonda refuted this by noting that the landlord was dragging his leg and thus was disabled. It would have taken the defendant only fifteen seconds to run out the door and down the stairs, but would have taken the witness forty-one seconds to get from his bed to the door and open it. Thus he probably saw only the back of the fleeing killer, not his face. One juror speculated that the landlord embellished his story so that people would pay attention to him for once, but this was pure guesswork. Fonda makes a fair point here, but it is also possible the landlord started toward the door as soon as he heard the body fall and the defendant might have hesitated before running down the stairs, thus giving the landlord enough time to see the face of the person descending the stairs.

In short, the jurors do an effective job of casting doubt on the eyewitness testimony, but I suggest that the probability that the defendant was guilty, based on circumstantial evidence, was already close to 100%.

Throw out the eyewitnesses, and you are still close to 100%.

*12 Angry Men* richly deserves its acclaim as a classic of legal popular culture. It is an inspiring tribute to a common man holding out against lynch mob mentality. It is also a strong argument that juries can make serious errors in evaluating evidence. Whether or not we believe in the jury system as presently constituted, we should not rely on *12 Angry Men* as popular cultural evidence that jury deliberation produces accurate and logical results.

# 12 Angry Men Essay Structures

## Quick Sample of Essay #1 Format

- I. Introduction
  - A. Get reader's attention with first sentence
  - B. Talk about what you're going to be talking about—the arguments you choose
- II. Paragraph 1
  - A. First persuasive argument used by jurors
  - B. Examples of ways in which jurors persuaded each other to change their minds
  - C. Quotes from the text
  - D. DISCUSSION of what why they did and said what they said and how effective these habits of mind were (including racism, stereotyping, etc.)
- III. Paragraph 2
  - A. First persuasive argument used by jurors
  - B. Examples of ways in which jurors persuaded each other to change their minds
  - C. Quotes from the text
  - D. DISCUSSION of what why they did and said what they said and how effective these habits of mind were (including racism, stereotyping, etc.)
- IV. Paragraph 3
  - A. First persuasive argument used by jurors
  - B. Examples of ways in which jurors persuaded each other to change their minds
  - C. Quotes from the text
  - D. DISCUSSION of what why they did and said what they said and how effective these habits of mind were (including racism, stereotyping, etc.)
- V. MORE paragraphs can be included, but you should have at least 3....
- VI. Conclusion
  - A. Final discussion about how the jury switched and what worked and what didn't
  - B. Final sentence should be clever, funny, witty and essentially pull the entire essay together like a bow on a Christmas gift.

## Quick Sample of Essay #2 Format

- I. Introduction
  - A. Get reader's attention with first sentence
  - B. Talk about what you're going to be talking about—the arguments you choose
- II. Paragraph 1
  - A. First persuasive argument used by jurors about teen's innocence
  - B. Quote(s) from 12 Angry Men text
  - C. First persuasive argument used by Asimow about teen's guilt
  - D. Quote(s) from Asimow text
  - E. DISCUSSION of which one of these arguments makes the most sense looking at the case logically.
- III. Paragraph 2
  - A. First persuasive argument used by jurors about teen's innocence
  - B. Quote(s) from 12 Angry Men text
  - C. First persuasive argument used by Asimow about teen's guilt
  - D. Quote(s) from Asimow text
  - E. DISCUSSION of which one of these arguments makes the most sense looking at the case logically.
- IV. Paragraph 3
  - A. First persuasive argument used by jurors about teen's innocence
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  - D. Quote(s) from Asimow text
  - E. DISCUSSION of which one of these arguments makes the most sense looking at the case logically.
- V. MORE paragraphs can be included, but you should have at least 3....
- VI. Conclusion
  - A. Final discussion about whether the teen is innocent or guilty after having looked at the evidence and circumstantial evidence on both sides. State your conclusion clearly, i.e. "the accused is guilty" or "the accused is innocent."
  - B. Final sentence should be clever, funny, witty and essentially pull the entire essay together like a bow on a Christmas gift.





# 12 Angry Men Essay Structures

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- I. Introduction
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  - B. Final sentence should be clever, funny, witty and essentially pull the entire essay together like a bow on a Christmas gift.



## Quick Sample of Essay #2 Format

- I. Introduction
  - A. Get reader's attention with first sentence
  - B. Talk about what you're going to be talking about—the arguments you choose
- II. Paragraph 1
  - A. First persuasive argument used by jurors about teen's innocence
  - B. Quote(s) from 12 Angry Men text
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  - B. Final sentence should be clever, funny, witty and essentially pull the entire essay together like a bow on a Christmas gift.



## Five (or more) Paragraph Essay

Name: \_\_\_\_\_ -

Para 1. Introduction

- A. Get the reader's attention with a quote or attention-getting statement
- B. State the main thesis statement followed by the 3 or more supporting ideas.

Para 2. Use the "Shaping the Body Paragraph" sheet to work through the first supporting idea you had.

Para 3. Use the "Shaping the Body Paragraph" sheet to work through the first supporting idea you had.

Para 4. Use the "Shaping the Body Paragraph" sheet to work through the first supporting idea you had.

Para 5. You may wish to continue if you have more supporting ideas.

Last Par. Conclusion

- A. Restate your main thesis and the ideas that supported it.
- B. End your essay with some memorable statement or quote..

### RIPPING APART A THESIS STATEMENT

Here's a college-level thesis statement:

By writing "Things Fall Apart" in English as opposed to his native Igbo, Achebe is able to convey his message to the otherwise unknowing audiences of the western world. The author's choice, to tell his story in English, is realized in the cultural and historical impact TFA exacts first by imparting the unique cultural characteristics of the Igbo to his audience. Secondly through the use of relevant Igbo words, proverbs, and anecdotes throughout the novel. Finally, by presenting a first-hand account of the colonized to the colonizers of the western world in their own language in order to intimate a more accurate account of Nigerian colonization.

Let's break this apart:

Main thesis statement:

1. "By writing *Things Fall Apart* in English as opposed to his native Igbo, Achebe is able to convey his message to the otherwise unknowing audiences of the western world."

**What's happening:**

The essay writer has simply stated what the main point of their essay is. They are going to convince you of why Achebe uses English to write his book.

Support #1 (will become paragraph #2)

2. The author's choice, to tell his story in English, is realized in the cultural and historical impact TFA exacts first by imparting the unique cultural characteristics of the Igbo to his audience.

**What's happening:**

The essay writer is now giving one reason why Achebe writes in English. He writes in English so that he can talk about Igbo culture with people that really need to hear it.

Support #2 (will become paragraph #3)

3. "Secondly through the use of relevant Igbo words, proverbs, and anecdotes throughout the novel."

**What's happening:**

The essay writer is now explaining that Achebe uses English so that Igbo words can come across in the book.

Support #3 (will become paragraph #4)

4. "Finally, by presenting a first-hand account of the colonized to the colonizers of the western world in their own language in order to intimate a more accurate account of Nigerian colonization."

**What's happening:**

Lastly, the essay writer says Achebe is using English to make sure that the English reader can understand Nigerian colonization from a personal point-of-view.

Summary:

Your first paragraph should

1. Get the readers attention
2. Give the MAIN these statement
3. Follow this statement up with the 3 main supports that back up this idea.

Here's a simplified version of the same exact thesis statement:

Chinua Achebe writes *Things Fall Apart* in English in order to teach the unknowing Western world about his culture by describing unique aspects of Igbo culture, using genuine Igbo words and also by allowing the reader to see colonization through a Nigerian point-of-view.

## SHAPING THE BODY PARAGRAPH (ONE "CHUNK")

(1) Topic Sentence (opinion)

(2) Evidence 1 (fact)

(3) Analysis 1 (opinion)  
(This shows that ...)

(4) Analysis 2 (opinion)  
a. (This shows that ...)  
b. (This is because ...)

(5) Evidence 2 (fact)

(6) Analysis 1 (opinion)  
(This shows that ...)

(7) Analysis 2 (opinion)  
c. (This shows that ...)  
d. (This is because ...)

(8) Concluding Sentence  
(As a result ...)